

THE WASHINGTON STATE HUMAN RIGHTS COMMISSION

And

THE BREASTFEEDING COALITION OF WASHINGTON

GUIDE TO BREASTFEEDING and WASHINGTON STATE

NONDISCRIMINATION LAWS

GUIDANCE AND QUESTIONS AND ANSWERS
FOR BUSINESSES AND PARENTS



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Legislation regarding public breastfeeding went into effect on July 26, 2009. This legislation allows mothers to breastfeed their babies in places of public accommodation. This law is part of the Washington Law Against Discrimination, RCW 49.60, and creates a new protected class: status as a mother breastfeeding her child in a place of public accommodation. The Washington Law Against Discrimination is enforced by the Washington State Human Rights Commission (WSHRC) which investigates discrimination complaints.

Now, mothers can breastfeed at a time, place, and manner of their choosing while in a place of public accommodation. They do not have to go to a special area or go into the restroom. They do not have to cover the baby with a towel or blanket. The owner, manager, or employee of a place of public accommodation cannot request that the mother stop breastfeeding her baby, cover up, move to a different room or area, or leave.

Questions Businesses Might Ask:

Why doesn't she use formula or express breastmilk and feed from a bottle?

The parents are the best people to make decisions about what and how to feed their child. There are numerous personal and health reasons for choosing one method of feeding over another, as well as for choosing breastmilk or formula. In addition, some babies do not tolerate a bottle and will not drink from one.

Why can't the mother cover the baby when nursing?

Some children will not tolerate being covered with a towel or blanket, and will cry instead of eat. Some children need eye contact with their mother while breastfeeding, and others like to look around. These actions may also be related to a child's normal development stage.

Can't the mother go to the restroom to feed the baby?

No one should have to use a restroom other than for its intended purpose.

Is it dangerous for a baby to breastfeed in or next to a pool? Could breastmilk contaminate a pool?

The Centers for Disease Control and Prevention clearly states that breastmilk is not a biohazard. A breastfeeding mother swimming in a pool or feeding her baby near a pool does not contaminate the pool or water in any way. It is safer for a mother and her children if the mother remains near the pool to watch her other children in the pool, than to have to breastfeed elsewhere. Rules regarding no food in or around pools should not apply to breastfeeding mothers.

What if other customers or patrons complain? Is that enough of a reason to ask the breastfeeding mother to leave or stop?

No. Complaints from other patrons or customers are not valid reasons for asking the mother to stop breastfeeding or to leave. Politely explain to the concerned customer that the law protects the right of the mother to stay where she is to breastfeed. If they are offended the only suggestion that you can make is for them to avert their eyes.

Would my business be in violation of the law if one of my employees asks a breastfeeding mother to leave, cover her child, or stop nursing?

Yes. The employees represent the business, and their actions can constitute a violation of the law. Make sure your employees know about this law. Share this guidance with them. In addition, the WSHRC and the Breastfeeding Coalition of Washington have created a poster to inform a business's employees about this law. You can obtain a copy of this poster from the WSHRC website, and post it in your employee breakroom or with your other workplace postings.

Do I need to provide a special room or space for breastfeeding mothers?

No. You do not need to provide a room or separate space for breastfeeding mothers, although you may choose to do so. If you do, place prominent signs that such a room is available. If a mother chooses to breastfeed outside of that room, remember that it is her prerogative to do so under the law, and do not tell her to go to the room. If she has already started to feed her child, it may not be a good idea to interrupt and tell her that the room is available, as this may disrupt the child or make the mother uncomfortable. You can obtain a copy of the International Breastfeeding Symbol from the Internet if you would like families to know breastfeeding is welcome in your place of business.

Questions Parents Might Ask:

What is a place of public accommodation?

It is any place of public resort, accommodation, assemblage or amusement. Generally, it is any place where members of the public can go to assemble, or obtain goods, entertainment, or services. This includes restaurants, coffee shops, public swimming pools, gyms and athletic clubs, movie theatres, government buildings, museums, libraries, busses, and parks. It does not include your place of employment. If an employer prohibits a woman from breastfeeding or pumping breastmilk at work, as an employee, the woman is not protected under this law. The incident would need to be addressed under employment discrimination laws, but at this time, breastfeeding is not protected under the Washington Law Against Discrimination's employment provisions.

What do I do if I am breastfeeding and I am asked to leave, cover my baby, move, or stop nursing?

Take the opportunity to help inform others about the law that protects you. It's very possible that the person talking to you doesn't know about the law. The WSHRC and Breastfeeding Coalition of Washington have produced wallet cards for breastfeeding mothers. The card has information about the law, and can be presented to anyone who asks you to leave, move, cover your child, or stop nursing.

What if informing others about the law does not work, and I am still requested to leave, cover up my child, move or stop nursing?

You have the option of filing a complaint with the WSHRC. You can do this by calling the WSHRC (800-233-3247) or by going on-line to file a complaint at www.hum.wa.gov.

What if another customer or patron asks me to stop nursing or to go somewhere else?

The business itself cannot usually be held responsible for the actions of its patrons, so you could not file a complaint against the business in that situation (unless the business also stepped in and asked you to stop or leave). Politely explain your rights and show the person the wallet card. Try not to get angry or raise your voice, as you want to avoid a situation in which you are asked to leave because of your tone or demeanor.

If I have been discriminated against, when should I file my complaint?

If you were in a place of public accommodation, and were asked to leave, cover your child, move, or stop nursing, you need to file your complaint within six months of the incident. However, the sooner after the incident, the better.

What information do I need to file a complaint?

You need the name and address of the place of public accommodation and the date of the incident. You will also need to briefly explain what happened, and include your name and contact information, as well as contact information for any witnesses.

Where can I get a wallet card?

Limited hard copies are available from the WSHRC and the Breastfeeding Coalition of Washington. Wallet cards can also be printed from these organizations' websites: www.hum.wa.gov and www.breastfeedingwa.org.