

February 2012

Breastfeeding in public places

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

For more information on your rights to continue to breastfeed on return to work, see the information sheet [Breastfeeding on return to work](#).

What does the law say?

The new 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

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 sheriff's 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.

Additional protection in Scotland

In Scotland a person has a right to breastfeed or bottle feed a child under two and it is a criminal offence to try to stop or to prevent a woman from feeding a child under two in any place in which the public has access and in which a child under two is entitled to be. Anyone who tries to stop or prevent a person feeding milk to a child under the age of two can be prosecuted and can face a claim under the Equality Act.

Employers are responsible for ensuring that their staff are fully aware of the law. If an employee tries to stop or prevent a woman from breastfeeding in the course of their employment, the employer may also be liable even if they were unaware of the incident. You should complain to the employer in the first instance and, if necessary, you can report the matter to the police.

Useful contacts

Equalities and Human Rights Commission (EHRC)

For information and advice about discrimination law

www.equalitieshumanrights.com

Helpline:

0845 604 6610 – England

0845 604 8810 – Wales

0845 604 5510 – Scotland

This information sheet was produced in February 2012. It is important to get up-to-date advice.

Funded by the Equalities and Human Rights Commission

More Maternity Action information sheets

[Pregnant at work 2012](#) – a brief guide to your rights to maternity leave and pay

[Rights at work for fathers and partners](#) – a brief guide to rights for fathers and partners

[Additional paternity leave and pay](#) – new rights for fathers and partners

[Time off for working parents](#) – rights to paternity leave, adoption leave, parental leave and time off in an emergency

[Child friendly working hours](#) – rights to ask for changes in your working hours to fit with your childcare or other caring responsibilities

[Money for parents and babies](#) – benefits for families

[Common maternity pay questions](#) – how to qualify for Statutory Maternity Pay, Maternity Allowance and Employment and Support Allowance.

[Rights for parents with more than one job](#) – rights for parents working more than one job

[Redundancy during pregnancy and maternity leave](#) – your rights if you are made redundant

[Dealing with pregnancy and maternity-related problems at work](#) – how to deal with problems at work

[Pregnancy discrimination](#) – what is pregnancy discrimination and what you can do about it

[Discrimination during maternity leave](#) – what you can do about discrimination during maternity leave

[Pregnant during maternity leave](#) – your rights if you become pregnant on maternity leave

[Breastfeeding on return to work](#) – your rights if you wish to continue breastfeeding on return to work

[Sickness during pregnancy and maternity leave](#) – rights and benefits during sick leave

[Breastfeeding in public places](#) – your right to breastfeed when you are out and about

[Polish language information](#) - rights at work for mothers, fathers and partners; your right to breastfeed when you are out and about

[Spanish language information](#) – your rights at work

[Maternity rights for migrants](#) – information for EU nationals and other migrants

[Maternity rights for refugees and asylum seekers](#) – information for refugees, asylum seekers and refused asylum seekers

Available at www.maternityaction.org.uk