



Australian
Breastfeeding
Association

Your rights at work when breastfeeding

Australian law protects your right to breastfeed or express breastmilk at work.

Federal laws that protect you

Your rights are protected by Australian law.

Sex Discrimination Act 1984 (Cth): You must not be treated unfairly because you are breastfeeding, pregnant or a parent. Employers must make reasonable changes where possible.

Fair Work Act 2009 (Cth): It is unlawful to discriminate against employees who are breastfeeding or expressing milk. You can breastfeed or express for as long as you choose and employers cannot set a time limit.

Gender Equality Act 2012 (Cth): These laws support fair and inclusive workplaces and workers with caring and family responsibilities.

State and Territory anti-discrimination laws also protect breastfeeding at work.

What this means for you

You should be able to:

- take reasonable breaks to breastfeed or express milk
- access a private, suitable space (not a toilet or bathroom)
- request flexible work arrangements if needed.

These rights apply if you work full-time, part-time, casual or on contract, and in public or private workplaces.

Your rights at work

You have the right to:

- express breastmilk during work hours
- breastfeed during breaks, where practical
- ask for flexible work
- be free from discrimination or unfair treatment.

You do not have to stop breastfeeding to return to work.

Employer responsibilities

Employers should:

- provide a private, clean space for breastfeeding or expressing milk
- make reasonable changes to support breastfeeding, unless this is not possible for safety or business reasons.

A positive duty to prevent discrimination

Under the *Sex Discrimination Act 1984*, employers have a positive duty to actively prevent sex discrimination, sexual harassment, sex-based harassment, hostile work environments and victimisation, not just respond after it happens.

More information is available from the Australian Human Rights Commission:

humanrights.gov.au/know-your-rights/rights-of-individuals/workplace-rights/positive-duty-sex-discrimination-act



Discrimination and breastfeeding

Direct discrimination

This is when you are treated unfairly because you are breastfeeding, pregnant or a parent.

Example: Not being promoted because you are breastfeeding.

Indirect discrimination

This is when a rule applies to everyone but affects you unfairly.

Example: Everyone must work night shifts, even though day shifts are available and night work stops you from breastfeeding.

Examples of possible discrimination

It may be discrimination if you:

- are not given a private space to breastfeed or express
- are not allowed to adjust breaks to express milk
- are forced onto night shifts when other shifts are available
- are told to stop breastfeeding before coming back to work
- are given a time limit for breastfeeding support
- miss out on training or promotion because you are breastfeeding.

Lactation breaks

Australian law does **not** clearly say that employers must provide:

- paid breastfeeding or expressing breaks
- unpaid lactation breaks.

However, Australian law **does require** that:

- you must not be stopped from breastfeeding or expressing milk
- employers must consider reasonable changes, including breaks or flexible work
- you can ask for flexible work under the Fair Work Act.

In most workplaces, breaks are arranged through discussion and agreement with your employer.

If you need help

Free help and advice:

- **Fair Work Ombudsman:** Handles discrimination complaints under federal law and can help resolve issues through conciliation.
 - 13 13 94 or www.fairwork.gov.au
- **Australian Human Rights Commission:** Provides free advice about workplace rights and employer obligations.
 - 1300 656 419 or www.humanrights.gov.au

For breastfeeding support, call our National Breastfeeding Helpline: **1800 686 268**

Helpful ABA links



aba.asn.au/work

Going back to work

Explore our resources to support your return to work

Know your rights when returning to work and breastfeeding



aba.asn.au/work-rights

Did you know the Australian Breastfeeding Association has an accreditation for Breastfeeding Friendly Workplaces?

We offer accreditation for Breastfeeding Friendly Workplaces, ensuring supportive environments with facilities for expressing milk and lactation breaks for breastfeeding mothers, enhancing the overall experience for working mums and their babies.



Breastfeeding
Friendly
Workplace

An Australian Breastfeeding Association Initiative

The Australian Breastfeeding Association is a registered training organisation and receives funding from the Australian Government. RTO: 21659.

Learn more

breastfeeding.asn.au/workplace

