

## Equality Bill: NCT Response



The NCT welcomes the Equality Bill, particularly those sections supporting pregnant women and new mothers. We are particularly pleased to see the explicit protection for breastfeeding mothers when out and about and the new equality duty aimed at ensuring public bodies support the needs of diverse groups, including pregnant women and new mothers, when designing and delivering public services. We hope that MPs will support these important clauses as the Bill goes through the Parliamentary process.

However, we also call for the deletion of clause 16(7) as the Bill substantially waters down current pregnancy discrimination law. The Bill provides for pregnancy discrimination to be lawful where it is 'reasonable'. This offers significantly less protection than current law as it enables employers to defend discrimination against pregnant women on the grounds that complying with antidiscrimination law is inconvenient or costly.

### *Breastfeeding in public (Clause 16 and 17(4))*

We are keen to support parents however they decide to feed their children, but we promote breastfeeding partly because of the discrimination breastfeeding women experience. As a member of the Breastfeeding Manifesto Coalition (BMC), we believe that mothers should have the freedom to choose to feed their child when they need to be fed in whatever way they choose. Members of the BMC consider breastfeeding as the natural, healthy way to feed babies; providing the vital immunity they need to protect them against a variety of infections and illnesses which other milks cannot provide. It is beneficial to mother's health, providing protection from some forms of cancer and diabetes, and is also acknowledged as having a vital contribution to make in reducing inequalities in health.

The World Health Organisation (WHO) recommends exclusive breastfeeding for six months, with continued breastfeeding alongside complementary foods up to 2 years of age or beyond.<sup>1</sup> The Department of Health (DH) also recommends exclusive breastfeeding for six months, with continued breastfeeding beyond this age.<sup>2</sup> Yet the number of mothers who exclusively breastfeed beyond six weeks remain low across the UK.

Breastfeeding rates are lowest among lower socio-economic groups and young mothers. These groups are also less likely to breastfeed in public places.<sup>3</sup> One of the barriers identified in initiating and maintaining breastfeeding is society's negative attitudes - in particular towards breastfeeding in public places. Many teenagers find breastfeeding in public embarrassing and unacceptable to others. Few of these young women have seen anyone breastfeed, whether within the family or in a public setting.<sup>4</sup> Many women do not feel supported in their decision to breastfeed in public places. Women have stated that they lack confidence and feel embarrassed or uncomfortable because of the perceived reaction of others. This is why we are delighted to hear that those mothers who wish to breastfeed can now feel more supported when doing so in public places.

**We call for all Ministers, Shadow Ministers, MPs and Members of the House of Lords to ensure that this clause remains as currently set out. As it stands it give new mothers the confidence that the law is on their side and provides important support throughout early parenthood and when returning to work.**

### ***Equality Duty (Clause 143)***

We are also delighted to see a new equality duty on public bodies, with specific reference to pregnant women and new mothers. It is great to see moves to reduce gender inequality at work and we hope this will remain in the final Bill. The emphasis on equality in procurement, including a requirement to advertise jobs on a part-time basis or with flexible working unless there is a business reason not to, is likely to have a positive impact on family life in the long run and makes for a more family-friendly society.

A large proportion of the labour force is made up of men and women who are at an age where they are likely to start a family.<sup>5</sup> This group makes a significant contribution to the economy. Business and public bodies could exemplify best practice in the employment of pregnant women, new fathers and new mothers returning to work. In particular, with extended rights to maternity and paternity leave; flexible working; parental leave; extended maternity and paternity pay, set at a rate equivalent to a living wage; and maternity protection, including for those mothers returning to work who wish to continue to breastfeed.

Evidence shows that employers, and therefore the economy, benefit by introducing facilities for new parents, and, in particular, breastfeeding mothers. Supporting mothers to continue breastfeeding on return to work reduces absenteeism and staff turnover, increases morale and motivation of staff resulting in increased productivity, retains the skills and experience of employees and results in better communication between employees and employers.<sup>5,6,7</sup> A right to breastfeeding breaks, in line with other European countries, would help achieve greater equality in the workplace.

**We call for all Ministers, Shadow Ministers, MPs and Members of the House of Lords to ensure that this clause remains as currently set out. It gives pregnant women and new parents the confidence that the law is on their side and important support throughout pregnancy, early parenthood and when returning to work.**

### ***Pregnancy Discrimination (Clause 16(7))***

However, the NCT has concerns that the Bill substantially waters down current pregnancy discrimination law. At present, it is unlawful to treat a woman less favourably for a reason relating to her pregnancy or maternity leave. The Bill provides for pregnancy discrimination to be lawful where it is 'reasonable'. This offers significantly less protection than current law as it enables employers to defend discrimination against pregnant women on the grounds that complying with antidiscrimination law is inconvenient or costly. This approach will serve only to perpetuate bad practice and reinforce inequalities.

