



Breastfeeding in Parliament

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In April 2000, Julia Drown MP for Swindon asked for clarification about whether she would be allowed to breastfeed her baby in a committee room during a sitting of a Standing Committee. In a letter issued on behalf of the then Speaker, Betty Boothroyd, Sir Alan Haselhurst instructed that babies should not be taken into the Chamber or Committee rooms on the grounds that “bringing refreshment into the [committee] room and the presence of persons other than members of the committee and specified officers and officials are prohibited.”¹

This note discusses the issues raised and recent developments. Comparisons are made with other legislatures. The final section deals with breastfeeding at work.

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¹ Reported, eg, in “Speaker extends ban on breastfeeding” *Guardian*, 7 April 2000

A. Introduction

Following the exchanges of April 2000, the Speaker met with Julia Drown, accompanied by Tessa Jowell MP (Minister for Women) and Margaret Hodge MP (Minister for Employment and Equal Opportunities), together with Caroline Spelman MP (Opposition spokeswoman for Women's Issues) and Jackie Ballard MP (Liberal Democrat spokeswoman on Employment and Childcare). At this meeting the Speaker stated her decision on the feeding of babies in the Commons. She told the meeting that neither breast-feeding nor bottle feeding of babies would be permitted in the Chamber of the House of Commons or in Committee sessions. She added:²

I do not believe that the feeding of babies in either the Chamber or Committee is conducive to the efficient conduct of public business. Nor do I think that the necessary calm environment in which to feed babies can be provided in such circumstances.

The Speaker also reminded the meeting that:³

There are 3 Lady Members' lounges within the Palace of Westminster, which I have inspected, all of them with good facilities, clean, comfortable and peaceful, and any of them can be used at any time for feeding babies. In addition there is a large comfortable Families Room available and, of course, Members can use the privacy of their own offices.

An Early Day Motion was subsequently tabled by Julie Morgan MP stating:⁴

That this House believes that breastfeeding should be allowed in standing and select committees of the House.

The EDM had attracted 119 signatures by the end of the session.

The new Speaker, Michael Martin, indicated in an interview with BBC Radio 4's "Today in Parliament" programme on 30 March 2001 that a compromise could be found:

I've had that request (to allow breast feeding) and that's being looked into by the serjeant-at-arms and it may be there might be a compromise there where there will be a room available near the committee rooms rather than any breast feeding taking place in the committee rooms."⁵

² *Feeding of Babies in the House of Commons*, Speaker's Office Press Release, 9 May 2000

³ *ibid*

⁴ [EDM 740 1999-2000](#), 16.5.2000 (as at 8.7.2000, signed by 98 Members).

⁵ "Speaker moves on breastfeeding", *BBC News website*, 30 March 2001, http://news.bbc.co.uk/1/hi/english/uk_politics/newsid_1251000/1251288.stm

Further pressure from Members for change came during the 2001-02 session, with the tabling of several EDMs in favour of breastfeeding, showing that the issue was likely to remain on the agenda. Angela Watkinson tabled EDM 520, *Breastfeeding in the House of Commons*, on the 4 December 2001 (75 signatures as of 14 April 2003). This stated:

That this House supports measures for encouraging breastfeeding, recognises the benefits to the health of nursing mothers and their babies; believes that improved facilities should be available in the Palace of Westminster to enable breastfeeding to take place in comfort and privacy; deplures, however plans to allow breastfeeding in the Chamber and committee rooms of the House of Commons, which are not suitable environment for nursing babies; and opposes such plans as totally unnecessary given the close proximity of alternative facilities.

Two amendments have been added. EDM 520A1, tabled by Julie Morgan on 5 December 2001, (74 signatures as of 14 April 2003) sought to amend the motion:

leave out from 'privacy' and add 'if mothers wish; believes however that mothers are the best judges of where to feed their babies and that no honourable Members should be prevented from taking part in Commons business; and therefore believes there should be no barriers to discourage honourable Members and members of the public from breastfeeding in the House of Commons.'

An amendment to this amendment, EDM 520 A1A1, put down by Frank Field on 18 December 2001 (3 signatures as of 14 April 2003), made a further point:

at end add 'except for the Chamber where the behaviour of some honourable Members might damage the future well-being of the child.'

