

# Jodi McKay

Minister for Tourism  
Minister for the Hunter  
Minister for Science and Medical Research  
Minister for Women



Monday 3<sup>rd</sup> May 2010

## NSW GOVERNMENT MAKES WORKPLACES MOTHER-FRIENDLY

Minister for Women, Jodi McKay, said today that the NSW Government is providing mothers with the right to access paid breaks for breastfeeding or expressing milk in the workplace.

“Following consultation with the unions and relevant stakeholders the NSW Government applied to the Industrial Relations Commission to vary the *Crown Employees (Public Service Conditions of Employment) Award 2009*,” Ms McKay said.

**“I am very pleased with the Commission’s decision to approve the application, allowing women to breastfeed and express milk in the workplace.**

**“This is a fantastic step forward for women’s rights and will help to encourage mothers back to the workplace.**

“The decision also complements the *Anti-Discrimination Act 1977*, which seeks to ensure that no disadvantage is suffered by women who continue to breastfeed their baby when they return to full time or part time work.”

Ms McKay said before the variation was approved new mothers working in the public service were not guaranteed access to paid breaks for breastfeeding or expressing milk through their award.

**“Now new mothers who either work full time or more than 4 hours per day part time are entitled to a maximum of two 30 minute paid lactation breaks per day,”** Ms McKay said.

**“Mothers who are part time and only working 4 hours or less on any one day are entitled to one 30 minute paid lactation break.”**

Ms McKay said the variation to the Award only applied to the public service, and encouraged the private sector to follow suit.

“As the largest employer of women in NSW the State Government is setting an example by supporting family friendly workplaces,” Ms McKay said.

“The NSW Government understands the needs of breastfeeding mothers returning to work from maternity leave.

**“The variation provides mothers with the option of being able to return to work and ensures that employers are helping mothers balance work and family commitments.**

“I know some private sector companies currently provide this option to new mothers and I encourage more private sector companies to follow in the footsteps of the NSW Government.”

Ms McKay said public health authorities recommend breastfeeding for newborn babies to promote the health and development of infants and to provide health benefits to mothers.

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## Notes to Editors:

### **CROWN EMPLOYEES (PUBLIC SERVICE CONDITIONS OF EMPLOYMENT) AWARD 2009 Variation**

#### **15A. Lactation Breaks**

- 15A.1 This clause applies to staff members who are lactating mothers. A lactation break is provided for breastfeeding, expressing milk or other activity necessary to the act of breastfeeding or expressing milk and is in addition to any other rest period and meal break as provided for in this award.
- 15A.2 A full time staff member or a part time staff member working more than 4 hours per day is entitled to a maximum of two paid lactation breaks of up to 30 minutes each per day.
- 15A.3 A part time staff member working 4 hours or less on any one day is entitled to only one paid lactation break of up to 30 minutes on any day so worked.
- 15A.4 A flexible approach to lactation breaks can be taken by mutual agreement between a staff member and their manager provided the total lactation break time entitlement is not exceeded. When giving consideration to any such requests for flexibility, a manager needs to balance the operational requirements of the organisation with the lactating needs of the staff member.
- 15A.5 The Department Head shall provide access to a suitable, private space with comfortable seating for the purpose of breastfeeding or expressing milk.
- 15A.6 Other suitable facilities, such as refrigeration and a sink, shall be provided where practicable. Where it is not practicable to provide these facilities, discussions between the manager and staff member will take place to attempt to identify reasonable alternative arrangements for the staff member's lactation needs.
- 15A.7 Staff members experiencing difficulties in effecting the transition from home-based breastfeeding to the workplace will have telephone access in paid time to a free breastfeeding consultative service, such as that provided by the Australian Breastfeeding Association's Breastfeeding Helpline Service or the Public Health System.
- 15A.8 Staff members needing to leave the workplace during time normally required for duty to seek support or treatment in relation to breastfeeding and the transition to the workplace may utilise sick leave in accordance with clause 79, Sick Leave of this award, or access to the flexible working hours scheme provide in clause 21, Flexible Working Hours of this award, where applicable.

This variation shall take effect on and from 28 April 2010