

Breastfeeding Not Allowed in Libraries?

Many mothers have encountered discrimination or unpleasant experience when breastfeeding their babies in public. The EOC supports the right of nursing mothers to use facilities and enjoy services as other customers do. The issue might come under the Family Status Discrimination Ordinance (FSDO) in the past. Starting from 19 June 2021, women in Hong Kong are protected from discrimination and harassment on the ground of breastfeeding under the Sex Discrimination Ordinance (SDO), which stipulates that breastfeeding discrimination and harassment is unlawful in various areas of public life, such as employment; education; provision of goods, facilities or services; and disposal or management of premises.

The Complaint

Mrs Cheung visited a local library with her baby son. While she was breastfeeding her baby in a quiet corner, two security guards repeatedly told her to stop breastfeeding, and one of them even requested her to leave. A staff member of the library was called to the scene later, and she asked Mrs Cheung to breastfeed the baby in the female staff restroom or in the activity room, as breastfeeding was not allowed in the library. Mrs Cheung felt it was her right to breastfeed her baby and refused to leave the library area. She later lodged a complaint of family status discrimination with the EOC against the library.

*Starting from 19 June 2021, the Sex Discrimination Ordinance prohibits discrimination and harassment on the ground of breastfeeding.

★ What the EOC did

The case was settled through early conciliation. The library agreed to issue a written apology and remind its staff members of its breastfeeding guideline. The library also agreed to provide training to its frontline staff and the contract security service team to make clear that breastfeeding in the library is permitted. A notice would be displayed in the library to inform breastfeeding users that they may seek assistance from the library staff whenever necessary.

📌 Points to Note:

- The EOC considers complaints by breastfeeding women as family status discrimination in the past. Starting from 19 June 2021, the amended SDO has provided further *locus standi* to protect breastfeeding women from discrimination and harassment. Under the amended legislation, breastfeeding is defined as where: (i) a woman is breastfeeding a child; (ii) a woman is expressing breast milk; or (iii) a woman feeds a child with her breast milk, but is not doing so when the relevant act is committed.
- The EOC believes that the public should respect mothers' right to breastfeeding. The EOC has been urging for the provision of more baby care facilities in the community. Service providers and property owners, including the Government, are encouraged to provide facilities such as baby care rooms for use by breastfeeding customers.