



PREGNANCY & BREASTFEEDING

YOUR RIGHTS & RESPONSIBILITIES

WHAT ARE MY RIGHTS AS A PREGNANT WOMAN?

In Ontario, women are legally protected from discrimination and harassment because of sex, including pregnancy and breastfeeding. There is also protection based on Family Status for being in a parent and child relationship.

It is illegal to discriminate because a woman is pregnant. It is also illegal to discriminate because a woman was pregnant, had a baby, or may become pregnant.

You have the right to keep your job, rent an apartment, or sign a lease or other contract, without discrimination because of your pregnancy.

Services should also be provided free from discrimination. Some of these services and areas include:

- restaurants and cafés
- stores and malls
- schools
- parks

WHAT ABOUT BREASTFEEDING?

You have rights as a nursing mother. For example, you have the right to breastfeed a child in a public area. No one should prevent you from nursing your child simply because you are in a public area. They should not ask you to “cover up”, disturb you, or ask you to move to another area that is more “discreet”.

WHAT ARE MY RIGHTS AT WORK?

In an interview, it is illegal for an employer to ask you if you:

- are pregnant
- have a family
- plan to have a family

It is also illegal to fire, demote, or lay you off because you were, are or may become pregnant. You have an equal right to opportunities and promotions, regardless of the fact that you are planning to be pregnant, are pregnant, or were pregnant.

Your employer must make your environment free from discrimination. You have the right to be free from insulting comments about your pregnancy by your employer, co-workers, and even from clients.

At work, your employer should provide you with enough time to breastfeed or express milk for your child.

WORKING TOGETHER

Both you and your employer share the responsibility of finding a way to meet your needs. If you have medical or other needs, you have the duty to explain these needs to your employer. In turn, if it is necessary, your employer may ask you to provide supporting medical information.

WHAT ABOUT MY SPECIAL NEEDS?

You may have special needs because you want to become pregnant, are pregnant or because you have just had a baby.

Special needs can also arise from:

- difficulties from your pregnancy or childbirth
- miscarriage
- abortion
- fertility treatments
- a reasonable recovery time from childbirth or a stillbirth
- breastfeeding your child
- bereavement

Employers are required to accommodate women who have special needs because of pregnancy. The only exceptions to this rule are if what needs to be done is too difficult or expensive, or if it creates serious health and safety hazards.

AM I ONLY PROTECTED AT WORK?

You cannot be discriminated against in your housing. A landlord cannot refuse to provide housing because you are going to be pregnant, are pregnant, or if you were pregnant and are now a parent. This can include “Adult Only” rules in condominiums.

Schools and colleges are also services, which must accommodate pregnant or breastfeeding women.

OTHER RELATED EMPLOYMENT LAWS

The Employment Standards Act 2000 provides information regarding your right to pregnancy and parental leave. The Ministry of Labour’s Employment Standards Branch 1-800-531-5551 can give you more information about employment standards.

The federal government’s Human Resources Development Canada 1-800-668-9938 can give you information about employment insurance benefits during maternity and parental leave.

FOR MORE INFORMATION

The Ontario Human Rights Commission's *Policy on Discrimination because of Pregnancy and Breastfeeding* and other publications are available at www.ohrc.on.ca.

To file an application please contact the Human Rights Tribunal of Ontario at:
Toll Free: 1-866-598-0322
TTY Toll Free: 1-866-607-1240
Website: www.hrto.ca

To discuss your rights or if you need legal help please contact the Human Rights Legal Support Centre at:
Toll Free: 1-866-625-5179
TTY Toll Free: 1-866-612-8627
Website: www.hrlsc.on.ca