

Breastfeeding in public places

The Equality Act came into force in October 2010. This information sheet gives a brief guide to the law and what to do if you are treated unfavourably because you are breastfeeding.

What does the law say?

The Equality Act says that it is sex discrimination to treat a woman unfavourably because she is breastfeeding. It applies to anyone providing services, benefits, facilities and premises to the public, public bodies, further and higher education bodies and association. Service providers include most organisations that deal directly with the public. Service providers must not discriminate, harass or victimise a woman because she is breastfeeding. Discrimination includes refusing to provide a service, providing a lower standard of service or providing a service on different terms. Therefore, a cafe owner cannot ask you to stop breastfeeding or refuse to serve you.

How long does protection apply for?

There is no age restriction, the law protects you for as long as you wish to breastfeed your baby.

Where can a woman breastfeed?

You are protected in public places such as parks, sports and leisure facilities, public buildings and when using public transport such as buses, trains and planes. You are protected in shops, public, restaurants and hotels regardless of how big or small. You are also protected in places like hospitals, theatres, cinemas and petrol stations.

Am I protected if I am asked to stop breastfeeding at work?

If your employer provides services to the public, your employer is also responsible for the actions of its employees.

The law does not currently provide a right to time off at work to breastfeed but you have health and safety rights at work as an employee and the right to ask for flexible work. For more information, see the information sheet *Continuing to breastfeed when you return to work*. Employers are not obliged to provide facilities for expressing and storing milk but they may wish to as a matter of good practice and they must take steps to protect the health and safety of an employee who is breastfeeding on return to work.

What protection is there for students?

Further and higher education bodies must not discriminate, harass or victimise a student who is breastfeeding in terms of admission or provision of education or by excluding the student or subjecting her to any detriment. This includes access to benefits, facilities or services.

Which associations are included?

An association must not discriminate, harass or victimise a person because she is breastfeeding by refusing membership or discriminating in provision of benefits, facilities or services.

An association includes clubs, such as golf clubs, that have rules of membership, with at least 25 members, where members have to apply to join. Private clubs, with less than 25 members, that have no formal rules of membership, such as a book club, would not be counted as an association. Clubs where you simply pay a membership fee to join are not counted as an association but would be considered to be providing public services.

Are there some places where I cannot breastfeed in public?

Yes, it is **not** against the law to prevent a woman breastfeeding in a service which is a single sex service for men. This single sex service must be justified, for example, where only one sex needs it or one sex needs the service more than the other. Voluntary groups or charities set up specifically to benefit one sex may be acting lawfully if they exclude women. Religious organisations may offer services to one sex if it is in line with the doctrines of that religion. In some cases, where single sex services are justified, it would be reasonable to object to members of the opposite sex being there.

It is **not** against the law to prevent a woman breastfeeding where there are legitimate health and safety risks, for example, near to certain chemicals or radiation.

What can I do if I am discriminated against because I am breastfeeding?

Firstly, you should make a complaint to the organisation that has discriminated against you. Most service providers, educational bodies and other groups should have a

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complaints procedure, if not, you should ask who to complain to.

If you cannot resolve the matter you can bring an action in a county court in England or Wales or a sheriffs court in Scotland but you should seek advice as these can be expensive cases to bring. You must start the case within 6 months of the date of the act you are complaining about. This time limit will only be extended where it is just and equitable. If you win your case the court can order compensation, an injunction or a declaration but if you lose you may be ordered to pay the other side's legal costs.

Compensation can include an amount for injury to feelings.

If you have been refused a service or treated unfavourably you should seek advice.

For further assistance please contact:

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