



Pregnancy and breastfeeding discrimination

What is pregnancy and breastfeeding discrimination?

Pregnancy and breastfeeding discrimination are part of sex discrimination. Pregnancy and breastfeeding discrimination are when you have been treated less favourably because:

- you are pregnant
- you are breastfeeding or expressing milk
- you are the relative, friend or colleague of a person who is pregnant, breastfeeding or expressing milk.

Indirect discrimination is also against the law. This is when a rule or requirement is the same for everyone but unfairly affects people who are pregnant or breastfeeding, and is not reasonable in the circumstances.

Where is pregnancy and breastfeeding discrimination against the law?

Pregnancy and breastfeeding discrimination are against the law in certain public places, including:

- **workplaces**, such as when you apply for a job or while you are at work
- **employment agencies**, such as when you use recruitment companies
- **when you access goods and services**, such as when you go shopping, do your banking or access medical services
- **state education**, such as when you apply for study and during your studies
- **accommodation**, such as when you rent accommodation
- **industrial organisations**, such as membership of a union
- **qualifying bodies**, such as an institute which issues qualifications
- **at registered clubs**, such as when you try to enter or join a club that sells alcohol or has gambling machines.



What can I do if I experience pregnancy or breastfeeding discrimination?

If you think that you have experienced pregnancy or breastfeeding discrimination, you can first try speaking to the person or organisation responsible to let them know you have been treated unfairly. If you don't feel comfortable doing this, or if it isn't appropriate, you can contact us to make a complaint of discrimination.

You can write your complaint in your language, and we will have it translated for free into English. If writing your complaint is difficult, you can contact us to discuss other ways to submit your complaint.

You can contact our enquiry service if you need more information or are unsure if you have experienced pregnancy or breastfeeding discrimination.

Useful contacts

Translating and Interpreting Service – 131 450

Law Access – 1300 888 529

Complaint case study

Adah* worked in an office and was 32 weeks pregnant with her second child.

Adah asked her manager if she could work from home one day a week. She provided a medical certificate which recommended flexible working hours as she was in the later stage of her pregnancy. Adah's manager made fun of her request and humiliated her in front of her team.

Adah lodged a complaint with ADNSW.

The employer attended a conciliation conference with Adah. The complaint was settled when the employer agreed to transfer Adah to a new role within the company under a new manager.

*Name has been changed to protect the privacy of the individual.

This fact sheet has general information about discrimination and there are exceptions to the law. Please contact us if you have questions about pregnancy or breastfeeding discrimination or you would like information about how to make a complaint.

Anti-Discrimination NSW

Enquiries

Phone: 02 9268 5544

Free call: 1800 670 812

Email: complaintsadb@justice.nsw.gov.au

Postal address

Locked Bag 5000

Parramatta NSW 2124

Website

antidiscrimination.nsw.gov.au