

# Civil-rights ruling

## Mom at club had right to breast-feed

Fitness center faulted in discrimination case

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For the first time, the Ohio Civil Rights Commission has found probable cause that a woman was discriminated against for trying to breast-feed.

Anna Swank of Blacklick filed a complaint Aug. 29, the same day she attempted to breast-feed her then-6 month-old son, Levi, in the Kids' Club at Lifestyle Family Fitness, 5929 E. Main St., after exercising.

Swank, 33, said she was feeding Levi when a manager told her that it was inappropriate, and that if she did it again her Kids' Club privileges would be revoked. She was told to go to a locker room.

The finding against the fitness company upholds women's right to access to public places, said G. Michael Payton, executive director of the commission.

"Only females breast-feed their babies," he said. "Therefore, rules and regulations which create a hardship or burden to providing nourishment in commonly accepted ways violates the public accommodation provision on the basis of sex."

An Ohio law that took effect in 2005 states that a mother is entitled to breast-feed her baby in any location of a place of public accommodation where she is permitted.

Other women have filed discrimination complaints over breast-feeding, Payton said, but this is the first time the matter has not been resolved before reaching this point.

The Civil Rights Commission will next attempt to resolve the matter with the fitness company through conciliation. No meetings have been scheduled, Payton said. If that effort fails, the commission will issue a formal complaint that the attorney general's office will prosecute in an administrative hearing.

Susan DiMichele, an attorney for Lifestyle Family Fitness, said Swank's complaint is moot because she went to the fitness center about two days later and was able to nurse.

But Swank, who has since canceled her membership, wants assurances that other mothers won't face the same problem.

"Just because you resolve it with one person doesn't mean you have come to a resolution," said Swank, who wants the company to adopt a breast-feeding policy that complies with state law.

DiMickele said the company has a breast-feeding policy, but it is not a written one. "We just ask people to use good judgment," she said. "We reasonably accommodate anyone who wants to breast-feed."

Swank, who joined the club a few months earlier because of its child-care accommodations, said she had breast-fed her son there earlier in the day and that no one objected.

"For a company to be about family and health and not to put into their policy that it is OK for women to breast-feed on their property is ridiculous," Swank said. "My goal is just to nurse my kid in peace."

She said the manager of the center told her that breast-feeding in the Kids' Club would violate the center's policy requiring members to wear shirts at all times.

"I was in my workout clothes and was completely covered," Swank said.

Lifestyle Family Fitness owns nine fitness centers in central Ohio.

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