WORKPLACE BREASTFEEDING

POLICY

JUSTICE AND COMMUNITY SAFETY DIRECTORATE

DOCUMENT INFORMATION

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Policy Custodian:	People and Workplace Strategy
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OVERVIEW

The purpose of the Workplace Breastfeeding Policy is to provide guidance to delegates, supervisors, and employees on Workplace Breastfeeding. The policy sets the expectations for each role involved.

A list of rooms and facilities that are available to JACS staff for the purpose of breastfeeding is detailed in section 7 of this policy.

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1. DEFINITION OF TERMS

Term	Definition
Employee/Staff	All permanent, temporary, and casual staff employed in the Justice and Community Safety Directorate (JACS) are employed under the *Public Sector Management Act 1994*.
Contractor/Consultant	An individual or company who is engaged under a contractual arrangement to provide goods and/or services to JACS.
Accreditation	An official approval recognising that specific requirements and standards have been met.
Enterprise Agreement	An agreement to provide common terms and conditions which apply to ACT Public Service employees that reflect the operational and business requirements of business units and occupational groups.
People and Workplace Strategy	The People and Workplace Strategy (PWS) Branch provides strategic leadership and operational service delivery in a range of people functions across JACS, including: • workforce planning and capability • diversity, inclusion and belonging • workplace behaviour and conduct • training and development • analytics and reporting • policy and procedure • workplace and employee relations • safety health and wellbeing; and • injury prevention and management.
Volunteer	Person/s appointed as a volunteer under the National Standards for Volunteer Involvement, who give time or skills to an organisation or group without financial gain, and who are required to adhere to the Code of Conduct relevant to the area of business they are appointed to.

2. PURPOSE

2.1 The purpose of the Workplace Breastfeeding Policy (the policy) is to provide guidance to delegates, supervisors, and employees on how to provide appropriate support for Workplace Breastfeeding.

3. SCOPE

3.1 This policy applies to all JACS employees including:

- permanent and temporary ACT Government employees, and executives
- volunteers; and
- non-government employees including contractors and consultants.

3.2 It also applies to Statutory Office Holders and employees under their direction which fall under the umbrella of the JACS Portfolio.

4. BACKGROUND

4.1 Under the *Discrimination Act 1991* (ACT) and the *Sex Discrimination Act 1984* (Commonwealth), it is against the law to discriminate, directly or indirectly, against an employee who is breastfeeding. The definition of breastfeeding includes expressing milk.

4.2 The *Discrimination Act 1991* requires ACT public authorities to take reasonable and proportionate steps to eliminate discrimination from April 2025.

4.3 Failure to accommodate employees who are breastfeeding through flexible work arrangements or the provision of appropriate breastfeeding facilities at work may constitute a breach of the *Discrimination Act 1991.* This could result in an increase to complaints to the ACT Human Rights Commission.

4.4 This policy along with the employee entitlements available to staff through the ACTPS Enterprise Agreements, set the standards the Directorate strives to meet to achieve Breastfeeding Friendly Workplace accreditation through the Australian Breastfeeding Association.

4.5 Providing breastfeeding friendly working environments aims to:

- support employees in their work and family commitments
- promote workplace health and wellbeing and corporate social responsibility
- improve employee productivity and loyalty
- improve recruitment and retention of staff following parental leave
- reduce absenteeism among new parents
- demonstrate commitment to equal opportunity, gender equity and workplace diversity in accordance with relevant legislation.

5. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Employer	The employer must ensure that the provisions for breastfeeding as outlined in relevant Enterprise Agreements are available to staff. These provisions include, but are not limited to: • up to one hour paid lactation break(s) per day/shift (non-cumulative) • provision of suitable facilities, where practicable • flexible work options.
Manager	Managers are to ensure that all employees are aware of and comply with the policy. This includes: • ensuring all employees understand their entitlements and responsibilities under this policy • providing employees with access to breastfeeding information prior to them taking birth leave and on their return to work • ensuring where practical, that the physical and operational work environment is compliant with and conducive to breastfeeding considerations • providing a supportive workplace for breastfeeding employees and supporting requests in line with operational requirements.
Employee	Breastfeeding employees may breastfeed (go to the baby or have the baby brought into the office) or express breast milk during work hours. The travelling time an employee may need for an off-site lactation break will vary and this should be considered when applying for the 1hr lactation break. JACS offers the flexibility of adding these breaks to the required lunch break to enable more time for travel and to breastfeed or express. Employees are encouraged to use breastfeeding facilities provided, however, there may be circumstances in which feeding or expressing in a different part of the workplace is appropriate. The employee is welcome to breastfeed in a manner that suits them and works within operational requirements, as long as the area chosen does not pose a safety risk or unreasonable disruption to themselves or colleagues. If the area selected is not private, it should be discussed with surrounding employees before being used, ensuring all levels of comfort have been considered. Employees wishing to combine work, and breastfeeding should take action to address the following requirements: • discuss their individual needs and establish an agreed plan with their manager about a work plan to support lactation breaks before the first lactation break is taken. Please note: the number of times a carer needs to feed or express milk will be determined by the individual

Role	Responsibilities
	needs and age of the baby. The younger the baby, the more frequently a carer is likely to need to do so. • consider the personal and organisational needs, with a focus on maintaining supply and the health and wellbeing of the carer as well as minimising disruption in the workplace, when determining the timing of lactation breaks. • notify their manager if their breastfeeding needs change, or cease, so any agreement (work plan) can be amended as required, as the needs of the organisation change. Employees wishing to use the breastfeeding facilities have the responsibility to: • supply their own equipment and appropriate storage containers for expressed breast milk (EBM) • clearly label storage containers with name, date and EBM, before placing in the designated refrigerators • report any hazard, accident/incident that occurs when using the facility (see Section 7) • ensure the room is left clean, neat, and tidy prior to vacating. There are antibacterial wipes, cleaning supplies and a bin provided for this purpose • observe any other policies/guidelines for the use of the facility. If applicable, ensure their baby is delivered directly to the area or facility designed for the purpose of lactation breaks and that the baby leaves the workplace at the completion of each lactation break. Breastfeeding employees returning to work can seek flexible work options as outlined in the core Enterprise Agreement Section E – Flexible Working Arrangements and Employee Support. This may include: • flexible start and/or finish times • ability to take a few hours off work, and make it up later • home based work on short or long term basis • allowing lunch and other breaks to be taken to coincide with feeding times • part-time work • job sharing • access to leave entitlements. All flexible working arrangements are subject to operational requirements and approval by the relevant manager/supervisor.

Role	Responsibilities
People and Workplace Strategy (PWS)	PWS will: • alert employees to the Breastfeeding Policy as part of JACS Induction • review the policy every three years • administer annual accreditation as a Breastfeeding Friendly Workplace • support business units to establish suitable facilities.

6. POLICY STATEMENT

6.1 JACS recognises the importance of breastfeeding for both carers and baby and aims to provide a family-friendly work environment that enables employees to balance breastfeeding and their work responsibilities.

6.2 JACS wishes to support nursing employees in their desire to maintain breastfeeding for as long as they and their baby desire.[1] As individual needs will vary; we are committed to offering flexible work arrangements that will meet the needs of the employee and meet operational requirements.

6.3 JACS will, where practicable, provide access to suitable facilities where employees can express breast milk or breastfeed their babies if the baby is brought to the workplace.

6.4 Support from colleagues is crucial to providing a supportive workplace environment for breastfeeding employees. All employees have a responsibility to treat colleagues who are breastfeeding with respect and dignity.

7. FACILITIES

7.1 JACS ACCREDITED FACILITIES

7.1.1 Australian Breastfeeding Association Accredited Rooms are clean, private, screened from passers-by, and equipped with the following:

- a lockable door, or alternate arrangement approved by the Australian Breastfeeding Association
- a comfortable chair to use while breastfeeding or expressing
- a table within easy reach of the chair, to support breast pump and/or equipment
- a power outlet within easy reach of the table

[1] *The World Health Organization recommends exclusive breastfeeding for babies until the age of 6 months, and continued breastfeeding, with appropriate complementary foods, for children of up to 2 years of age or beyond (World Health Organization, 2001).*

- a nearby kitchen / sink for washing breast pump
- a nearby fridge for storage of expressed breastmilk
- lockers to store a breast pump and/or equipment
- hand sanitiser, cleaning supplies and waste bin
- a microwave and hot/cold water is also available either in the designated room, or in nearby kitchen facilities.

