

## Breastfeeding mothers

*A business cannot discriminate against mothers who are breastfeeding a child of any age.*

The Equality Act 2010 has specifically clarified that it is unlawful for a business to discriminate against a woman because she is breastfeeding a child.

A business may ask a breastfeeding woman to leave their premises if the reason for this request is not due to her breastfeeding. However, if the woman later claims that discrimination occurred because she was breastfeeding, the business will have to prove that there was in fact no discrimination.

**DO** make sure women you're providing services to are allowed to breastfeed on your premises if they want to.

**DO** also ensure that mothers breastfeeding babies are not discriminated against, no matter how old the baby is.

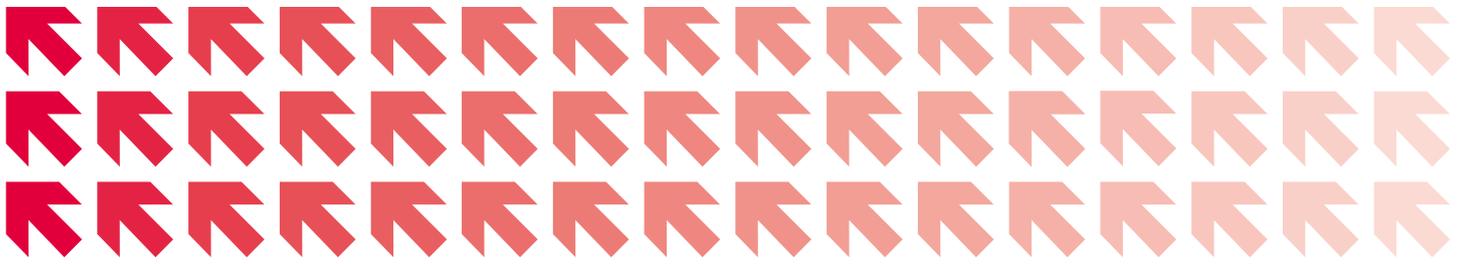
**DO** train all your employees, especially those who deal with the public, to be aware of the protection from discrimination given to breastfeeding mothers under the Equality Act 2010.

**DON'T** forget, under the Equality Act 2010, discriminating against someone because they are with a breastfeeding mother is also prohibited, so companions of breastfeeding mothers who are also treated unfairly may have a claim, too.

### Examples

Saul, a bus driver, tells Kate, who is breastfeeding on the bus, that if she does not either stop or get off the bus she could be arrested for indecency. This is not only inaccurate, but it is unlawful direct discrimination, and the company will be liable under the Equality Act 2010 unless it can show that it has taken all reasonable steps to stop the driver from acting in this way. Saul will be liable whether or not his employer is.

Anne is in a café owned by Chris. Anne is swearing loudly at her partner, Bob, while breastfeeding her child. Chris asks Anne to talk more quietly or to leave. Anne and Bob leave and they decide to claim that this was discrimination because Anne was breastfeeding. But because the reason why they left was unconnected to Anne breastfeeding, this would not amount to unlawful discrimination.



## FAQs

- *Am I responsible for how other customers treat a woman who is breastfeeding?*

Yes, you may be responsible, and you will be responsible if other customers' behaviour has been brought to your attention and you failed to act. You have an obligation to ensure that a woman who is breastfeeding while receiving a service you provide is not treated unfairly. The Equality Act 2010 aims to give women complete confidence to breastfeed while going about their day-to-day business. Businesses must facilitate this.

- *Does this mean I have to create a separate facility to allow women customers to breastfeed?*

No, but you are under an obligation to ensure that a woman can breastfeed without being treated unfairly. It is up to you to decide how best to do this.