

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:

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

Employers and service providers have a legal duty to accommodate women who have special needs because of pregnancy. The only exception is if the accommodation amounts to undue hardship. This is a legal test and the employer would need to prove that the accommodation is too expensive, or that it creates serious health and safety hazards.

Other related employment laws

The *Employment Standards Act 2000* provides information on 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 and Skills Development Canada (1-800-206-7218) 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 make a human rights complaint – called an application – 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

If you need legal help, 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

Pregnancy and breastfeeding

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Human Rights Commission**
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What are my rights as a pregnant woman?

The Ontario *Human Rights Code* (the *Code*) is a law that provides for equal rights and opportunities and recognizes the dignity and worth of every person in Ontario. The *Code* makes it against the law to discriminate against someone or to harass them because of sex, including pregnancy and breastfeeding.

There is also protection, based on family status, for being in a parent and child relationship. This includes adopting a child. The ground of marital status is also covered. Sometimes these grounds overlap with the ground of sex.

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, sign a lease or other contract, and access services without discrimination because of your pregnancy. You also have a right to be free from systemic discrimination, which happens when acts or policies that someone thinks are neutral create barriers for women who are, have been, or may become pregnant.

What about breastfeeding?

You have rights as a breastfeeding mother, including the right to breastfeed a child in a public area. No one should prevent you from breastfeeding 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.”

Where do my rights apply?

You cannot be discriminated against at your work or by your union, if you have one. And you cannot be discriminated against when using services such as schools or 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 now have children. This can include “adult-only” rules in condominiums and other buildings. You also have a right to have any needs related to your pregnancy accommodated in all these places, unless it would be an undue hardship to do so.

What are my rights at work?

In an interview, it is illegal for an employer to ask 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, even if 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, coworkers and clients. You also have a right to accommodation for pregnancy-related needs. This could include more washroom breaks or changes in your job duties while pregnant.

After your baby is born, your employer should accommodate any needs you have for breastfeeding or expressing milk for your child.

What are my rights in services?

Services must also be provided free from discrimination. This applies to areas such as:

- * restaurants and cafés
- * stores and malls
- * schools
- * parks
- * public transit.

Working together to meet accommodation needs

Housing, services and employment must be designed to include women who are, have been, or may be pregnant. You and your employer, housing provider or service provider must work together to find a way to meet your needs. If you have medical or other special needs, you have the duty to explain these needs. In turn, if needed, your employer or housing provider may ask you to provide supporting medical information to better understand what you need and for how long (but you are not generally required to give details about the medical condition).