A different point of view was recorded in EDM 522, tabled on 5 December 2001 by Helen Clark (14 signatures as of 14 April 2003):

That this House believes that the Commons Chamber, committee rooms and division lobbies are not the right places for breastfeeding or childcare in any form, since this is neither in the interests of the children themselves nor the proper conduct of the business of Parliament; recognises that better childcare facilities are required in the Houses of Parliament and that these are required for all those who work in there in any capacity; and calls on the Administration Select Committee to investigate the matter as soon as possible.

B. The Administration Committee recommendations

The Chairman of the Administration Committee, Mrs Marion Roe, wrote to the Speaker, Michael Martin, on 15 November 2001, in terms described in an answer to a parliamentary question by Jean Corston on 7 March 2002:

Jean Corston: To ask the Chairman of the Administration Committee if she will make a statement about breast-feeding facilities in the House.

Mrs. Roe: The Administration Committee recommended to Mr. Speaker that the House should give a lead to the country in promoting breast-feeding by allowing mothers to feed their babies wherever it is appropriate to them in the Palace of Westminster and associated buildings; that suitable, non-toilet facilities should be made available for feeding babies; and that staff should be provided with information in order that they can answer queries from breast-feeding mothers about available facilities.

On the Speaker's instructions the Serjeant at Arms has undertaken a comprehensive study with a view to improving the facilities that are available in the House for nursing mothers. The study has identified a number of improvements. I will ask the Administration Committee to examine these at its next meeting with a view to recommending early implementation.

Mr. Speaker has informed the Committee that, after undertaking broadly-based consultations within the House, he has decided to make no change to the current regulations under which breast-feeding is not permitted in the Chamber, in Committees or in the public galleries.⁶

The study by the Serjeant at Arms was produced, following advice from the Health Relations Executive at Mothercare. The Health Relations Executive made several recommendations, including:

- The feeding area should be separate from, but adjacent to, the nappy changing area
- Babies should be fed in a relaxed atmosphere. Any area provided...should be calm, quiet and peaceful.
- The room should be light and simply furnished

In the light of these recommendations, the Serjeant at Arms proposed:

For Lady Members

- To provide feeding chairs with footstools and baby-changers in the Lady Members' Rooms
- To convert a small room on the Upper Committee Corridor to a baby-feeding area

For visitors:

- To provide a feeding chair with footstool in a small room off the Families Room. There is already a baby-changing facility off the Lower Waiting Hall.

⁶ HC Deb 7 March 2002 c467W

- The new baby-feeding room on the Upper Committee Corridor would be available for visitors who wish to use the facility.

The reception of this announcement was not completely positive. According to the BBC News website, the Chief Executive of the National Childbirth Trust, Belinda Phipps, commented:

As the Commons is an open and public building, this is a rare and wasted opportunity to set an example to women across the UK that breastfeeding is and should be accepted in public places.⁷

Julia Drown MP commented during the Easter adjournment debate on 26 March 2002 that:

Two years ago, we asked for a revision of the rule about breastfeeding in the House of Commons. We have made progress on that. After our request two years ago, the previous Speaker—having referred the matter neither to the House nor to any relevant professional organisation—changed the sensible ruling allowing breastfeeding in Committees subject to the approval of the Chair, and simply banned it. The present Speaker has gone about this in exactly the right way, ensuring that professional organisations are approached and referring the issue to the Select Committee on Public Administration.

Given that all professional organisations consulted said that breastfeeding should be allowed in Committees, given the Select Committee's view that it should be allowed and given that Members are in favour of it by a ratio of three to one, it is odd that the ban continues. I am very pleased that the Speaker has said we have a responsibility to promote breastfeeding. He has been very accommodating, and I hope that further progress can be made in the near future.⁸

The overall cost of these changes was estimated at £7,690. The work outlined in the letter from the Serjeant to Mr Speaker was instructed for completion within ten weeks (i.e. the last week in June 2002), apart from the work in the Lady Members' Room off the Library Corridor. This area was refurbished during the summer recess and the baby changer was installed in the bathroom during the works project. The new feeding chair with footstool and the consumable items were in place when the Lady Members' Room was returned to use at the end of the works project. The cost of the changes was borne by the Serjeant at Arms current budgets. In October 2002 the Serjeant at Arms published a leaflet entitled *Babycare Facilities for Visitors to the Palace of Westminster*, describing the location of the two babychanging and feeding facilities.