7.1.2 JACS facilities which meet the above breastfeeding friendly workplace standards and which are available to staff, are listed below.

4-6 Knowles Place, Civic – Courts Parents Room

This room is a multipurpose room available for employees and visitors with caring responsibilities, or who are breastfeeding or nursing their baby.

- The room is secured by an access pass reader and is lockable from the inside.
- Employees book the room via the Outlook calendar, by searching 'Courts, Parents Rm'.
- External visitors can request access via the Security Desk on Ground Floor.
- To find out more about the room, please contact the room coordinator via email contracts@courts.act.gov.au or by phone 6205 7265.

ESA Training, 89 David Warren Road, Hume

This room is dedicated for Carer's and Nursing Parents and may also be used as a first aid facility.

- The room is fitted with an IN-USE sign and is lockable.
- A sink and baby change facilities are in the adjacent accessible bathroom.
- Lockers are available on request and are in the nearby changeroom facility.
- Book via email ESA_Training@act.gov.au or phone 620 78721.

ESA Headquarters, 9 Amberley Avenue, Fairbairn

This room is a dual-purpose facility with the primary function of being a First Aid Room. The secondary function is to support parents and carers who are breastfeeding or nursing their baby.

If an ill or injured person requires the use of the room, alternate arrangements will be made for nursing parents.

- A baby change table is located nearby in the accessible bathroom.
- To arrange ongoing use of the room, please contact the Office of the Assistant Commissioner Corporate assistantcommissioner.esa@act.gov.au.

ACT Human Rights Commission, Level 5 Allara House, Canberra City

This room is a multipurpose room that provides a comfortable and relaxing environment for staff to breastfeed or express.

To find out more about this room or to arrange access, contact human_rights@act.gov.au or phone: 02 6205 2222.

ACT Corrective Services Corporate, 2 Constitution Avenue

This room is a multipurpose room for the purposes of first aid, prayer and wellbeing, as well as provides a comfortable environment for staff to breastfeed or express.

To find out more about this room or to arrange access, contact actcswellbeing@act.gov.au or phone the Director of Wellbeing on ph: 02 6207 5215 or mob: 0481 202 016.

7.1.3 Should there be any issues with an accredited room, please notify the Room Coordinator or the JACS People and Workplace Strategy Team, see section 10.

7.2 OTHER FACILITIES

7.2.1 There are a range of other ACT Government breastfeeding friendly facilities also available to JACS staff including:

Location	Note	Contact for Access to Facility
Winyu House **Ground Floor, 125 Gungahlin Place**	The facility is managed by the Winyu House Fleet, Facilities and Accommodation Team.	Approach staff at the front desk to access the facility or email WinyuFFA@act.gov.au. Employee security ID will need to be shown.
220 London Circuit **Level 1**	The facility is managed by the 220 London Circuit Concierge and Building Services Team.	Staff – Advanced booking or on the spot bookings on the room booking panel for 220LC 1.05.

Location	Note	Contact for Access to Facility
		Visitors – Approach staff at the Information Desk, Ground Floor, 220 London Circuit or email: 220LC@act.gov.au.
220 London Circuit **Mezzanine**	The facility is managed by the 220 London Circuit Concierge and Building Services Team	Staff – Advanced booking or on the spot bookings on the room booking panel for 220LC M.18. Visitors – Approach staff at the Information Desk, Ground Floor, 220 London Circuit or email: 220LC@act.gov.au.
480 Northbourne Avenue **Level 1**	The facility is managed by the 480NBA Building Management Services Team.	The Carers room is equipped with a room booking panel for ad hoc visits. **The room can only be booked for single use and is not bookable via outlook.** https://actgovernment.sharepoint.com/sites/intranet-480NBA/SitePages/Carers-Room.aspx.
Cosmopolitan Centre **Level 4,** 21 Bowes Place, Woden	The facility is managed by Chief Minister, Treasury and Economic Development Directorate.	Walk-ins available Please contact thematrix@act.gov.au.
Nature Conservation House **Level 2, Cnr Benjamin Way and Emu Bank, Belconnen**	The facility is managed by Community Services Directorate.	Walk-ins available Facilities Manager on 0417 044 104, or CSDFacilities@act.gov.au.

