

STATES OF JERSEY



DRAFT DISCRIMINATION (SEX AND RELATED CHARACTERISTICS) (JERSEY) REGULATIONS 201- (P.40/2015): AMENDMENT

**Lodged au Greffe on 19th May 2015
by Deputy L.M.C. Doublet of St. Saviour**

STATES GREFFE

DRAFT DISCRIMINATION (SEX AND RELATED CHARACTERISTICS)
(JERSEY) REGULATIONS 201- (P.40/2015): AMENDMENT

PAGE 26, REGULATION 3 –

Immediately before the paragraphs added to Article 6, insert –

“(3) In relation to the protected characteristic of sex, for the purposes of Part 5, direct discrimination includes treating a woman less favourably because she is breast feeding a child under the age of 24 months.”.

Renumber the subsequent inserted paragraphs.

DEPUTY L.M.C. DOUBLET OF ST. SAVIOUR

REPORT

This addition to the anti-discrimination Law is a welcome one, and I thank the Minister for Social Security for bringing it forward. Given this Assembly's heartfelt support for the 1,001 Days Initiative, I was very pleased to see that it includes a section to protect breastfeeding mothers from direct discrimination.

To quote the health information pages on the gov.je website: *"While research fully supports breast milk as the best option for infant feeding in terms of your baby's overall health and development, your decision regarding how you wish to feed your baby needs to be based on what you feel is right for you and your baby. Whatever you choose, you will be supported by the healthcare professionals."* Whatever feeding choices families make, legislation must empower parents to act on that choice and give backing to the health professionals. If we adopt these Regulations it will show our support for breastfeeding mothers, and is another step towards us giving that priority to babies in their first 1,001 critical days until their 2nd birthday.

However, the protection the existing clause gives as it stands in the proposed Regulations is limited to women who have given birth within the last 26 weeks (the protected characteristic being maternity/pregnancy, which is not a permanent characteristic). There is an addition I would like to make which would bring us more in line with the UK, based upon the characteristic of sex, which is a more permanent characteristic and can therefore encompass a longer timeframe –

1. The proposed legislation currently gives protection based on when the woman gave birth. Adding a clause that is dependent on the age of the baby will also give adoptive mothers (who can be enabled with medical intervention to breastfeed their adopted baby) protection from discrimination.
2. The age at which it is deemed acceptable to breastfeed 'out and about' is extended from 6 months to 2 years in line with expert guidelines and our commitment to the 1,001 Days Initiative.

As the proposed changes to the Law stand, if a woman wants to discreetly breastfeed, for example, her 9 month-old baby in a café, she would have no certainty that she is within her rights to do so. This amendment would give clarity to mothers and business-owners as to what is acceptable.

Why is this important?

We know that parents in Jersey are doing the very best they can for their children. If women do choose to breastfeed, we must do everything we can to support them in that choice. Feeling able and encouraged to feed one's baby when he or she is hungry will surely lead to more women making this choice.

The World Health Organisation (WHO) publishes guidelines on breastfeeding. They recommend that babies should be breastfed up to 2 years of age or beyond. So it makes sense that we protect women who choose to, and are able to, follow these recommendations from the experts.

“Breast milk is the natural first food for babies, it provides all the energy and nutrients that the infant needs for the first months of life, and it continues to provide up to half or more of a child’s nutritional needs during the second half of the first year, and up to one-third during the second year of life.”

– World Health Organisation website

http://www.who.int/maternal_child_adolescent/topics/child/nutrition/breastfeeding/en/

The benefits of breastfeeding are widely known and promoted by our health department – this amendment will be a step towards more babies having these benefits –

“Breastfeeding is good for babies. Breastfed babies have:

- *less chance of [diarrhoea and vomiting](#) and having to go to hospital as a result*
- *fewer chest and [ear infections](#) and fewer visits to hospital as a result*
- *less chance of being [constipated](#)*
- *less likelihood of becoming obese and therefore developing [type 2 diabetes](#) and other obesity-related illnesses later in life*
- *less chance of developing [eczema](#)*

Any amount of breastfeeding has a positive effect. The longer you breastfeed, the longer the protection lasts and the greater the benefits.”

– NHS website

<http://www.nhs.uk/conditions/pregnancy-and-baby/pages/why-breastfeed.aspx#close>

So this amendment is good for babies, good for our health system, and good for Jersey.

How do the Public/mothers/business-owners feel about this?

In researching the matter of breastfeeding when ‘out and about’, I have heard many positive stories about how welcoming business-owners are, and how comfortable mums feel feeding their babies when they need to. It seems that this is a non-issue which the Public would endorse, so let’s give the support and protection this amendment provides.

“I’ve never had a problem feeding in public, did it for 14 months with my first and 3 months so far with my second and so far I’ve never been thrown out of anywhere or had any negative comments. It’s very important for mums to have the right to feed their baby any time said baby needs feeding, whether they are breast or bottle feeding shouldn’t matter.

– Ani Binet, age 31, mother of two, St. Helier.

“I have fed all over the place and never had any problem, but I have always felt it is a perfectly natural and essential act ... it’s not like you can even tell most of the time (walked around the boat show at the weekend feeding, not even any second glances).”

– Mother of three, age 41, St. Helier.

“I haven’t got any problem with it whatsoever. People are normally pretty discreet. None of my customers have ever complained, ever. We have started to get a lot of young women in the café, a lot of families, and we welcome them. I think business owners are generally 100% tolerant and people should be free to breastfeed in public areas.”

– Samantha Wright, Café Manager, Upstairs at De Gruchy.

“I have had a very positive experience of breastfeeding in public here as it has been easy to be fairly discreet if you’re sensible, even if out for a meal in a restaurant, on the beach, etc. As a mum who is still breastfeeding an almost 15 month old, I intend to keep going for as long as my little one wants. Everyone should have the choice as they are doing their best and what they feel is right for their child, whether they have adopted or biological children ... and they know those children best. This is about freedom of choice for a family.”

– First-time mum, age 32, St. Peter.

Summary

Supporting this amendment will send a message to families – saying “you are important and we support you in doing the best you can for your babies”. It will strengthen and clarify the already excellent proposed sex discrimination legislation and once again show that *this* States of Jersey understands how critical the early years are in building a healthy, happy society.

Groups supporting this amendment

Jersey Child Care Trust
Jersey Community Relations Trust
Breastfeeding Support Group
National Childcare Trust.

Financial and manpower implications

This amendment has no additional financial or manpower implications for the States. There may be a potential for savings, given that the Law will be clearer and thus there should be no misunderstandings, and therefore less need for use of the tribunal facility.