

## Business

# Breastfeeding and the workplace

## Sarah Buxton considers the employment law surrounding breastfeeding

An Employment Tribunal has upheld a claim lodged by the employees of Easyjet against the airline company, for its failure to provide them with flexible working hours to allow the employees to breastfeed their children.

According to the Employment Tribunal, the current legislation requires employers to provide breastfeeding mothers with the opportunity to work reduced shifts, take on alternative roles or suspend their contracts on full pay while in the early phases of parenthood.

After the case was lodged by its cabin crew, Easyjet did provide breastfeeding employees with 12-hour standard shifts and agreed to provide them with new roles for six months.

However, the Employment Tribunal made it clear that Easyjet had not done enough to escape the consequences of a discrimination claim, explaining that breastfeeding was not a choice that could be limited to a six-month period. The airline company has since been ordered to review its working practices.

### Breastfeeding and work events

Employees who breastfeed is a topical issue at the moment and the current legislation is being reviewed in this regard. Not only is it relevant in respect of flexible working requests, but it is also a consideration for employers at social events such as the Christmas party, which is just around the corner.

An employee who is breastfeeding is in a unique position



and it opens up the risk of discriminations claims. The first point to note is that as an employer, you are responsible for the actions of your employees at social events and the discrimination legislation covers social events.

All employers are under a duty to protect the health and safety of pregnant and breastfeeding mothers in the workplace, but is also important that an employer has consideration to any sex discrimination claims.

It is important if you are having a Christmas party at an external venue that you consider all health and safety

risks posted to the baby and the mother due to the consumption of alcohol and the noise levels. It is also worth checking if the venue itself poses any restrictions on babies. Notwithstanding this, as an employer you have a duty to assess whether there is a quiet room available – preferably somewhere other than the toilet!

### Employer responsibilities

Not only does this duty extend to social events but also the working day. It is important that as an employer you allow an employee who has returned from maternity leave to express milk or breastfeed, and therefore you will need to allow them to take regular breaks, provide a clean, quiet room to breastfeed or express milk and provide a fridge for the milk to be contained.

Employment law is constantly changing and breastfeeding/expressing milk is currently under review, so it is important that if these issues occur in the practice to take advice. **D**



Sarah Buxton is a director and specialist dental HR and employment solicitor at FTA Law. FTA Law specialises in acting for dentists, dental practice owners and managers in all aspects of buying, selling and running a dental practice.

FOR FURTHER INFORMATION, contact 0113 337 2041 or visit [www.fta-law.com](http://www.fta-law.com).

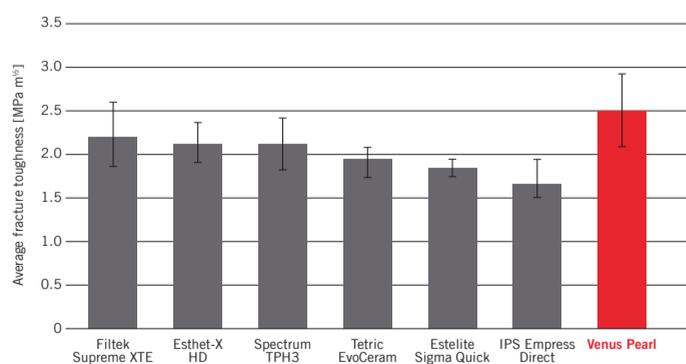
**Heraeus Kulzer**  
Mitsui Chemicals Group

Venus®

In tests for fracture toughness,

**Venus® Pearl proved the strongest**

“Venus Pearl displays outstanding high fracture toughness”



Available in PLT's or syringes

“I need a composite that exhibits: easy handling, strength, excellent aesthetics and a high lustre. Venus Pearl ticks all the boxes!”



Dr Anoop Maini  
Aqua Dental Clinic

Source: PD Dr. Rosentritt, University of Regensburg, Germany

• Smooth handling • Fast to polish • High aesthetics • Reduction in chipping

Phone: +44 (0)1635 30500 Email: [dental.uk@kulzer-dental.com](mailto:dental.uk@kulzer-dental.com) [www.heraeus-kulzer.com](http://www.heraeus-kulzer.com)