⁷ "MPs breastfeeding deal", *BBC News Website*, 8 March 2002, http://news.bbc.co.uk/1/hi/english/uk_politics/newsid_1860000/1860947.stm

⁸ HC Deb 26 March 2002 c749

C. Practice in other legislatures

It is difficult to gather comprehensive information on this topic, but colleagues in a number of legislatures have provided us with the following information.

1. Scottish Parliament

Three parliamentary questions set out the current position:⁹

Karen Gillon (Clydesdale) (Lab): I begin by declaring a forthcoming interest in this subject. I join the minister in congratulating Lanarkshire health board on its excellent campaign that I was able to see at first hand at Law hospital on Monday.

Does the minister agree that the most effective way in which the Parliament could promote the issue of breastfeeding would be by not placing barriers in front of members of the Scottish Parliament, staff or visitors who choose breastfeeding as the best start for their babies and feed them in the Parliament complex?

Susan Deacon: There are many ways in which this Parliament can promote breastfeeding. One such way is through debates such as the one that I am delighted to be having now. The Parliament must decide what approach to adopt on this subject. I wrote to you this week, Presiding Officer, with a copy of the employers code of practice, and I hope that the Parliament will look favourably on the matter.

The Presiding Officer: I am considering the matter carefully.

Elaine Smith (Coatbridge and Chryston) (Lab) : To ask the Presiding Officer what facilities are currently provided within the Parliamentary complex for members of the public and visitors who are breastfeeding.

Answered by Sir David Steel: There are no breastfeeding facilities provided in the interim accommodation for members of the public and visitors. They do have access to baby changing facilities in the Committee Chambers, PHQ and the Assembly Hall.¹⁰

Elaine Smith (Coatbridge and Chryston) (Lab) : To ask the Presiding Officer what support and facilities are currently provided for Parliament staff returning to work who are still breastfeeding.

Answered by Sir David Steel: Staff returning to work are supported through our policy of flexible working hours. As far as is practicable, line managers are encouraged to adapt the pattern of working hours to suit the needs of the nursing mother. Staff also have access to a room in 375 High Street for the purpose of breastfeeding or expressing milk. There are also baby changing facilities in Committee Chambers, PHQ and the Assembly Hall.¹¹

⁹ Scottish Parliament Official Report 18 May 2000 c849

¹⁰ Scottish Parliament Official Report 13 June 2001

¹¹ Ibid

While no further official comment has been made, the Scottish Parliament debated National Breastfeeding Awareness Week on 17 May 2001. During the debate Mary Scanlon, MSP for Highlands and Islands, indicated that some of the mothers watching were breastfeeding:

When I saw the mothers in the gallery again tonight, I was struck by the evidence of how contented children are when they are breastfeeding.¹²

The ‘Breastfeeding (Scotland) Bill’¹³ was lodged on 7 June 2002. It aimed to make it an offence to prevent a mother from breastfeeding her baby in any public place, or licensed premises where children are otherwise permitted, and made provision for criminal penalties. On 19 August 2002 Elaine Smith, MSP for Coatbridge and Chryston, with the help of charity and trade union officials, healthcare professionals and representatives of child welfare groups, as well as mothers and babies, launched a consultation process for the proposed Bill

Proposals for Members’ bills require the support of at least 11 other members within one month of notice of the proposal, in order for the bill to be introduced. Elaine Smith’s bill received more than sufficient support, but it fell because it had not been passed by the Parliament before the end of this session.

2. Ireland

The question has not yet arisen and there are no rulings on the subject.

3. Australia

There were no formal rules for or against breastfeeding by Members until, on 26 February 2003, a newly elected Member, Kirsty Marshall, breastfed her 11-day old daughter during Question Time in the Victoria Parliament. The Speaker, Judy Maddigan, asked her to leave because ‘Strangers’ (i.e. the baby) were not allowed in the House during Question Time, and there was also a “no eating or drinking” policy in place. The Serjeant at Arms removed Ms Marshall from the Chamber to a room that had been set aside for her to feed her baby.

However, after considerable media coverage, public debate and parliamentary consultation on the issue, the Speaker announced that Standing Order 30 on ‘Strangers’ would be revised with regard to breastfeeding. Following consultation with the Liberal and National Party leaders and the manager of Government business, Ms Madigan announced on 13 March 2003 that the ban on Strangers would not apply to breastfeeding infants.

