

Your rights as a breastfeeding mother

Breastfeeding discrimination is NOT LEGAL

If you are treated unfairly because you are breastfeeding or expressing breast milk, it is a form of **sex discrimination** under the Human Rights Act.

The Human Rights Act says it is illegal for someone to stop you breastfeeding at **work**, where you are **studying**, on **public transport**, in **government departments**, in **public places** and in **restaurants** and **shops**. The Human Rights Act lists all the [areas of public life](#) where your right to breastfeed and express milk is protected.

Example: Discrimination in public

"We were eating out with some friends and the baby was crying for a feed. As soon as I started breastfeeding her, the manager of the restaurant came over and asked me to use the ladies' toilet instead. I was so embarrassed ...and angry."

Stopping a woman from breastfeeding at work is AGAINST THE LAW

You have the **right to breastfeed** your child or **express breast milk** at work. Your employer and you should find ways you can do your job and have regular breaks to express milk or breastfeed. There is no New Zealand law that says your employer has to pay for breastfeeding breaks, but international labour standards say breastfeeding breaks at work should be paid.

Example: Discrimination at work

"After my paid parental leave I had to return to my full-time job at the supermarket, but my baby was just 3 months old and still breastfeeding. I asked my boss if I could take 15-minute breaks to express milk for my baby. She said no as she could not run a supermarket with her check-out operators on breaks all the time."



What you can do if you have been discriminated against

- Write down the time, place, and the name of the person who discriminated against you because you were breastfeeding or expressing milk.
- Talk it over with someone you trust, to help you decide what you want to do.
- Explain that it is your right to breastfeed your child and to express breast milk.
- If it happened at work, discuss the problem with your manager, a human resources person, your union delegate or someone else who can help solve the problem. Suggest ways that your employer can support you to do your job while you are breastfeeding.
- Read the Department of Labour's guidelines for employers. You can get a copy on www.ers.dol.govt.nz or by ringing 0800 800 863.
- Contact the Human Rights Commission to get more information about your rights and to make a complaint about discrimination:

HRC Infoline:
0800 4 YOUR RIGHTS
(0800 496 877)
Infoline@hrc.co.nz
TTY (teletypewriter)
0800 150 111
or visit www.hrc.co.nz.



How the Human Rights Commission can help

If you decide to make a complaint of discrimination with the Human Rights Commission, you will be offered free help which may include:

- Advice on how to resolve the situation yourself
- Information about your rights
- Informal intervention
- Mediation – this may involve letters, phone-calls, or meetings.

This support may help to solve the problem. For example, the person who discriminated against you may agree to:

- apologise
- not discriminate against people because of breastfeeding in the future
- complete a training or education programme
- compensate you for hurt feelings and/or losses
- provide a reference
- develop, or review, workplace policy and practice to support breastfeeding at work.

For more information, see Human Rights Commission publications '[The Right to Breastfeed](#)', '[Your Rights as a Pregnant Worker](#)' and '[Fact Sheet 2: What is the Process for Dealing with Disputes?](#)'

Disclaimer: While we have tried to make this information as complete and legally accurate as possible, it should not be regarded as legal advice. Please contact a lawyer for specific legal advice.