

# CHECKLIST FOR ENTERPRISES

## BREASTFEEDING

This checklist compiles the legal obligations, but also additional actions you can take (see “tips”) to make your organisation more family-friendly. Obviously, you start by reviewing what is necessary and possible at your company. This checklist is not exhaustive but a first tool to get started.

 Provide a **breastfeeding room**.

Provide a **suitable area** for new mothers to breastfeed or express milk in complete discretion and under optimal hygienic conditions. This area must meet the following minimum legal requirements:

- ✓ There must be a possibility for the employee to wash herself.
- ✓ There must be a comfortable chair and fridge.
- ✓ The area must be private – without windows for colleagues to observe what is going on – and it must be in a discreet location.
- ✓ The room must be large enough.
- ✓ The room must be adequately ventilated, lit and heated.

Arrange this area after consultation with the (internal) prevention advisor or occupational physician. If the first-aid room meets the above conditions, it may be used as a breastfeeding room.



**TIP** Ask pregnant employees and new mothers how you can make the breastfeeding room more comfortable. You can, for example, provide an internet connection or a wall with photos of all the newborn babies at the company.

- ✓ Give your employee the opportunity to **interrupt her work** to breastfeed (if her baby is in the vicinity of the workplace) or to breast pump.

Your employee may take **breastfeeding breaks** for up to 9 months after the birth. If she works at least 7.5 hours per day, she is entitled to 2 breastfeeding breaks of half an hour each. If she works less than 7.5 hours but more than 4 hours a day, she is entitled to 1 half-hour break. These breaks do not cost you anything; the employee is reimbursed by the health insurance fund.

More information can be found on the website of the [National Institute for Health and Disability Insurance](#) or at your External Service for Prevention and Protection at Work.

- ✓ Add **important dates for administrative matters** in the agenda.
  - The employee must inform you of her intention to take breastfeeding breaks **no later than 2 months before taking her breaks**, and preferably by registered mail or with signature for receipt by you.
  - **At the start of the breastfeeding breaks**, your employee must provide you with proof of her breastfeeding by means of certificate. She can obtain this via [Kind en Gezin](#) (Flanders), [ONE](#) (Wallonia) or the [family portal](#) of the German-speaking community.
  - For **every month that your employee wishes to take breastfeeding breaks**, she must send you this certificate from [Kind en Gezin](#) (Flanders), [ONE](#) (Wallonia) or the [family portal](#) of the German-speaking community.
  - As the employer, you must provide the employee with a certificate stating the number of hours or half hours of breastfeeding breaks taken during the month, **no later than on the date of payment of the salary (monthly)**. The employee completes this certificate and transfers it to her health insurance fund. This certificate serves as a request for payment of the benefits. Your employee can obtain the certificate from her health insurance fund or you can download it here: [certificate health insurance fund](#).



**TIP** Let your employee take her breastfeeding breaks in peace. Consider extending the breaks to three quarters of an hour or even an hour (note, however, that this extra time will be at your company's expense).



**TIP** Discuss with the employee whether she wants to take the breastfeeding breaks during the working day, or rather leave home an hour earlier or arrive at work an hour later. Allow the employee to organise these breastfeeding breaks flexibly. For some women it is more convenient to breastfeed or express milk at home, and shortening the working day may offer a solution to this.



- ✓ Review the **risk analysis**.

If the risk analysis reveals that the job involves risks for the breastfeeding period (up to a maximum of 5 months after the birth), you can, in the interests of your employee, choose to give her an alternative function, a transfer to another (risk-free) department, or a removal from work. The latter is known as **lactation leave**. In this case, your employee receives compensation from the health insurance fund; you pay nothing.

For this, contact the occupational physician. Your employee must apply for a certificate from her health insurance fund and you will have to complete part of it.

- ✓ When your employee **returns** from **lactation leave**, give her the **same or equivalent** work as before.
- ✓ **Do not discriminate against employees because they are breastfeeding.**

Breastfeeding is a protected ground in the Gender Act of 10 May 2007. This means that employees cannot be treated unfavourably on account of their breastfeeding.

Discrimination in the workplace can take **various forms**, including different treatment, harassment, ineligibility for a promotion, not hiring someone or firing them because they breastfeed, etc. You can conduct prevention campaigns to raise awareness among your workers or to help them discern prejudices and discriminatory behaviour.

More information can be found in the brochure '[Pregnant at work. Guide for Employees and Employers to Discrimination-Free Treatment](#)'.

**TIP** Provide paid **breastfeeding leave** for your employee if, according to the risk analysis, she is not entitled to lactation leave.

Strictly speaking, there is no breastfeeding leave in Belgium. If an employee wishes to breastfeed her baby after her maternity leave or any statutory holiday, there are **various options**:

**Parental leave or time credit:** These options are the most common in practice. In this case, the employee takes additional leave under the cover of parental leave or time credit. See checklists no. 7 and no. 9.

**Unpaid leave:** You can allow your employee to take unpaid leave for a certain period to facilitate and help your employee to continue breastfeeding. Make sure this agreement is in writing.

**Regulations at sector or company level:** Some sectors and companies have their own breastfeeding leave agreements. The length of breastfeeding leave varies from one regulation to another. Would you like to know whether your sector has regulations on this matter? You can request this information from your social secretariat.

**TIP** If there are no regulations at sector level, you can create your own. Study the possibilities available to you according to your budget and agree on the duration and organisation of this leave with your employee.