

ALSO IN THIS ISSUE:

Big budget win for Pak n' Save: How diversity-friendly workplaces save money.

Sex and race - spanners in the works: Job stereotyping and the Modern Apprenticeship scheme.



A life's work is never done: How businesses can hold on to older workers.

Public sector hold on minorities shaky: The results of the SSC's report on EEO Progress.

Special insert on breastfeeding rights: Day-to-day and on the job.

This newsletter is produced by the EEO Unit of the Human Rights Commission. The views expressed in this newsletter are not necessarily those of the supporters of the National Equal Opportunities Network.

Send feedback to NEON. Let us know about your new research and story ideas.

 neon@hrc.co.nz
 09-375-8647

Tribunal rules against Talley's Fisheries

The landmark result of the Talley's Fisheries sex-discrimination case is a wake-up call for employers, according to Robert Hesketh, Director of the Office for Human Rights Proceedings. Caitlin Lewis' claim that Talley's discriminated against women by not giving them a chance to do higher-paid work, has been upheld by the Human Rights Review Tribunal.



The Office for Human Rights Proceedings represented the plaintiffs at the Tribunal – a male casual worker and a female casual worker. Hesketh describes Talley's hiring process in the disputed period as "a drafting gate". Casual labourers turned up, men were automatically steered into higher-paid fish filleting jobs, women into lower-paid trimming jobs. Andrew Talley believed the judgment was an indication of "lunacy... a PC society gone mad," and appealed to the High Court against the decision last month. "If she didn't apply for [the job], how can she be discriminated against?" he asked. Because there was "no evidence that management at Talley's had a practice of offering the choice at any stage," the Tribunal decision said.

Will employers see the Talley's decision as bad for business? Hesketh says "It's not an example of 'PC-gone mad' at all. All the decision is asking employers to do, is treat your staff fairly and equitably. Make sure you're not disadvantaging one group over another group. I would struggle with the idea that any employer could argue with that."

The case "establishes quite clearly that [Talley's] was practising sex-discrimination in the way it allocated its roles. The effect of the decision isn't that business has to offer women all the jobs that are available in whatever organisation

The Talley sheet

- **Sex-discrimination:** The Human Rights Review Tribunal ruled that Talley's Fisheries failed to offer filleting jobs to women because Talley's management wrongly expected that women would be less suitable in the job.
- **Victimisation:** Tribunal ruled that Talley's had treated the plaintiff's male partner less favourably in employment once she lodged her complaint with the Human Rights Commission.
- **Pay Equity:** Tribunal ruled in favour of Talley's paying filleters more than trimmers, saying that the work was not proved by the plaintiffs to be 'substantially similar'.
- **Talley's is appealing** on the grounds that the female plaintiff was not 'drafting-gated' into a lower-paid trimming role, because there were no filleting roles up for grabs when she applied for the job. They are also claiming that the delays in the hearing process denied Talley's the right to a fair trial.

Employers need to ask themselves:

- Does our business have a **gender imbalance** across different jobs?
- Has this affected our **expectations** of what jobs are offered to whom?
- Do we pay the jobs that men do more than those done by women?
Why?

you run. ...The law isn't silly. It does recognise that some jobs are best done by men, and some jobs are best done by women."

Hesketh does not mean men are best under a car and women behind a stove. Human Rights law recognises the need to treat different groups differently in employment in some situations, for example:

- a Catholic Church has a good reason not to hire a Buddhist to perform a liturgy
- an advertising agency has a good reason not to hire a woman to model men's underwear
- an airline has a good reason not to hire a pilot who has become blind
- but a fish factory does not have a good reason not to hire a woman as a fish filleter.



Are all fillets created equal?
Robert Hesketh of the Office for Human Rights Proceedings trawls for evidence.

What does the Talley's decision mean for workplaces?

Hesketh says the decision "is going to require larger employers with a varying workforce and varying tasks, to audit what they do and make sure that any divisions along sex lines are for sound reasons, not for historical reasons that aren't relevant."

One of these irrelevant reasons is the assumption that women cannot work in physically demanding jobs, or will always choose the less arduous job over higher pay. The Talley's case has shown that this kind of thinking can result in unfair exclusion of women from higher-paid jobs they could be keen to work in. "One of the reasons that Talley's gave for preferring men in the [higher paid] filleting role was that it involved lifting heavy containers of fish. The lie that you can put to that, was that the woman plaintiff in the Talley's case was a six-foot, strongly built woman who would have had no difficulty whatsoever, as she put it, 'huffing' bins of fish... The idea that women can't lift bins of fish is ridiculous."

