

Babies Cannot Eat at Restaurants? (Family Status Discrimination)

While there is currently no express provision in the anti-discrimination laws stating that discrimination on the ground of breastfeeding is unlawful, discrimination complaints related to breastfeeding can be considered as a violation of the Family Status Discrimination Ordinance (FSDO), which makes discrimination against those who have responsibility to care for an immediate family member unlawful.

◆ The Complaint

Holly was having lunch with her family, including her newborn, at a restaurant. During the lunch, her baby started to cry. Holly knew that he was hungry, and so she breastfed the baby at the table discreetly. Not long after she started, staff members of the restaurant went over to her table and asked her to stop breastfeeding, saying that the act would offend other customers. Holly then asked them to provide her with a private space to breastfeed her baby, but her request was refused.

Holly later lodged a complaint with the EOC against the restaurant for not providing her with the facilities needed to breastfeed her child.

✓ What the EOC Did

Through the EOC's facilitation, Holly and the restaurant agreed to settle the complaint through conciliation. The restaurant offered an apology to Holly and agreed to offer assistance as far as possible in the future to customers who needed to breastfeed their babies. It also agreed to train its staff on providing assistance in this regard.

Points to Note:

- Breastfeeding is beneficial to the health of both babies and mothers. The World Health Organization recommends that babies should be breastfed exclusively in the first six months.
- However, many mothers in Hong Kong have to give up breastfeeding their babies due to insufficient breastfeeding facilities in public. There is also a lack of a breastfeeding-friendly culture in the city. A UNICEF Hong Kong survey in 2016 revealed that nearly 40% of mothers who had breastfed in public premises, including restaurants, shopping malls and parks, had encountered unpleasant experiences.
- Under the FSDO, family status is defined as the status of having responsibility for the care of an immediate family member, including a mother having the need to breastfeed her baby. The Ordinance offers protection not only in employment and education, but also in the provision of goods, facilities or services.