We understand that the new clauses are an attempt to address the absence of a male comparator in current legislation. The absence of this comparator has not prevented effective development of the law in this area. If Government feels it necessary to address the lack of a comparator, then it is essential that the new wording maintains the current level of protection for pregnant women.

Effective legal protection for pregnant women and new mothers is necessary to combat the high rates of pregnancy discrimination in the workplace. The 2005 Equal Opportunities Commission investigation into pregnancy discrimination concluded that each year 30 000 women are forced out of their jobs as a result of pregnancy discrimination and a total of 200 000 women experience some form of disadvantage at work which is pregnancy-related. There is anecdotal evidence that pregnant women and women on maternity leave are being targeted for redundancies in the recession.

**We strongly urge Ministers, Shadow Ministers, MPs and Members of the House of Lords to call for the deletion of clause 16(7). If it is necessary to address the absence of a comparator, we ask that clause 17 be reworded to protect against 'unfavourable' treatment. This phrasing removes the need for a male comparator.**

Please contact the Campaigns and Parliamentary Officer, Louise Brant, for further information on [L\\_brant@nct.org.uk](mailto:L_brant@nct.org.uk) or 0208 752 2396

## Background information:

The **NCT** (formerly the National Childbirth Trust) is a charity and membership organisation with over 100,000 members across the UK. Our strength comes from the dedication of our volunteers, who work through our network of branches to provide and support local services, provide training and evidence-based information for parents, families and health professionals. We are trusted and respected by health professionals and governments as an organisation that represents the needs of parents. We want breastfeeding to be part of everyday life, to make it easier for those women who choose to breastfeed to combine it with a social and working life and for women to receive the support they need to carry through their decisions.

The **Breastfeeding Manifesto Coalition** is made up of 40 not for profit organisations all of which are working together to implement the 7 objectives of the Breastfeeding Manifesto, which can be found in full along with the BMC member organisations at [www.breastfeedingmanifesto.org.uk](http://www.breastfeedingmanifesto.org.uk). Objective 5 of the Manifesto is: *To develop policy and practice to support breastfeeding in public*

In the UK, more than three quarters of women start breastfeeding their babies. However, by the age of 6 weeks, fewer than half of babies are receiving breastmilk and three quarters are having formula milk, either in addition or exclusively.<sup>3</sup>

According to the latest figures (2005) more than three quarters of women who stop breastfeeding in the first six months would have liked to breastfeed for longer.<sup>3</sup> The perception that breastfeeding is not acceptable in public places is one of the factors that reduces the length of time women breastfeed along with a lack of accurate information and sufficient support.

Social and cultural support for breastfeeding is lacking in many areas of the UK, so that it is difficult for some women to make a decision to breastfeed and to carry through their choice.

UK surveys have shown:

- half of all breastfeeding women never tried to breastfeed in public during the first few weeks after the baby was born.<sup>3</sup>
- Between 4 – 6 months, only 39% of women breastfed in public compared with 67% of women who bottle fed.<sup>3</sup>
- Younger, more disadvantaged and non-white women are less likely to breastfeed when they are out.<sup>3</sup>
- When their babies were 4-6 months old, about half (46%) of breastfeeding mothers said they had had problems finding somewhere to feed their babies in public.<sup>3</sup>
- In contrast to the NOP poll quoted above, an NCT survey in 2005 found that 63% of breastfeeding women had been subject to unsupportive comments or behaviour from other people when breastfeeding in public.\* Some women choose to express milk or use formula when they are planning to be out of the house, rather than risk discrimination.
- An NOP poll, carried out on behalf of the Department of Health, found that 84% of adults don't have a problem with women breastfeeding their babies while they are out and about.<sup>†</sup>

Women in Scotland are more likely to breastfeed in public and to be comfortable doing so, compared with women in England, Wales and Northern Ireland. This difference can be attributed to the change in law in Scotland, which made it a legal right to breastfeed in public places.<sup>3</sup>

Positive experiences regarding breastfeeding in the workplace are associated with particular managers' attitudes rather than the organisation's policy, with few women being offered any workplace support for breastfeeding.<sup>8</sup>

In the Infant Feeding Survey relatively few women (14%) said that their employer offered facilities to express milk or breastfeed in the workplace (8%). However having access to facilities means that women are considerably more likely to continue breastfeeding (42%) compared with those who work for employers with no access (17%).<sup>3</sup>

Mothers working full time are more likely to say that their breastfeeding was affected by returning to work (24%) compared with those working less than 15 hours per week (9%).<sup>3</sup>

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\* A total of 2661 women out of a sample of 4246 women who had breastfed.

† NOP survey conducted on behalf of the Department of Health between 24-26 January 2003 amongst 990 people  
Please contact the Campaigns and Parliamentary Officer, Louise Brant, for further information on  
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