Hesketh believes the gender segregation discovered on the Talley's factory floor was not for any good reason, other than "this is what we've always done."



Big budget win for Pak n' Save

Getting to work for people with disabilities just got a little easier, with the [Total Mobility scheme receiving a \\$9.5 million boost](#), and Air New Zealand introducing in some airports a [mechanical lifting service for disabled passengers](#) transferring between wheelchairs and aircraft seats. Air New Zealand's move follows last year's complaint to the Human Rights Commission about the airline's policy requiring passengers with "a significant level of dependency" to provide their own 'lifter'.

Diversifying workplaces, diversified ways of working, and removing barriers to participation for women, ethnic minorities, people with disabilities, older people, youth, beneficiaries and migrants, are all part of the Department of Labour's newly released labour market and employment strategy: [Better Work; Working Better](#).

A Flexible Working guide for managers and employers was launched by Toshiba last month, specially tailored for New Zealand and Australia. The guide explains how to move towards performance criteria over attendance criteria, and emphasises building trust. Toshiba's previous research found managerial mistrust of staff was a key barrier to New Zealand and Australian workplaces adopting flexible work practices. [Summaries available and the full guide requestable here](#).

For those in any doubt about how diversity checks out at the till, Mt Albert Pak n' Save has rung up a hefty \$100,000 per annum in favour of accommodating and celebrating ethnic and religious identities on the job.

The Auckland Pak n' Save branch has just scooped the Manāki Tangata Award for innovation at the EEO Trust's Work and Life Awards, for its multicultural approach and staff retention levels. Franchise owner Brian Carran estimates an annual benefit of \$100,000 as a result of low staff turnover and savings on recruitment and training. Carran estimates most similar sized supermarkets have 20 to 30 vacancies at any time, while at the time of entry into the EEO Trust awards, Mt Albert Pak n' Save had only three.

The Auckland supermarket employs 320 people, more than half of whom are immigrants, and around 40% are Indian. Among the branch's innovative initiatives, are policies of encouraging people to wear their original national flag at work, seeking the advice of employees on the types of "ethnic" food to stock and allowing people to accumulate holiday leave so they can make extended visits to their home country. Carran also created a prayer room for Muslim staff which includes a basin for washing feet, towels and air freshener, as well as keypad entry to ensure religious privacy.

When Carran bought the business seven years ago, he moved from Taumarunui to the multicultural melting pot of Auckland's West-Central suburbs. Realising that the onus was on him to adjust to the cultures of people he employed, Carran visited India where he stayed in a small village for a month with the family of one of his staff.

EEO Trust CEO Philippa Reed says that work-life balance is not necessarily just about flexibility or childcare provisions. "Work-life balance is different for everyone," she says. "For new migrants to New Zealand a workplace that recognises their talents and embraces their differences will be a key part of the work-life balance equation."



Checkout operator Laya Jidesh racks up the savings

Minister of Labour Paul Swain [downplayed government support for the Green Party's Flexible Working Bill](#) to Business New Zealand last month, saying he was in favour of non-legislative solutions to issues such as pay equity and work life balance. The Transport and Industrial Relations Select Committee did not report back to Parliament on the Bill before the end of the last Parliamentary session of the term.

The draft Auckland Regional Resettlement Strategy quickly [won the support of Auckland City Council](#) as final consultations began last month. Auckland City says it will base its own resettlement strategy and action plan on the regional draft. Drawing on the [perspectives of migrants and refugees](#), the Strategy acknowledges that employment struggles of working-age migrants impacts on all aspects of migrants' lives.

