

## **Submission to the Transport and Industrial Relations Select Committee on the Employment Relations (Breaks and Infant Feeding) Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 46 Nationally Organised Societies and National Members. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to consider this Bill. The response has been prepared by the Employment and Public Issues Standing Committees following discussions with NCWNZ members, and in consultation with the NCWNZ Board and Parliamentary Watch Committee.

### **Introduction**

NCWNZ policy supports women's right to paid breaks for breastfeeding/expressing of milk during the hours of employment. (Resolution 9.9.3). The Council also encourages all mothers to establish breastfeeding as their first choice. This Bill is complementary to the recent Government legislation on work-life balance. Breastfeeding at the workplace has been a haphazard arrangement with mothers often having to feed and change their babies' nappies in unsatisfactory conditions in the staff room or toilet, or they have been unable to breastfeed at work and so have been forced to resort to having their baby bottle fed on milk formula, or to stay at home and not return to work until after their baby is weaned.

Members recalled the Hon. Ruth Richardson taking a stand on this issue when she was breastfeeding her baby at Parliament. Sadly many years have elapsed since then.

NCWNZ appreciates that recent legislation granting 14 weeks Paid Parental Leave is most helpful in enabling women to stay at home to establish bonding and breastfeeding with their baby. However some parents find they cannot survive financially on the current weekly payments for Paid Parental Leave and thus have to return to work sooner than 14 weeks after the birth of their child. This Bill will facilitate not only women who want to breast feed or express milk for their babies at the workplace, but will also help businesses who want skilled women back at work earlier than many could contemplate if they were not able to breastfeed in suitable surroundings at work.

### **Specific comments**

#### **Part 6C Breastfeeding facilities and breaks**

##### **Clause 69 Y(1) Employers' obligation**

A majority of our members agree with the wording in subsection (1) "so far as is reasonable and practicable in the circumstances" with regard to the provision of appropriate facilities and breaks for breastfeeding. However some felt this clause should be strengthened so that employers do actually provide the necessary time and space and do not take advantage of the clause to avoid compliance. On the other hand one group felt that having babies present at a workplace at all was inappropriate.

## **Clause 69 Y (2) Payment of breaks for breastfeeding**

**Sub Section (2)** "the breaks are paid only if the employee and employer agree that they are paid"

The ILO convention 183 on Maternity Protection provides for the right for women to take one or more paid breaks during the working day to breastfeed their children but this Bill does not require such breaks to be paid unless the employee and employer agree that they are paid.

NCWNZ has policy strongly supporting paid breastfeeding breaks but in the context of the provisions of this Bill there was some disagreement (from the employers' viewpoint) stating that these breaks can last quite a long time if the baby is a slow feeder, that it is unreasonable to even permit breastfeeding in the workplace, and that it is costly for small businesses to provide separate facilities. There was also the problem where no crèche was available on the workplace site which could necessitate extra time spent by the mother going to the crèche in busy city traffic. This issue is not considered in the Bill.

NCWNZ would like to see the inclusion of goodwill from both parties to make the legislation workable.

Some of our members suggested that a limit of 9 months to 1 year be set on the age at which babies can be breastfed at work as they saw no need for toddlers to be covered by this legislation.

Some of our members are of the opinion that the employee should give a commitment to make up time to complete tasks and obligations as required in her employment contract.

## **Clause 69ZB Penalty**

A majority of respondents supported this provision although it was suggested that very small businesses could not afford to supply separate new facilities for breastfeeding and might not be able to afford the time taken by an employee to breastfeed her baby. In these cases they thought a penalty would be unfair and could cause both the loss of the business and the job.

## **Part 6D "Rest breaks and meal breaks"**

### **Clause 69ZD**

The Rest and Meal Breaks provisions in the Bill will correct a deficiency in the current legislation and are timely. However NCWNZ would like to see the rest breaks paid for as they are a Health and Safety Issue and important for the wellbeing of both the staff and the business. There was no consensus on whether meal breaks should be paid for as well as rest breaks and several noted that many businesses could not afford to pay for meal breaks. Staff at many businesses have to take a break in between clients and cannot stop at prescribed regular time intervals so there needs to be cooperation and understanding between the employer and employee in these cases.

## **Conclusion**

NCWNZ although not unanimous on specific areas, is pleased to see its general policy reflected in the Employment Relations (Breaks and Infant Feeding) Amendment Bill and supports its intentions.

Christine Low  
**National President**

Elizabeth Cruickshank  
**Convener,**  
**Employment Standing Committee**

Joan Macdonald  
**Convener**  
**Social Issues Standing Committee**