¹² Scottish Parliament Official Report 17 May 2001 c891

¹³ See <http://www.elaine-smith.co.uk/consultation.php>

4. Canada

There is no rule or ruling in the Canadian House of Commons or Senate on breastfeeding in the chamber or committee. There is no specific ruling against eating and drinking in committee rooms etc (but there is in the Chamber). Coffee and juices are provided in committee rooms during meetings for Members and spectators. Food is not generally provided, but, on occasion, committees do provide meals for Members during meetings.

The following information was received about practices in provincial Canadian legislatures:

Manitoba: There are no specific rules or prohibitions against breastfeeding in the Manitoba Legislative Assembly Chamber or committee rooms; however, no rules or guidelines condone the practice either. A female Member did breastfeed her child at a committee meeting in 1988, but no point of order was raised and her actions were not ruled out of order. There have apparently been no cases of breastfeeding since that time.

Quebec National Assembly: They have never had such a case at a Member's seat [in the chamber]; the baby would not be with its Member mother since only Members may sit. If the person doing the breastfeeding were a member of the public, and it were done discretely, it is unlikely that anyone would dare to expel the mother; they would be more likely to assist her by seating her in an area where she could watch the debates while enjoying the intimacy required in the circumstances.

Yukon: They have no rules on breastfeeding in the House or committees – to their knowledge, the issue has never been raised.

5. New Zealand

The issue has not arisen since the 1980s, and no satisfactory resolution was made at the time.

6. Denmark

Information was received from colleagues in the Folketing Library as follows:

I can inform you that there are no rules in this respect. The situation has not occurred in the Folketing and will have to be dealt with ad hoc should it arise.

7. France

The issue has not yet been ruled upon, but it appears very unlikely that it would be allowed.

8. Sweden

The following information was received from colleagues in the Riksdag Library:

There are no rules in the Swedish Riksdag on breastfeeding in public committee rooms or during plenary sessions in the chamber. As far as we can recall the question has never been raised. There are some circumstances which could explain this.

All MPs (both men and women) have the same right to paid parental leave as all other citizens. Many MPs use this possibility. When an MP is on parental leave or any other excused leave for more than a month, a substitute MP (usually the next person on the party list) is called to serve during the absence. Other excused leaves are dealt with within the pairing system which is run by the party-groups. There are also alternates in the committees. An alternate can step in for an ordinary member at any time during a committee meeting which enables MPs to leave a meeting if needed.

All MPs have a small office in the parliament buildings which enables an MP to breastfeed in quiet and seclusion. The Riksdag administration also runs a creche for MPs children (no age limit) in need of temporary care.

Quite a few MPs have small children. Efforts have been made to make it possible for MPs to combine parliamentary work with family life. One measure in that direction was the establishment of the creche. Other measures include a strict planning of business and schedules as well as fixed voting hours.

9. United States

We received the following from a colleague in the Congressional Research Service:

The issue [of breastfeeding] does not appear to have come up for discussion. However, there is a provision in Public Law 106 -58 [H.R. 2490]; September 29, 1999, which reads: Sec. 647. Notwithstanding any provision of law, a woman may breastfeed her child at any location in a Federal Building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

There is no definition provided for a "Federal Building." Without going into the legislative history, it would appear that congressional buildings are included. The trend is for Congress not to exempt itself from laws that it enacts.

10. European Parliament

A Member breastfed during parliamentary proceedings in the 1980s, giving rise to some controversy. According to an EP official the action was not set down in the Minutes, so there is no formal record. The issue has not arisen recently.

D. Breastfeeding at work

There is no specific statutory right to breastfeed at work. However, UK legislation on health and safety at work, sex discrimination and maternity leave might all be used in support of those who wish to breastfeed at work. The health and safety advice is generally that employers should provide a quiet and private place for breastfeeding mothers.

Health and Safety

EC Directive 92/85/EEC is designed, amongst other things, to protect the health and safety at work of breastfeeding mothers.¹⁴ Article 4 requires employers to assess any risks to the safety or health and any possible effect on the pregnancies or breastfeeding of women covered by the directive which might be posed by working conditions or processes. If the assessment uncovers risks:

1. ... the employer shall take the necessary measures to ensure that, by temporarily adjusting the working conditions and/or the working hours of the worker concerned, the exposure of that worker to such risks is avoided.
2. If the adjustment of her working conditions and/or working hours is not technically and/or objectively feasible, or cannot reasonably be required on duly substantiated grounds, the employer shall take the necessary measures to move the worker concerned to another job.
3. If moving her to another job is not technically and/or objectively feasible or cannot reasonably be required on duly substantiated grounds, the worker concerned shall be granted leave in accordance with national legislation and/or national practice for the whole of the period necessary to protect her safety or health.