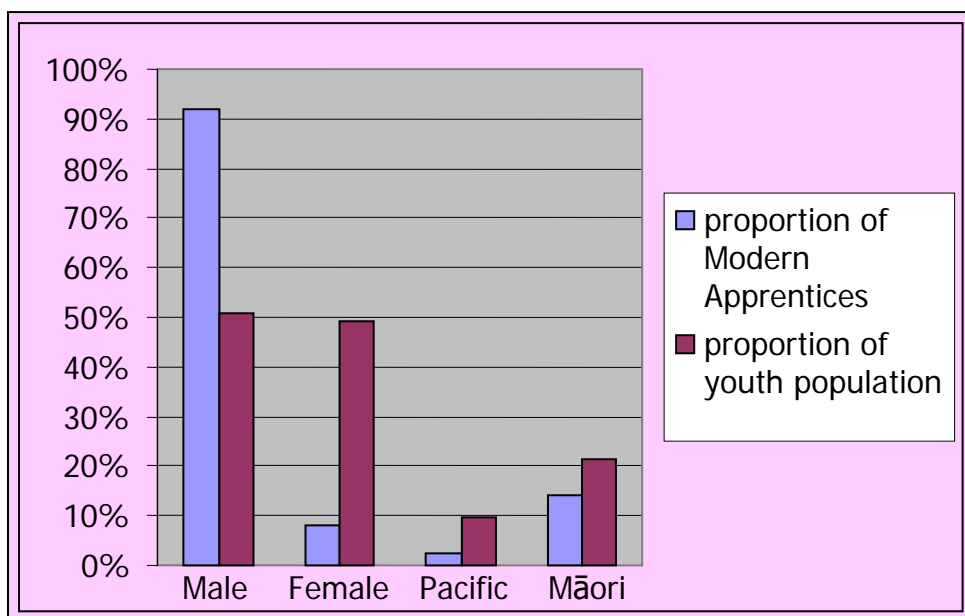
Last month's issue of Management's 'Director' supplement focused on [Māori governance – meeting the cultural challenge](#) of finding best-practice ways of including Māori culture into an organisation.

Female Asian private sector managers working in New Zealand are interviewed on diversity issues in this online article: ['Minority Managers going through the Racial Roof?'](#)



Sex and Race – spanners in the works

Twenty years ago women in hard-hats exclaimed “girls can do anything!” before the Saturday morning cartoons. In 2003, despite its name, the Modern Apprenticeship Scheme's demographics were still mired in the 80s, with females taking only 6.6% and Pacific people 1.9% of the apprenticeship places. In 2004 the scheme's Co-ordinators were expected by the Tertiary Education Commission to better target Pacific people, Māori and women, and the situation improved very slightly, with women's figures rising to 7.8% and Pacific people to 2.3%.



The Tertiary Education Commission is evaluating the scheme but says of the enhanced targeting efforts, “it is too early to say what their impact has been.” NEON visited South Auckland's Otahuhu College for a first-hand look at young Pacific women's perceptions about the job market.

	Under-represented by
Female	6.3 times
Pacific	4.2 times
Māori	1.5 times

'Da bomb job' or 'a bum's job'? What the girls thought

Otahuhu girls with their eye on the workforce still thought of some manual trades as poorly paid “bum jobs”, despite the New Zealand skills-shortage driving up the premium on trades such as plumbing, electrical work, and auto-repair. Still, girls were open to the idea of apprenticeships. Nearly all the year

12 and year 13 girls in a survey of two Transitions classes thought females were as well suited to apprenticeships as boys.

Many of the girls still had negative impressions towards skilled manual jobs. Plumbing in particular was seen as dirty, disgusting, unattractive, unskilled, and not a job for women. But the girls were surprisingly unanimous in their approval of the idea of female car mechanics. "That's da bomb" they said, "if a girl's a car mechanic she's the hot[test]."

The girls were receptive towards skilled trades that go with an image that is sexy, glamorous, powerful, related to expensive consumer machinery, and which gain the respect of men. For example, one girl said of Jean Batten: "A woman flying a plane - that's phat.*" Much of the time, they associated higher pay with these jobs, and were generally not aware that less 'sexy' trades were equally if not better paid.

The opinions of the Otahuhu girls show the potential for marketing skilled trades and the Modern Apprenticeships scheme in a way that is more girl-friendly. To increase female participation, the scheme has incorporated industries that are more traditionally 'female' – such as retail – but which still tend to be lower-paid and with less developed career paths than the traditionally 'male' skilled trades. But the EEO Commissioner Judy McGregor warns that this approach to gender-balancing the Modern Apprenticeship scheme reinforces stereotypes, and will continue to shut women out of high-skill, high-paid technical jobs, perpetuating occupational segregation.

None of the girls spoken to had heard of the Modern Apprenticeship scheme. Careers Advisor Ian Dutton said that classes and careers interviews were not always successful in shifting students' mindsets and stereotypes en masse, or hammering home accurate information about the incomes of different jobs.

