

Resource: Sex, Pregnancy & Breast/Chestfeeding

What are my rights as a pregnant person?

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

It is illegal to discriminate against a person because they are pregnant. It is also illegal to discriminate because a person was pregnant, had a baby, or may become pregnant. You have the right to access services without discrimination in addition to experience a discrimination free workplace.

What about breast/chestfeeding?

You have rights if you are someone who is breast/chestfeeding. For example, you have the right to breast/chestfeed 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”.¹

What are my rights at work?

In an interview, a potential employer cannot ask the interviewee if they are:

- Are pregnant
- Have a family
- Plan to have a family

It is also illegal to fire, demote, or lay someone off because they were, are or may become pregnant. Employees have an equal right to opportunities and promotions, regardless of the fact that they are planning to be pregnant, are pregnant, or were pregnant. An employer has an obligation to ensure a work environment is free from discrimination

An employee has the right to be free from insulting comments about their pregnancy by their employer, coworkers, and even from clients. An employer should provide employees with enough time to breast/chestfeed or pump milk for their child.

Working together

Both employee and employer share the responsibility of finding a way to meet an employee’s need due to pregnancy or breast/chestfeeding. If an employee has medical or other needs, they have the duty to explain these needs to their employer. In turn, if it is necessary, the employer may ask them to provide supporting medical information.

What about special needs?

Special needs may be things that arise from:

- difficulties from a pregnancy or childbirth
- miscarriage

¹ <https://www.ohrc.on.ca/en/pregnancy-and-breastfeeding-brochure>

- abortion
- fertility treatments
- a reasonable recovery time from childbirth or a stillbirth
- Breast/chestfeeding a child
- bereavement

Employers are required to accommodate people who have special needs because of pregnancy, to the point of undue hardship. The only exceptions to this rule are if what needs to be done creates serious health and safety hazards in the workplace.

If you have questions about undue hardship, consult the resource on undue hardship or contact humanrights@humber.ca

Other related employment laws

The Employment Standards Act 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 and Skills Development Canada 1-800-206-7218 can give you information about employment insurance benefits during maternity and parental leave.