The health and safety provisions of this directive were implemented in UK law by the *Management of Health and Safety at Work (Amendment) Regulations 1994, SI No 2865* and can now be found in the *Management of Health and Safety at Work Regulations 1999, SI 1999/3242*. These require employers of women of childbearing age to include in their risk assessments a specific assessment of any risks to new or expectant mothers or their babies from any processes or working conditions or physical, biological or chemical agents used in the workplace. Regulation 16 reads:

16 Risk assessment in respect of new or expectant mothers

- (1) Where—
 - (a) the persons working in an undertaking include women of child-bearing age; and
 - (b) the work is of a kind which could involve risk, by reason of her condition, to the health and safety of a new or expectant mother, or to that of her baby, from any processes or working conditions, or physical, biological or chemical agents, including those specified in Annexes I and II of Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at

¹⁴ *Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the health and safety at work of pregnant workers and workers who have recently given birth or are breastfeeding*

work of pregnant workers and workers who have recently given birth or are breastfeeding,

the assessment required by regulation 3(1) shall also include an assessment of such risk.

- (2) Where, in the case of an individual employee, the taking of any other action the employer is required to take under the relevant statutory provisions would not avoid the risk referred to in paragraph (1) the employer shall, if it is reasonable to do so, and would avoid such risks, alter her working conditions or hours of work.
- (3) If it is not reasonable to alter the working conditions or hours of work, or if it would not avoid such risk, the employer shall, subject to section 67 of the 1996 Act suspend the employee from work for so long as is necessary to avoid such risk.
- (4) In paragraphs (1) to (3) references to risk, in relation to risk from any infectious or contagious disease, are references to a level of risk at work which is in addition to the level to which a new or expectant mother may be expected to be exposed outside the workplace.

“New or expectant mother” is defined as “an employee who is pregnant; who has given birth within the previous six months; or who is breastfeeding”.¹⁵

The thrust of both the EC Directive and the UK Regulations is protection against possible health risks to women who are breastfeeding and their newborn babies. It is not designed to give women a right to breast feed at work. Indeed, in cases where the work might damage their health and alterations to working conditions cannot overcome the danger, it obliges the employer to suspend them on full pay.

A Health and Safety Executive booklet, *New and expectant mothers at work: a guide for employers*, issued in 1994, gives some specific guidance on the risks for workers who are breastfeeding:

15. You will need to ensure that workers who are breastfeeding are not exposed to risks that could damage health or safety for as long as they continue to breastfeed. The new Regulations do not put a time limit on breastfeeding. While many women may stop after the first six weeks, the Department of Health recommends exclusive breastfeeding for the first four to six months. After that time, breastfeeding can be continued with advantage, together with the safe introduction of solid food. It is for women themselves to decide for how long they wish to breastfeed, depending on individual circumstances. Although there is no legal requirement to do so, you will want to consider providing a safe and healthy environment for workers who are

¹⁵ Regulation 1(2)

breastfeeding to express and store milk. The Workplace (Health, Safety and Welfare) Regulations 1992 require suitable facilities to be provided for workers who are pregnant or breastfeeding to rest.

16. Where workers continue to breastfeed for many months after birth, you will want to review the risks regularly. Where you identify risks, you will need to continue to follow the three steps to avoid exposure to the risk, that is adjustment of working hours/conditions, alternative work or paid leave, for as long as it threatens the health and safety of a breastfeeding worker or her child. The main concern is exposure to lead which can enter breast milk. Where employers are controlling risks in line with regulations, it is unlikely that workers who continue breastfeeding will be exposed to risks which give rise to the need for them to be offered alternative work or given paid leave. If you have any doubts, you may wish to call on professional advice from occupational health specialists.

Regulation 25 (4) of the *Workplace (Health, Safety and Welfare) Regulations 1992*, SI 1992/3004 requires employers to provide “suitable facilities” for nursing mothers to rest:

25 Facilities for rest and to eat meals

- (1) Suitable and sufficient rest facilities shall be provided at readily accessible places.
- (2) Rest facilities provided by virtue of paragraph (1) shall—
 - (a) where necessary for reasons of health or safety include, in the case of a new workplace an extension or a conversion, rest facilities provided in one or more rest rooms, or, in other cases, in rest rooms or rest areas;
 - (b) include suitable facilities to eat meals where food eaten in the workplace would otherwise be likely to become contaminated.
- (3) Rest rooms and rest areas shall include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke.
- (4) Suitable facilities shall be provided for any person at work who is a pregnant woman or nursing mother to rest.
- (5) Suitable and sufficient facilities shall be provided for persons at work to eat meals where meals are regularly eaten in the workplace.