Also, none of the girls named their parents as the greatest influence on their career choice - but Dutton observed that the opposite was often the case when it came to the crunch. "A lot of parents ...don't want them to pick a job of their own free will." On the whole, the girls revealed that their parents had more conservative attitudes about what jobs were appropriate for females and males.



Year 13 Otahuhu girls, Latu, Lauao, Monique & Anna.

Stereotypes:

Girl car mechanics = hot



Drew Barrymore undercover as a mechanic in 'Charlie's Angels', 2000.

Girl plumbers = not



[Lillian Baumbach](#), first female master plumber of Washington State, US. Times Herald, 1951.

Girl pilots = phat*



Jean Batten, the 'Garbo of the Skies'

*phat: 1) cool; 2) originally jazz term, now hip-hop and R&B term, referring to full, rich and heavy bass sounds.

Otahuhu College

71% Pacific
12% Māori
13% Asian
4% Pakeha

Roll: approx 1400

Decile: 1

One of the best teaching reputations of the decile 1 schools in Auckland.

Well-established Careers programme.

The Tertiary Education

Commission (TEC) does not keep track of local information on co-ordinator outreach to schools, and concedes that more needs to be done to change attitudes of prospective students. But TEC spokespeople also emphasised the importance of “raising awareness amongst employers about the need for them to be more open to recruiting women into male-dominated industries... [and] linking more closely to large employers to encourage greater take-up of employment opportunities amongst Pacific peoples.”

Party policies on Modern Apprenticeships

Labour Party:

- Fund 5,000 more Modern Apprenticeships;
- Enable people to start Apprenticeships while in school.

National Party:

- Expand Modern Apprenticeships to more industries;
- Increase funding to industry training in general by \$20 million.

Non sPacific outreach

Pacific youth (people 24 and under) currently comprise nearly **10%** of New Zealand youth, and that figure is only set to increase. Their **2.3%** overall share of the Modern Apprenticeships intake should be setting alarm bells ringing. Also, while Māori appear to be well-represented in the scheme, their 14% share is well below their 21.3% share of the overall youth population.



Year 13 Otahuhu girls Rasela, Krisi & Latu

If South Auckland schools are falling off the Modern Apprenticeship Co-ordinator map, this could be cutting out an entire demographic. Otahuhu College's experiences with the Modern Apprenticeship scheme have been discouraging, with long lag-times for contact, and no student-outreach from the co-ordinators resulting in missed opportunities and disappointment. “Finally when our student went down for the interview she found out that someone had walked in off the street and got the apprenticeship,” said Careers Advisor Ian Dutton.

Regular and personal outreach for interested students, is vital when working with Otahuhu students. Dutton suggests a major improvement would be “if we had a South Auckland co-ordinator, who visited all the South Auckland schools - probably every three weeks.” He sees the Gateway transition-to-work programme as a more successful model for Otahuhu, because of the presence of a direct contact-person for the programme at the school. “If our kids can get apprenticeships, that's the way to go. We're still going to promote it - I'm not going to be put off.” The new backing for apprenticeships is “a great opportunity for our students.”



A life's work is never done

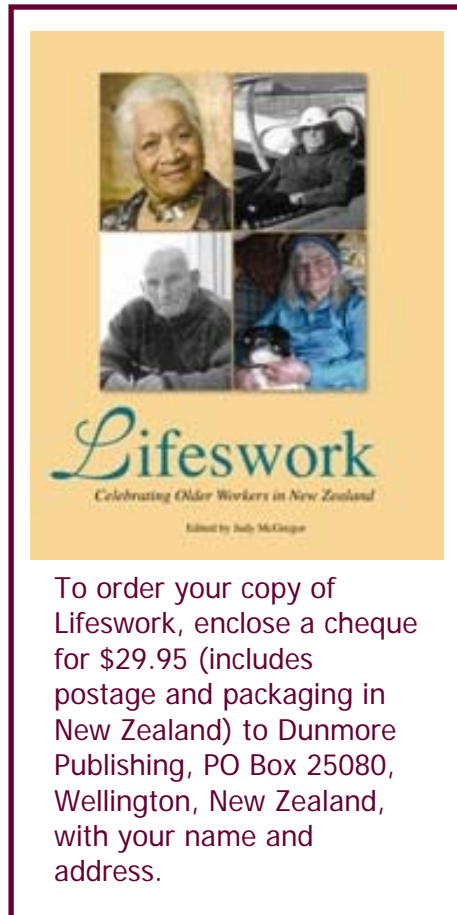
Some companies are leading the New Zealand fight against the skills shortage by working harder to retain older workers, and using flexible contract arrangements to lure back those who have retired. But age discrimination in employment is still showing that a major shift in employer attitudes is needed. IBM New Zealand's [‘intergenerational diversity strategy’](#) is a serious hedge against the forecasted IT skills-shortage. The strategy will include changes in flexible working, phased retirement and headhunting retired workers from other

