



CODE OF EMPLOYMENT PRACTICE ON INFANT FEEDING RESPONSE FORM

The Department of Labour is seeking input for the proposed draft Code of Employment Practice on Infant Feeding and want to hear what you think about the approach taken in the Code and its usefulness to your workplace or sector.

The Minister of Labour is required by the Employment Relations Act (the Act) to approve a Code of Employment Practice as soon as practicable after the commencement date of the Act. This Code is not a substitute for the Act, but the Employment Relations Authority or Employment Court may have regard to this Code in determining whether or not the parties have met their obligations under the Act.

Please complete this form and return it by post, email or fax to:

Email: infantfeeding@dol.govt.nz

Post: Infant Feeding (DXSR57080)
Department of Labour
PO Box 3705
Wellington 6011

Fax: 04 915 4710

The closing date for responses is 7 September 2009 at 5pm.

Details of respondent:

Name: Noeline Reisch

Position: Legislation Convenor

**Address: 56B Sea Vista Drive, Pukerua Bay,
Porirua**

Email (optional): noelinereich@xtra.co.nz

Daytime Phone (optional):

Publication Title: Code of Employment Practice on Infant Feeding

I am responding:

as an individual

on behalf of an organisation

Organisation/business name (if applicable):

Federation Of Business and Professional Women NZ Inc.

Please tick the box below that best describes the representation you provide for this consultation:

Employee

- Small business employers (up to 10 staff)
- Medium business employers (11 to 50 staff)
- Large business employers (over 50 staff)
- Business representative organisation/industry group
- Trade Union
- Training Organisation
- Consultant
- ✓ Women's or Family Organisation
- Community Organisation
- Other (please describe)

The draft [Code](#) is divided into three main sections.

Section 1	Section 2	Section 3		
Introduction & Purpose of the Code	Interpretation	General requirements		
Para 4 – 7	Para 8 – 12	Para 13 -16	Para 17	Para 18 – 23
Describes the Code's legislative objectives, context and its purpose.	Provides assistance with understanding the key phrases used in the Act such as: <ul style="list-style-type: none"> • Breastfeeding • Reasonable and Practicable in the Circumstances • Operational Environment • Resources 	Provides brief information about facilities that a breastfeeding employee needs, and how those needs might be met.	Provides some suggestions for employers when considering what facilities could be provided for employees who wish to breastfeed.	Outlines the obligations of an employer to provide breastfeeding breaks when reasonable and practicable, and also some things to consider when agreeing to breaks with an employee.

Providing feedback

As you consider your feedback, you might wish to refer to the Department's publication [Breastfeeding in the Workplace: A Guide for Employers](#) (the Guide) which provides more detailed information, options and ideas and is intended to be complementary to the [Code](#). The Guide will be updated shortly to reflect the provisions of the Employment Relations Act 2000 (the Act) and the existence of the Code.

When considering the draft Code and any comment you want to make, please address the questions below. Please be specific about the section or paragraph of the Code you are commenting on.

1. Does the Code help you to understand an employer's obligations in respect of employees who wish to breastfeed? If not, what aspects do you consider are unclear and what changes do you think would improve clarity?
 - a. BPWNZ agrees that the code is clear.
2. Does the interpretation section help your understanding of key phrases in the Act? If not, what changes do you think would improve it?
 - a. The interpretation section is written in easy to understand phraseology and is clear on the intent of the key phrases within the code.
3. Does the Code help with your understanding of the general requirements, of the Act, regarding breaks & facilities? If you consider any requirements are unclear, what changes do you suggest?
 - a. The only area that could be contentious is in paragraph 21 (whether start and finish times can be shifted to accommodate breastfeeding requirements) which should also be covered by the right to ask for quality flexible working hours.

4. There is a lot of flexibility around how breaks and facilities can be provided. Does the Code make this flexibility clear? If not, do you have any suggestions for improvement?
 - a. The Code does make the flexibility requirements clear, however employees must be made aware of their rights in asking for flexible working arrangements.
5. Does the Code give clear information about factors an employer might need to consider to meet their obligations? If not, what critical information is missing?
 - a. The Code is very clear on what employers need to consider
6. Is there anything else you would like to comment on about the content of the Code?
 - a. BPW NZ would like to see it made clear to the Employer that they have a responsibility to their employees to ensure that they are fully aware of their rights under the Code.

Thank you for your feedback which will assist the Department of Labour to develop a final Code for release in November 2009.