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When it comes to nursing in public, does discretion matter?

Photo By Kathryn Gaitens

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BREAST-FEEDING FRENZY DUFFERIN GROVE STANDOFF OVER NURSING IN ICE RINK CHANGE ROOM TESTS CITY POLICY

BY Jenny Yuen

Take a breast, a baby and a back lash and you get some idea of what is chilling the normally harmonious vibe at Dufferin Grove Park.

The glandular dust-up started when a mother feeding her newborn in the ice rink change room was asked to cover up.

When park organizer Jutta Mason saw Erika Ross pull most of her shirt up, exposing her left breast in front of a group of young male hockey players doing up their skates, she asked her to put on more of her shirt and offered her a chair in the washroom.

Ross reluctantly went off to the side and told Mason she had infringed on her right to breast-feed in public. Now the park employee, a former La Leche League member, is getting heat from the community. The question is: what is the meaning of discretion when it comes to nursing – and does discretion matter?

Mason's position is that "breast-feeding is totally

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cool at the park" but that both of Ross's breasts were exposed. "If there's a fair bit of additional uncovering of the woman's top, it's embarrassing for other families and youth. It's not unusual for mothers to take a chair into the washroom for some quiet and privacy, because our rink house gets really packed at times, but that's not mandated."

But Ross's position on the January 7 incident, which happened at the park's weekly Friday-night supper, is that her behaviour was completely in line for a nursing mother. "We've fought for a number of different rights [assuring us] it's OK if we aren't discreet," says Ross. "Breast-feeding shouldn't be something shameful, whether it's one breast or two."

According to the city's 2001 breast-feeding policy on public premises (which seems to be inaccessible on the [Toronto.ca](#) Web site), "a reasonable effort must be made to secure a designated private space appropriate for breast-feeding or expressing breast milk.... The designated space may be multi-purpose, provided that alternative space is readily available if the space is in use."

But a Toronto public health spokesperson is more forceful on the issue. "We have the right to breast-feed in public," says Joanne Gilmore, manager of the city's Healthy Families division. "Sometimes there's controversy in that. We need to work on changing our culture to make breast-feeding natural, what breasts were intended for instead of looking at them as sexual objects."

The thing about Dufferin Grove Park is that it's actually a very nursing-friendly place. "Friday-night supper has turned into a real baby-fest," says Mason, and a lot of breast-feeding goes on. The rink house is classified as a mixed-use area, and families also gather at the farmers market, huddle around the campfire or play hockey.

"Public space is public space," says Don Boyle, director of parks and rec. "The city and the Human Rights Commission don't define exactly what that is, but policy is that women are allowed to breast-feed in any public space. We've contacted [Dufferin Grove] about what the policy is, and we're working on it right now."

Ross also alerted area councillor Adam Giambrone, who planned to meet with parks and rec late last week to discuss how to deal effectively with such a situation should it arise again. Giambrone says the solution is a "no brainer because the city policy which conforms with the Ontario Human Rights Commission's policy is that a woman has the right to breastfeed anywhere, anyhow, anytime."

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The Ontario Human Rights Commission's 1999/2000 annual report tells nursing moms that "no one should prevent you from nursing your child simply because you are in a public area. They should not ask you to 'cover up,' disturb you or ask you to move to another area that is more 'discreet.'"

According to OHRC spokesperson Jeff Poirier, when a complaint is launched, the commission will inform the aggrieved person of his or her rights. If he or she chooses to file a formal complaint, the commission will offer voluntary mediation between the two parties. Poirier says 70 per cent agree to mediation. If not, the commission will further investigate the case.

Nursing support and promotion organization La Leche League Canada is treating this incident as a topless issue rather than a breast-feeding case. It refers to the 1991 case of Gwen Jacob, the Guelph woman who used the Charter Of Rights And Freedoms to set a precedent allowing all Ontario women to go topless where men are allowed to.

Executive director Teresa Pitman says the Dufferin Grove incident "doesn't sound so much like a breast-feeding issue. Certainly, most mothers who are breast-feeding don't need to remove their whole shirt."

The Jacob case also resonates for Mason. She notes that Jacob discreetly nursed her baby during the court case, "and if she hadn't, they would've asked her to leave, because the court also has a rule about proper dress. At the same time, the court has a rule that women are allowed to breast-feed."

In the end, Ross wants breast-feeding policies at the park to be clarified. She demands better education for volunteers and staff about the city's policies so women won't have to feel "humiliated" in such a situation again. Mason just wants a resolution so everyone can go back to Dufferin Grove Park and feel comfortable.

"We haven't got a lot of choice – a mixed-use facility has to ensure that everyone feels welcome," she says. "I hope the peacemakers within this community can go to work now, instead of the legal officials. But maybe it's too late." @


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