In a dispute that has exposed a grey-area for embassy workers in New Zealand, a former chauffeur for the Korean Ambassador has resigned after being told that his contract would only be renewed for one more year, because of his age. Allan Wooler, 58, was told it was Korean Government policy to not employ people over 55.

In a landmark award last month, Australia's Industrial Relations Commission ruled that Australian parents have the [right to request](#) up to two years unpaid parental leave, and that working mothers can ask for part-time employment until their children go to school. The Australian Human Rights and Equal Opportunity Commission (HREOC) wants this to be enshrined in legislation, but the government has ruled it out.

Primary and community health nurses nationwide have voted to seek [pay parity with DHBs](#) through a Multi-Employer Collective Agreement in the coming wage-negotiations. The New Zealand Nurses' Organisation wants to extend last year's nationwide pay equity coup for DHB nurses. Strike plans by community nurses of the [Nurse Maude Association](#) are already underway in Canterbury.

[Swedish equality policies don't go far enough](#), says a Swedish gender equality expert calling for tax breaks for sole parents, and elimination of the gender-pay gap which has not moved substantially since 1980.



To order your copy of Lifeswork, enclose a cheque for \$29.95 (includes postage and packaging in New Zealand) to Dunmore Publishing, PO Box 25080, Wellington, New Zealand, with your name and address.

Older workers want more flexibility in:

- hours of work per week
- number of days worked per week
- months worked in the year.

Possible retention incentives:

- phased retirement
- negotiated transitions
- newer ways of working
- an end to ageism in recruitment
- eligibility for training.

UK Government targets:

- 1 million more people over the age of 50 into work
- age equality in employment law
- greater workplace flexibility
- upskilling programmes
- better retirement planning information
- new rights for carers.

companies. But while some corporations are moving with the times, age discrimination in employment remains worrying, according to EEO Commissioner Judy McGregor. A total of 23% of age-discrimination employment complaints to the Human Rights Commission are from people aged 60 and over.

The proportion of New Zealanders over 65 years will double to 26 per cent by 2051, and recent research shows that New Zealand's ageing population will break the mould by spreading working life out longer and more thinly. "Many employees aged 65 years and older are keen and will stay on at work with the right encouragement," says McGregor, "but some employers will have to change their thinking and overcome negative stereotypes about the value of mature workers."

McGregor has just published 'Lifeswork: Celebrating Older Workers in New Zealand', which profiles New Zealanders between the ages of 70 and 95 who are still in paid work – extraordinary cases now, but not in the future. The book includes a range of lively and talented personalities such as Dulcie Richards, the irrepressible 92-year old park-toilet cleaner who has dubbed her loo "Dulcie's goldmine", and Dr Merimeri Penfold, 85-

year old Human Rights Commissioner and renowned Māori translator of Shakespeare's sonnets. The workers include bookshop owners, scientists, artists, boat-builders, pilots and teachers. 74-year old Motueka tree pruner John Arnold says of retirement, "I'd sooner be dead."



New Zealand now [tops the OECD for female participation in the workforce](#).

Another leap in June quarter employment figures again sees women the big winner, taking 9,000 out of the 11,000 jobs added this quarter. In the last year, unemployment rates for males actually increased by 3.3 per cent, but for females it decreased by 16.2 per cent, mainly fuelled by an increase in the number of women in part-time employment - although full-time jobs for women dominated the last quarterly leap.

[British Airways has lost its appeal](#) in the sex-discrimination case of pilot Jessica Starmer, whose request to work part-time for family reasons was declined by the airline. And a part-time UK payroll worker with a young child has won an Employment Tribunal sex-discrimination case, after her workplace tried to [force her to start working fulltime](#) despite being presented with reasonable alternatives. Alarmed by recent harassment and discrimination payouts, the [UK government is planning to deny sexist employers lucrative public sector contracts](#).

