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## LEARN LAW

# Human Rights Pregnancy & Breastfeeding

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It is illegal to discriminate or harass a woman because of pregnancy or breastfeeding. These rights apply to workplaces, housing, services and public spaces. These rights also apply if you are adopting a child.

### **In the Workplace**

It is illegal for an employer to ask you if you are pregnant, plan to get pregnant or have children. It is also against the law for an employer to end your employment or demote you because you were, are or plan to get pregnant. Your employer cannot withhold opportunities or promotions from you because of pregnancy.

Your employer must accommodate your pregnancy and/or breastfeeding needs up to the point of "undue hardship."

Your right to pregnancy and parental leave comes from the *Employment Standards Act*. You can get more information about your leave from the Ministry of Labour at:

- <https://www.labour.gov.on.ca/english/es/pubs/guide/pregnancy.php>
- 1-800-531-5551; TTY: 1-866-567-8893

Insurance benefits for maternity and parental leave come from the *Employment Insurance Act*. Contact Service Canada to get more information or apply for these benefits:

- [www.servicecanada.gc.ca/eng/lifeevents/baby.shtml](http://www.servicecanada.gc.ca/eng/lifeevents/baby.shtml)
- Toll-Free: 1-800-206-7218; TTY: 1-800-529-3742

### **Housing**

A landlord cannot discriminate or harass you because of pregnancy or breastfeeding. This means that a landlord cannot refuse to rent to you or evict you because you are pregnant, plan to get pregnant or have a family.

Your landlord must also accommodate your pregnancy and breastfeeding needs up to the point of "undue hardship."

### **Services and Public Spaces**

You have the right to breastfeed in public areas. You should not be prevented from breastfeeding or made to feel embarrassed for breastfeeding in public areas. You do not have to "cover up" or move to a location that is more "discreet." You also have the right to get services free from discrimination and harassment because of

pregnancy and breastfeeding. These services include: restaurants and cafés, stores and malls, schools, parks and public transit.

### **What to do if your Human Rights have been violated**

If you think that your human rights have been violated, you can make a complaint to the Human Rights Tribunal of Ontario (HRTO). You can make a complaint by filing an application online at [www.hrto.ca](http://www.hrto.ca) or by calling the HRTO at Toll-free: 1-866-598-0322; TTY toll-free: 1-866-607-1240.

For additional help you can contact the Human Rights Legal Support Centre ([www.hrlsc.on.ca](http://www.hrlsc.on.ca)) at 1-866-625-5179.

Some employers are federally-regulated (such as telephone companies and airlines), so you will have to make a claim with the Canadian Human Rights Commission and different rights and remedies may apply. If you were fired from your job, you might have other legal options available to you.

All situations are different so you should speak to a lawyer at a community legal clinic or the Human Rights Legal Support Centre for advice.

More information can be found at:

- [www.ohrc.on.ca/en/pregnancy-and-breastfeeding-brochure](http://www.ohrc.on.ca/en/pregnancy-and-breastfeeding-brochure)
- [www.infactcanada.ca/breastfeeding\\_rights.htm](http://www.infactcanada.ca/breastfeeding_rights.htm)
- [www.bfiontario.ca](http://www.bfiontario.ca)
- <http://yourlegalrights.on.ca/common-question-plus/employment-and-work/im-pregnant-what-are-my-rights-worker>
- <http://yourlegalrights.on.ca/resource/taking-time-work-pregnancy-and-parental-leaves-and-benefits>

Adapted from: [www.ohrc.on.ca/en/pregnancy-and-breastfeeding-brochure](http://www.ohrc.on.ca/en/pregnancy-and-breastfeeding-brochure)

This column, written by staff or volunteer lawyers with the Community Advocacy & Legal Centre (CALC), provides general legal information only about current laws. If you need legal advice you should contact a lawyer. If you are living on a low income you may be eligible for free legal help. Contact your local community legal clinic if you need help with income programs, workers' or tenants' rights, consumer problems, or human rights. Call Kingston Community Legal Clinic at 613-541-0777 or visit [www.kclc.ca](http://www.kclc.ca). If have a criminal, family or immigration law problem, contact Legal Aid Ontario at 1-800-668-8258 or visit [www.legalaid.on.ca](http://www.legalaid.on.ca).