

The Breastfeeding Police

Who to Turn to When You're the Target of Breastfeeding Discrimination

By Devon Frederick, Senior Correspondent for RBP News
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Discrimination is not cool, whether you are a man, a woman or a breastfeeding baby. You're first call should be to 911, if you feel threatened or unsafe. You're next call could be to a breastfeeding discrimination hotline, such as at [Best for Babes.org](http://BestforBabes.org).

You can't just call the Breastfeeding Police. There isn't just one breastfeeding law to enforce or just one central enforcement agency that deals with the multiple breastfeeding laws. So you may need to contact multiple agencies. Be forewarned, each agency has different deadlines to file a complaint. You need to know what laws are enforced by which agency and if you should complain on the state-level, the federal-level or both. Furthermore, there may be other factors that will affect which agency you call. Was there a disability involved? Did the discrimination occur in the employment sector? Are you a public servant? Is there a Worker's Union? If you were a customer, was it a public or private business, a daycare or a church? Does your state have laws that differ from the federal ones?

There's no straight line of defense to follow when discrimination happens. I interviewed my mother, Kate Frederick, and asked her who she called to report discrimination. "I called a lawyer and a Lactation Consultant for help," she said. Some of the laws are fairly recent, so the agency staff may not yet be familiar with the current laws protecting breastfeeding rights. Frederick said, "I wish I had known to call Best for Babes first. They really helped me." Frederick called multiple agencies and filed complaints against her employer. She has compiled a list of who to call and the applicable laws, to help other families navigate the system.

Federal Agencies related to Breastfeeding in Employment Situations



Federal Laws Enforced

US EEOC - Title VII, ADA, PDA.

US DOL - PACA/FLSA, FMLA

EEOC and DOL may overlap with PACA/FLSA and FMLA

State Agencies/Laws Regarding Employment and Places of Accommodation



Department of Labor and State Human Rights Commission

Laws: Breastfeeding, Discrimination, Employment and Disability

Let's look at a real life example. In my case, I was 2.5 months old when I was the target of discrimination. My oral muscles weren't strong enough for me to drink from a bottle. I was at a higher-than-normal risk for diabetes and obesity, since my mom, Kate Frederick, had gestational diabetes while I was in utero, but my being breastfed lowered such risks. While my dad went back to work full time, my parents put me in daycare part time. The daycare worker wouldn't let my mom breastfeed me in the infant room, in front of others, but instead told her their policy was to breastfeed in private and we could use the conference room. I didn't care where I was fed. The daycare also told her that they couldn't use the sling she provided them with to hold me, which provided human contact and warmth, because it was a safety issue and a liability. Instead they'd buckle me up into a swing and turn the power switch on.

Meanwhile, my mom was told by her employer that she couldn't have extra time for lactation breaks other than her normal paid break time. When she told them that was illegal, they said she could have extra break time, but that it would be unpaid time and that she couldn't come to my daycare to breastfeed me. She had to stay on the worksite. When she asked to use the worksite lactation room and would have me brought to her, they told her, "Nope." Since I couldn't yet drink from a bottle, I needed direct access to her breasts. She asked for extra time off, but they said wouldn't allow it. They would not give her a private area to breastfeed. If she insisted on feeding me during her workday, she would have to expose me and her breasts to whomever was there in the waiting area or we could go outside. I did care that I would have to go outside when it was over 100 degrees or below 0 degrees, depending on the time of year. I definitely cared about being fed during my day but I didn't care who could see us at her office.

I didn't know this at the time, but one of my mom's clients involved the horrible experience of a 2 year old baby, named Ryder, who was almost beaten to his death. After Ryder had been severely attacked by his mom's live-in boyfriend, he was then confined in an outdoor shed overnight during December in NH. After being flight lifted to a trauma unit, Ryder required surgery to repair perforated intestines caused by severe blunt trauma to the abdomen. He has a surgical scar several inches long and had a temporary feeding tube that he was hooked up to for months. His mother, who had a child support court order, was charged with one count of felony witness tampering and three counts of endangering the welfare of a child. The mother's boyfriend was charged with one count of first-degree assault, five counts of second-degree assault, two counts of kidnapping, one count of criminal restraint — all felonies — and two counts of misdemeanor-level simple assault. The judge in the case set bail and said, "My concern is for the safety of the community..." Besides beating Ryder, the man is also charged with assaulting Ryder's 7-year-old brother by sitting on his legs, and for squirting their 11-month-old baby brother in the face with the contents of a baby bottle. (Names were changed due to confidentiality, although the case was publicized nationally.)

If I had known any of this, I would have cared about my safety while being breastfed in public at her work. Now I understand why mom wanted privacy to breastfeed me, but I don't understand why they fired my mom or why my mom, dad and I all lost our health insurance. After all, don't I as a baby, have a right to

breastmilk, even though I couldn't yet drink it from a bottle? When I grow up, I want to be a Breastfeeding Police Officer.

This is Devon Frederick reporting, 22 month old breastfeeding baby, and Senior Correspondent for the [Rustik Baby Project](#) (RBP) News.