In New Zealand an amendment [extending paid-parental leave to the self-employed](#) was introduced in Parliament prior to the election. Depending on the election results, self-employed women and men could be eligible for the paid leave from July 2006.

Pak n' Save 1: Public Service 0. The Public Sector has done poorly in retaining ethnic minority managers, especially Asians, the new [State Services Commission report on EEO Progress has revealed](#). The public service average for retaining managers is 65%, but for Asian managers that rate is 48%. Managers from the 'Other' ethnic group category have a 59% retention rate. Māori managers are the second most likely to cut and run, with only a 58% retention rate. The number of Pacific and Asian people in Senior Management is low, and decreased from 2000-2004.

Because the number of minority managers in the public sector is so low, the movement of a few people could skew the statistics. At the same time, the low retention rates are "not surprising" because for minority employees, "the workplace can be a less than inclusive environment," says Director of the Office of Ethnic Affairs (OEA), Mervin Singham. "The environment may not reflect their cultural values and beliefs, and if you don't feel comfortable in a workplace you tend to find another place to work."

What's being done

SSC and Te Puni Kokiri are in the early stages of developing a best-practice resource that will include ways to retain Māori employees, similar to the SSC Work-Life Balance resource recently produced.



Stars of the Intercultural Awareness CD-ROM: Tui Gilling and Fungisai Foto figure things out.

Meanwhile, the OEA is set to finish work this month on an Intercultural Awareness CD-ROM training resource for the public sector, with a training programme planned for later in the year. It will be directed at managers and employees dealing with diverse cultures

within the workplace and in their clientele. Statutory public sector obligations to improve EEO outcomes are "a good hook", says Singham. He is hoping that cultural awareness training units like this could become a standard across the board for the public sector.

The Japanese government plans to [subsidize small and mid-sized companies to provide parental leave](#) in an effort to slow the decline in the national birthrate, and to give women a better choice than deciding between childlessness and quitting their job. The Ministry of Health, Labour and Welfare will give about 1 million yen (US\$9,090) to companies that allow an employee to return to work from parental leave.

The Singaporean government has quantified a [\\$1.68 return on every \\$1 invested in Work Life Balance programmes](#), due to increases in productivity from reduced sick leave, an uplift in morale and higher staff retention. But the Ministry of Manpower is concerned that businesses are only seeing Work Life Balance as a cost, and has started marketing its new \$10 million Work Life Balance contestable fund more rigorously, especially to SMEs. Singapore recently instituted a 5-day working week.

Although the UK childcare sector is almost exclusively female, 27% of UK men surveyed by the UK Equal Opportunity Commission [would consider working in childcare](#). The EOC suggests men's interest in childcare may be linked to the increasingly active role of men as fathers. Recent EOC research shows that 4 out of 5 new fathers said they would be happy to stay at home and look after their child, and 9 out of 10 were as confident as their partner at looking after their baby.

“The feeling about the uptake is that it’s going to be very positive.” Singham says employers are beginning to realise that cultural learning is “a two way street.” Ethnic communities also need to learn about how to deal with ‘mainstream’ New Zealand culture.



Mervin Singham: Asian senior manager – a rare breed

“When you are a manager you have more responsibility for the values of the place, for creating the culture of the organisation,” says Singham. “If you feel you can’t because your culture is not reflected in the organisation, then that is going to make a difference.” The difference between more formal working styles in some Asian cultures and the informality of a New Zealand workplace might make an Asian manager “feel like a fish out of water unless this is made clear.”

Pay gaps increasing

Asian, Other Ethnic and Māori managers who stayed in the Public Service from 2000-2004 received below average salary increases. The average salary increase for Public Service managers was 30% - compared to 25% for Asian managers, 26% for Other Ethnic Managers and 28% for Māori managers.

New recruits to the Public

Service also tended to start on lower average salaries than existing workers. The combined effect has been that existing ethnicity pay gaps for Public service managers widened between 2000 and 2004 – and one has emerged for Asian managers.

Managers’ age-adjusted pay gap (as % of average public service pay)

	2000	2004
Pacific	95	83
Other Ethnic	94	83
Māori	91	90
Asian	110	93
European	100	101

The Good news

- Higher than average retention rates and pay progression for Pacific managers overall
- 6% growth in women managers
- Slight increase in number of Māori professionals and managers
- Number of Asian staff nearly doubled

Your rights as a breastfeeding mother

Breastfeeding discrimination is unlawful

Treating a woman unfairly because she is breastfeeding is a form of **sex discrimination under the Human Rights Act**. The Human Rights Act **prohibits discrimination against breastfeeding mothers** if it occurs in an area of “public life”.

