

THE
BREASTFEEDING etc.
(Scotland) Act 2005



Advice for Employers



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SCOTTISH EXECUTIVE




What is the Breastfeeding etc. (Scotland) Act 2005?

The Act makes it an offence to prevent or stop a person in charge of a child feeding that child milk in a public place. This means that any person should be able to feed a child when required and in the most appropriate place for them, without the fear of interruption or criticism.

Why is the Act needed?

Breastfeeding can make a substantial contribution to child health and development. Breastfeeding offers protection to children from a range of conditions including chest and ear infections, stomach bugs, obesity and diabetes. Mothers who breastfeed also have a lower risk of ovarian cancer, breast cancer and hip fracture in later life.

A key benefit of breastfeeding is that it can happen at any time and in any place, but for it to be effective, both mother and child should feel relaxed. Any embarrassing interruptions during breastfeeding can result in an upset mother and a crying hungry baby.



Does the legislation apply to me?

The Act applies to all employers and employees in premises where the public have general access. It is an employer's responsibility to ensure that all of their staff are fully aware of the terms of the Act.

Anyone who tries to stop or prevent a person feeding milk to a child under the age of 2 years can be prosecuted. However, if the act of prevention takes place during the course of a person's employment, that person's employer will also be considered liable.

What do I have to do to meet the legislation?

As long as you or any person in your organisation does not prevent or stop a mother feeding milk to a child, then no action will be taken. However, we would recommend that staff are made aware of the legislation, enabling them to handle any situation which may arise due to the behaviour of other customers. Some ideas for this could include:

- Be prepared to offer assistance – Some mothers may want to feed in private, so think about ways in which you could support this.
- Respect their space – Try not to interrupt or disturb unnecessarily.
- Join or start a local breastfeeding welcome scheme and ensure that this fact is obvious from outside your premises.

Who is ultimately responsible for ensuring that the legislation is complied with?

It is the responsibility of individuals to ensure that mothers who are feeding their children are not obstructed or interrupted in any way. However, in a place of work, the employer has the ultimate responsibility for ensuring that employees comply with the terms of the Act.

At a workplace, do I have to provide a suitable environment for expressing milk and suitable storage facilities?

Under the Act you are under no obligation to do this. However, workplaces are encouraged to provide facilities for these activities wherever they can.

What happens if a baby is being breastfed and another customer complains?

Politely explain to the customer that the Breastfeeding etc. (Scotland) Act 2005 allows a mother to feed an infant wherever and whenever she wants. Perhaps offer to relocate the complainant.

What is meant by 'milk'?

Milk under the Act is taken to mean breast milk (either fed directly from the breast or by bottle/cup) or infant formula.





What is classed as a public place?

A public place is any place that the public has access to. Examples of this include, but are not limited to:

- Shopping centres and supermarkets
- Restaurants, cafes and licensed premises
- Leisure centres and recreational facilities
- Libraries, museums, theatres, cinemas and galleries
- Hotels and B&Bs
- Public transport (e.g. bus, train, taxi)
- Public parks and gardens
- Hospitals and GP surgeries
- Churches and places of worship

What about bottle feeding?

Some mothers choose not to breastfeed their infants or may be unable to. Others may have expressed milk in private and choose to bottle feed when in a public place. These mothers, or indeed any adult, should be given the same level of support and respect as breastfeeding mothers by offering to warm the milk if you have the capacity to do this.

Where can I get more information?

A full copy of the Act can be found on the Scottish Parliament website at:

<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050001.htm>

Further information can be obtained from:

The Breastfeeding in Scotland website:

www.show.scot.nhs.uk/breastfeed

The Scottish Executive at:

Childandmaternalhealth@scotland.gsi.gov.uk

or contact your local NHS Board Health Promotion Department.



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