

DETERMINATION UNDER *TEACHING SERVICE ACT*, 1980

DETERMINATION 3 OF 2011

LACTATION BREAKS

I, Pam Christie, A/Director-General of Education and Communities make the following determination pursuant to Section 13 (1) of the *Teaching Service Act*, 1980.

1. Definitions

- 1.1.1 "Department" means the NSW Department of Education and Communities.
- 1.2 "Teacher" means a person or officer employed permanently or temporarily under the provisions of the *Teaching Service Act*, 1980 including a teacher in a promotions position. For the purposes of this definition it does not include a teacher in a non school based teaching service position or a casual teacher.

2. Lactation Breaks

- 2.1 This clause applies to teachers 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 determined by the teachers needs in relation to the timing of breaks.
- 2.2 A full time teacher or a part time teacher 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.
- 2.3 A part time teacher working less than 4 hours per day is entitled to only one paid lactation break of up to 30 minutes on any day so worked.
- 2.4 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 organization with the lactating needs of the staff member.
- 2.5 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 of the Public Health System.

- 2.6 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 the provisions contained within the *Teachers Handbook* and *Determination 2 of 2009 Sick Leave*.
- 2.7 This Determination should be read in conjunction with the *Breastfeeding and Lactation Breaks in Schools – Guidelines for Principals and School Staff*.

3. Date of Effect

- 3.1 This Determination will come into effect from the date of making of this determination and will remain in force until varied or rescinded.

Signed:



Pam Christie
A/Director-General, Department of Education and Communities

Date:

.....8...../.....August...../2011