Areas of public life that the Act covers:

- Government or public sector activities
- Employment
- Access to education
- Access to public places, vehicles and facilities
- Provision of goods and services
- Provision of land, housing and accommodation
- Industrial and professional associations, qualifying bodies and vocational training bodies
- Partnerships.

eg: If you are asked to leave a museum’s public viewing gallery because you are breastfeeding your child, you may have been discriminated against in the area of access to public places and facilities.

Prohibiting a woman from breastfeeding at work may be a form of unlawful discrimination

A woman has a right to breastfeed her child or express milk **while employed**. Employees and employers should work together to make sure mothers are able to do their jobs and have regular breaks to express milk or breastfeed.

See the [Department of Labour’s guidelines for employers](#) on how to support breastfeeding workers on www.ers.dol.govt.nz, or ring the DOL’s Employment Relations Service on 0800 800 863. Although there is no New Zealand law requiring employers to pay for breastfeeding breaks, international labour standards say breastfeeding breaks at work should be remunerated.

“After my paid parental leave was over I had to return to full-time work, but my baby was just 3 months old and still breastfeeding. I asked my boss if I could take two 15-minute breaks to express milk for my baby, but she just asked how she could possibly run a supermarket with her check-out clerks on break all the time.”

“We were eating out with some friends and the baby was crying for a feed. As soon as I started breastfeeding her, the manager of the restaurant came over and asked me to use the ladies’ toilet instead. I was so embarrassed ... and mad.”

What you can do if you have been discriminated against for breastfeeding your child:

- Take a note of the time, place, and person that discriminated against you.
- Talk it over with someone you trust to help decide what you want to do.
- Think about explaining to the person that it is your right to breastfeed your child.
- If it happened at work, discuss the problem with your manager, a human resources person, your union delegate or someone else who can help solve the problem. Suggest simple ways that the employer can support you to do your job while still breastfeeding (see the [Department of Labour's guidelines](#))
- To get more information about your rights, contact the Human Rights Commission Infoline:
0800 4 YOUR RIGHTS (0800 496 877)
Infoline@hrc.co.nz
TTY (teletypewriter) 0800 150 111
or visit www.hrc.co.nz.

If you decide to lodge a **complaint of discrimination with the Human Rights Commission**, your situation will be assessed against discrimination criteria. You may be offered free assistance relating to:

- Resolving the situation yourself
- Educational information
- Informal intervention
- Mediation – which may involve letters, phone-calls, or meetings.

This support may help you to solve the problem. For example, the person who discriminated against you may:

- apologise
- agree not to discriminate against people because of breastfeeding in the future
- do a training or education programme
- Compensate you for hurt feelings and/or losses
- Provide a reference
- Develop, or review, workplace policy and practice to support breastfeeding at work.

For more information, see Human Rights Commission publications '[The Right to Breastfeed](#)', '[Your Rights as a Pregnant Worker](#)' (pamphlet), and '[Fact Sheet 2: What is the Process for Dealing with Disputes?](#)'

Principles for protecting and promoting breastfeeding

There is little New Zealand case law that explains the legal rights of a breastfeeding mother. However, the Human Rights Commission has developed a set of principles for protecting and promoting breastfeeding. Some relevant principles for mothers are:

1. A woman has a **right to breastfeed** and is protected from breastfeeding discrimination under the Human Rights Act and international law.
2. A woman should be permitted to breastfeed **where she and her child or children would otherwise be permitted to be**.
3. The approach to breastfeeding discrimination should encompass the view that **breastfeeding mothers and their babies form an inseparable biological and social unit**.
4. The **right to breastfeed should not be limited** by any individual, group, or party **unless the intervention is based on evidence of significant detriment** to either the mother or the child.
5. Breastfeeding should generally be considered to be in the best interests of the child but in most circumstances **parents should be allowed to determine** what is in the best interests of their child with respect to infant-feeding.

Disclaimer: While we have tried to make this information as complete and legally accurate as possible, it should not be regarded as legal advice. Please contact a lawyer for specific legal advice. **Feedback** on the contents of this leaflet is welcome: Write to neon@hrc.co.nz