In November 2000, the European Commission produced *Guidelines on the assessment of the chemical, physical and biological agents and industrial processes considered hazardous for the safety or health of pregnant workers and workers who have recently given birth or are breastfeeding*, as required under Article 3 of directive 92/85/EEC. These contain a list of “generic hazards and situations”, including the “hazard due to unsuitable or absent facilities”. The nature of the risk is that breastfeeding might be interrupted:

Access to appropriate facilities for expressing and safely storing breast milk for breastfeeding mothers, or to enable infants to be breastfed at or near the workplace, may facilitate breastfeeding by working women, and may significantly protect the health of both mother and infant.

Evidence shows that breastfeeding can help to protect the mother against cancer and helps protect the child from certain diseases in infancy. Obstacles to breastfeeding in the workplace may significantly affect the health of both mother and child.

The guidelines suggest that the risk could be managed by providing a private room for breastfeeding or expressing milk:

Protective measures include:

- access to a private room in which to breastfeed or express breast milk;
- use of secure, clean refrigerators for storing expressed breast milk whilst at work, and facilities for washing, sterilising and storing receptacles;
- time off (without loss of pay or benefits, and without fear of penalty) to express milk or breastfeed.¹⁶

Katie Wood, an employment lawyer with the Maternity Alliance, has given the following advice on good practice:

In order to breastfeed or express milk successfully the mother needs to feel comfortable and relaxed. She needs to be in a private place where she will not be embarrassingly interrupted by a colleague. Although private, the ladies toilet is not a suitable place to breastfeed or express milk as it is an unhygienic and unpleasant environment in which to feed a baby or collect milk.¹⁷

Sex discrimination

Under the *Sex Discrimination Act 1975* an employer unlawfully discriminates against a woman if:

- (a) on the ground of her sex, he treats her less favourably than he treats or would treat a man, or
- (b) he applies to her a provision, criterion or practice which he applies or would apply equally to a man, but—

¹⁶ COM(2000)466, 20 November 2000, p 18

¹⁷ Katie Wood, *Maternity and parental rights: a practical guide*, The Stationery Office, 2001, p64

- (i) which is such that it would be to the detriment of a considerably larger proportion of women than of men, and
- (ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
- (iii) which is to her detriment.¹⁸

It could be argued that refusal to allow a woman to breastfeed at work might amount to indirect sex discrimination under subsection (b) above. *Tolley's Maternity and Parental Rights* says:

Although there is no specific statutory right to breastfeed at work, a refusal to allow a woman to breastfeed may result in indirect sex discrimination if the employer is unable to justify the refusal.¹⁹

The Legal Action Group has suggested that a refusal to allow a woman to express milk at work might also count as discrimination under the *Sex Discrimination Act 1975*:

A woman cannot postpone her return to work because she is breastfeeding. Can the employer refuse to allow a woman to express milk at the office? One company told a woman not to return to work until she had finished breastfeeding. There is no power for an employer to delay a woman's return to work in these circumstances and a refusal to allow her to return may be unfair and discriminatory ... A refusal to allow a woman to express milk at work, where this does not substantially interfere with her work, may also be discriminatory. If a woman is dismissed as a result, the dismissal may be automatically unfair as it is connected to her pregnancy.²⁰

Maternity leave

If a woman were dismissed or victimised for breastfeeding at work, she might be able to bring a claim for unfair dismissal or protection from detriment under the *Maternity and Parental Leave Regulations 1999*, SI 1999/3312. Regulation 19 protects against detriment and Regulation 20 protects against dismissal, if the reason for either is that a woman has "given birth to a child". These provisions only apply to "employees".

¹⁸ *Sex Discrimination Act 1975*, as amended by the *Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001*, SI 2001/2660, section 1(2)

¹⁹ 2001, para 4.53

²⁰ Camilla Palmer, *Maternity Rights*, Legal Action Group, in association with the Maternity Alliance, 1996, pp 124-125