



Circular Letter 0022/2021

To: The Chief Executives of Education and Training Boards

**BREASTFEEDING BREAKS FOR ALL STAFF OTHER THAN
PERSONS EMPLOYED AS TEACHERS AND SPECIAL NEEDS
ASSISTANTS IN EDUCATION AND TRAINING BOARDS**

The Minister for Education directs you to implement the changes as stated in this Circular in relation to breastfeeding breaks for all eligible staff other than persons employed as Teachers/Special Needs Assistants (SNAs) in ETBs whose posts are wholly funded by monies provided by the Oireachtas.

This Circular supersedes all previous rules and regulations in relation to breastfeeding breaks for all eligible staff employed by Education and Training Boards. This circular should be read in tandem with Circular 80/2015 'Maternity Protection Entitlements for All Staff Other Than Persons Employed as Teachers/Special Needs Assistants in Education and Training Boards'.

The regulations and procedures are to be implemented by each employer with immediate effect and all eligible staff must adhere to the agreed terms and conditions.

Please ensure that copies of this Circular are provided to all members of the Board of Management/Education and Training Boards and its contents are brought to the attention of all eligible staff in your employment including those on leave of absence.

This Circular can be accessed on the Department's website at the following link:
https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0022_2021.pdf

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ETB Financial, Administrative and Personnel
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1. Purpose of this Circular

- 1.1. This Circular outlines the extension of provision for breastfeeding breaks from 'within a 26-week period' to 'within a 104-week period' after the birth of the child and includes the procedures that must be followed.
- 1.2. As this extension is a non-statutory entitlement employers should, in line with their policy on absences, ensure the welfare and care needs of the learners take precedence over all other considerations.

2. Breastfeeding breaks for Eligible Staff

- 2.1. Paragraph 12 of [Circular 80/2015 Maternity Leave Entitlements](#) for eligible staff is amended as follows:

12.1 Within a one hundred and four week period after the birth of the child, an employee who has returned to work is entitled to one hour per day for the purpose of breastfeeding. The time off, without loss of pay, may be taken as follows:

- (a) one break of 60 minutes, or*
- (b) two breaks of 30 minutes each, or*
- (c) three breaks of 20 minutes each*

12.2 An employee who works less than the standard working day will have their breaks pro-rated as set out in Section 2.2 of this circular.

12.3 An employee who qualifies for this provision must notify the employer in writing of her intention to avail of such breaks. Notice should be given four weeks' prior to the return to work following maternity related leave under the terms of this circular. A copy of the birth certificate of the child must be submitted with the application for breastfeeding breaks. It is a matter for the employer to make the necessary arrangements with the employee to facilitate the taking of the breastfeeding breaks.

2.2 Pro-Rating of Breaks

An employee that works the standard working day i.e. a 37-hour working week, is entitled to take breastfeeding breaks amounting to one hour a day in a pattern as set out in 2.1 of this circular. An employee on less



than full hours (i.e. less than 37 hours per week) may avail of breastfeeding breaks on a pro-rata basis.

2.3. The pattern of breastfeeding breaks should be agreed following consultation between the employer and employee. Employers should take reasonable measures to facilitate the pattern of breastfeeding breaks as requested, while having regard to the business requirements of the ETB. Breastfeeding breaks should be taken outside of tuition/instruction time where possible.

3. Application for Breastfeeding Breaks

3.1. An employee who qualifies for this provision must notify the employer in writing of her intention to avail of such breaks using Application Form BF1 (attached at Appendix A). A copy of the birth certificate of the child must be submitted with the initial application for breastfeeding breaks.

3.2. The Application Form BF1 must be re-submitted every six months during which time the employee continues to breastfeed the child and therefore intends to avail of breastfeeding breaks.

3.3. An employee availing of breastfeeding breaks who ceases to breastfeed should notify her employer in writing as soon as possible.

4. Substitution

4.1. Substitute cover for breastfeeding breaks is not paid by the Department.



Appendix A

Form BF1 – Application for Breastfeeding Breaks

The initial application must be submitted to the employer at least four weeks before returning to work following maternity leave. A copy of the child's birth certificate must be submitted with the initial application.

Employing ETB:	
Name of employee:	
Work pattern of employee:	
Number of hours worked per week:	
Date of birth of child:	
Expected date of return to work (1st application only):	
Length of application (i.e. X Date to Y Date)	

My preferred pattern for taking these breaks is:

Method	Preferred Time of Break
1 x __ minute break	Break: From _____ to _____
2 x __ minute breaks	Break 1: From _____ to _____ Break 2: From _____ to _____
3 x __ minute breaks	Break 1: From _____ to _____ Break 2: From _____ to _____ Break 3: From _____ to _____

Note: Part-time employees' breastfeeding breaks should be adjusted on a pro-rata basis per Section 2.2 of this circular.



Declaration by Employee

I wish to apply for breastfeeding breaks for the six month period X – to – Y in accordance with Circular 0022/2021 titled '*Breastfeeding Breaks for All Staff Other Than Persons Employed as Teachers and Special Needs Assistants in Education and Training Boards*'.

I confirm that I am breastfeeding my child and that when I cease to breastfeed my child I will notify my employer in writing as soon as possible.

I confirm that the information provided in this application is true and accurate. I understand that making a false statement may result in disciplinary action.

Signature of employee: _____ **Date:** _____

Data Protection Privacy Statement
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EMPLOYER DECISION

<p>I certify that I have approved/refused (delete as appropriate) the application for breastfeeding breaks in accordance with Circular 00XX/2021 titled '<i>Breastfeeding Breaks for All Staff Other Than Persons Employed as Teachers and Special Needs Assistants in Education and Training Boards</i>'. The following documents will be retained for audit purposes:</p> <table><tr><td>1) Application for Breastfeeding Breaks</td><td><input type="checkbox"/></td></tr><tr><td>2) Copy of Decision Notice issued to employee</td><td><input type="checkbox"/></td></tr></table> <p>Signature: _____ Date: _____ (Employer)</p> <p><i>The application form and supporting documentation should NOT be submitted to the Department of Education. They should be retained in the ETB with any other relevant documentation for record and audit purposes with the relevant personnel records.</i></p>	1) Application for Breastfeeding Breaks	<input type="checkbox"/>	2) Copy of Decision Notice issued to employee	<input type="checkbox"/>
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2) Copy of Decision Notice issued to employee	<input type="checkbox"/>			