7.2.2 To access these facilities, employees must:

- contact the respective agency contact persons advising them that you are a JACS employee
- book facilities in advance, where possible if needed

- comply with the appropriate policies of the relevant Agencies when using their facilities.

7.2.3 Quiet rooms, if appropriate, may also be available at various JACS workplaces. Please contact the relevant managers to enquire if they have quiet rooms available for use.

8. WORK HEALTH AND SAFETY

8.1 Reporting of accidents and incidents is a critical part of how JACS manages risks to Work Health and Safety and is a requirement under the ACTPS whole of Government policy. Accidents and incidents that must be reported include:

- any workplace event that endangers the health or safety of a person
- any workplace event that results in injury or disease, however minor, including dangerous occurrences.

Such events include, but are not limited to the following:

- situations that affect or have the potential to affect the psychological health of a person
- situations that result in acute physical injury or a physical injury that has developed over time
- a narrow escape (or 'near miss') which could cause future harm in a similar incident.

8.2 When an accident/incident occurs in these facilities, employees must advise the relevant contact persons who manage the facilities as soon as is practicable and report the accident/incident on Safety Portal.

8.3 In addition, report any hazards immediately to the Facilities Management staff of the Capital Works and Infrastructure, Corporate on 6205 1715.

8.4 Employees using breastfeeding facilities are to familiarise themselves with the Emergency Evacuation Procedures and the relevant Emergency Contact Officers (ECO) (e.g. First Aid Officers and Fire Wardens).

9. OTHER SUPPORT

9.1 JACS staff are encouraged to make use of support services available to help with issues relating to returning to work or managing parenting issues and other life situations. These include, but not limited to:

- Employee Assistance Program (EAP) support;
- external health services; and

- relevant health specialists.

9.2 As an accredited Breastfeeding Friendly Workplace through the Australian Breastfeeding Association's Breastfeeding Friendly Workplace (BFW) Program, JACS employees and managers have access to BFW Consultants to help formulate suitable workplace solutions. This includes the identification of suitable expressing/breastfeeding facilities, to assist employees returning to work while still breastfeeding. For assistance, please contact the BFW team via email at bfwa@breastfeeding.asn.au, by phone 1800 686 268 or by visiting their website www.breastfeeding.asn.au.

10. ENQUIRIES

Enquiries about this policy can be directed to:

People and Workplace Strategy (PWS) at JACS.People-WorkplaceStrategy@act.gov.au.

DETAILS

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Document Name:	Workplace Breastfeeding Policy
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Custodian:	Chief Human Resource Officer (CHRO)
Advisor:	Assistant Director, Workforce Inclusion
Responsible Branch:	People and Workplace Strategy
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Document/Legislation References:	Workplace Document/Legislation References: ACTPS Enterprise Agreements - ACTPS Employment Portal – Directorate Agreements
	Commonwealth & State Document / Legislation References: *Sex Discrimination Act 1984* *ACT Discrimination Act 1991* *Fair Work Act 2009* *Carers Recognition Act 2021* *Workplace Gender Equality Act 2012* *Work Health and Safety Act 2011* NHMRC Australian Dietary Guidelines National Standards for Volunteer Involvement
	International Document/Legislation References: *UN Convention on the Rights of the Child 1989* *UN Convention on the Elimination of all Forms of Discrimination Against Women CEDAW 1989* *ILO C156 Workers with Family Responsibilities Convention, 1981* *ILO C183 Maternity Protection Convention, 2000* *ILO R191 Maternity Protection Recommendation, 2000* *World Health Assembly (Fifty Fourth) 2001, Infant and Young Child Nutrition: Resolution 54.2*
	The annual Breastfeeding Friendly Workplace (BFW) re-accreditation will provide the mechanism for review of this

Document Properties	Approval Details
	policy. A standard minimum review period of three years will also apply to this document.

AMENDMENT HISTORY

Version	Issue Date	Amendment Details	Author	Approved by
1.2	February 2018	Review.	S. Lucey	Director-General
2.0	July 2018	Final Approved.	S. Lucey / V. Hayward	Director-General
2.1	March 2020	Review.	A. Edwards	Director-General
2.2	August 2021	Review.	K. Hunter	Director-General
2.3	March 2025	Administrative review and update.	K. Hunter	JACS Chief Human Resources Officer