Take Care When Negotiating Breastfeeding Breaks



Breastfeeding is a women's protected legal right in Canada. Employers must provide mothers with an opportunity to breastfeed or pump breast milk including an appropriate location and not penalizing a woman for taking time. It is very important that an organization cooperate with a breastfeeding employee to find a solution that works. Making the process odious could raise the specter of a case for harassment and discrimination on the basis of gender (sex) or family status.

Factors to consider when negotiating breastfeeding breaks in your workplace:

Some mothers may choose to have their baby brought to them and others may request leaving the workplace. In negotiating these options consider these factors:

- The health and safety of the infant in the workplace. Is the infant exposed to noise, lights, hazards, contagions, dangerous chemicals, products or situations or generally unsafe conditions for an infant?
- Is the infant a distraction in the workplace? This distraction cannot result from the act of breastfeeding but as a result of a loud or fussy baby
- Appropriate location. A mother may choose to seek a private location if one can be provided. However, a mother may also seek not to be sequestered. In Canada a women has the right to breastfeed in public. Currently two Provinces, Ontario and Nova Scotia, have explicit protections but across Canada other tribunals have concluded that women have protected rights to breastfeed.
- Frequency and duration. It can be difficult to plan a schedule to accommodate some babies on a consistent basis. Generally an infant under the age of 1 will need to be feed every 2 – 3 hours and the process often requires 15-30 minutes or more. A mother breastfeeding an older child should normally have more ability to make a plan to accommodate her work schedule. If the employee seeks to leave the workplace the time required to leave, tend to her baby and then return to work need to be considered in planning.

Fair Planning Between Agreeable Parties

In a good working relationship both parties will want to work together to meet the needs of all parties. To facilitate this process consider these steps:

1. Ask if your employee is interested in either breastfeeding at home or at work. Indicate to her that you would like to help her make a plan that meets her

needs.
2. Ask her about her preferences and needs including logistics such as where, how often and when. Understand that you will need to be flexible as her needs may change.
3. Review her plans and schedule and provide her with input into what would be feasible. You may need to negotiate a modified work schedule, flexible hours or other accommodations.
4. Put a process in place that allows her to easily inform her supervisor of her breastfeeding needs/schedule including a process that allows her to discretely leave and return to work as smoothly as possible without having to announcer her plans each time.
5. Have an open dialogue after the first couple of weeks to ensure the plan is working or broach the subject of making changes to better accommodate both parties.

Options for Negotiations

If the logistics of the workplace do not easily allow a woman to breastfeed negotiating a solution will require a two-way dialogue. Sit down with your employee and do some math. If your employee needs to drive 20 minutes home to breastfeed she will require 1 hour 2-3 times in an 8-hour shift. Discuss options for working from home, working part-time or working a flexible, shorter or split shift. If this is not an option, and for many reasons including financial, it may not be, ask if there is a way the baby can be brought to the workplace, if appropriate, once per day. Alternatively, ask if she is open to pumping milk at least once or twice per day. Supporting the employee may include offering to purchase a small fridge for her to store her milk, subsidize the purchase of a breast pump and investing in items needed to create a comfortable room for her to breastfeed or pump milk.

Negotiations done in good faith with consideration for both parties and approached as an opportunity to cooperate and negotiate can reduce stress and enable a happier employee to contribute more into your workplace.

HR Insider Resources

Make Breastfeeding Right For Mom At Work

Goodbye Baby I am Going Back To Work