

HUMAN RIGHTS AND PREGNANCY IN ONTARIO

Under the Ontario *Human Rights Code*, it is illegal to discriminate against a woman because she is pregnant, was pregnant, has had a baby, or may become pregnant. Human rights protections extend to the workplace, services and facilities, and housing.

AT WORK

Interviews

It is illegal for an employer to ask you, "Are you pregnant?", "Do you have a family?" or "Do you plan to have a family?" during a job interview.

On the job

It is illegal to fire you, demote you or lay you off (even with notice) because you are or may become pregnant.

You have a right to be treated fairly at work when you are or may become pregnant. You have the right to keep your job and not be denied a promotion, training, challenging projects, or returning to work after being pregnant.

Your needs

You may have special needs because you want to become pregnant, are pregnant or because you have just had a baby. Employers are required to help women who have special needs because of pregnancy. This is called "accommodation".

Employers should change your job duties or modify rules for the sake of your health. This might include a change in your work or shift schedule, giving you breaks during the work day, and/or time off for special health needs or other needs. Your employer is allowed to ask you to show information to prove that you need these changes in duties or schedule because of medical reasons.

Under the *Code*, the employer would have to show "undue hardship" if they were to claim they cannot accommodate you when pregnant. This means they would have to prove there are health or safety risks related to your pregnancy, or that meeting your special needs as a pregnant woman would be so expensive it would interfere with running the business.

You are also covered under the *Employment Standards Act*. Under the *Employment Standards Act*, **Pregnancy Leave** is 17 weeks, to be followed immediately by 35 weeks of Parental Leave, or, if no Pregnancy Leave is taken then Parental Leave entitlement is 37 weeks. Your employer cannot tell you when to begin your maternity leave. As long as your health permits, you are permitted to work until your baby is born unless your employer cannot accommodate your needs.

For detailed information about pregnancy leave and the *Employment Standards Act*, you can also contact the **Employment Standards Branch** of the Ministry of Labour or call toll free province-wide at 1-800-531-5551. For information about maternity benefits, contact **Human Resources Development Canada** or call 1-800-277-9914 for service in English.

SERVICES AND FACILITIES

You have a right to use services – including restaurants, stores and public areas such as malls and parks - without discrimination. You have rights as a nursing mother. For example, you have the right to breast-feed your child in a public area. No one should prevent you from nursing your child in a public area or ask you to move to another area that is more “discreet”. Banning or making it impossible for you to enter with a stroller may be a *Code* violation.

HOUSING

You have the right to rent an apartment, or sign a lease or other contract, without discrimination. It is illegal for someone to refuse to rent to an apartment or room to you because you are pregnant, have had a baby, or because you may become pregnant. “Adult only” buildings (with very specific exceptions) are illegal. After your baby is born, landlords cannot threaten to evict you because of “noise”. To do so would be considered discrimination based on family status and would be a violation of the *Code*. A certain amount of noise is to be expected from families with young children, as long as you make reasonable efforts to minimize the impact on neighbours.

PROTECTING YOUR RIGHTS

If you believe that your rights have been violated, you can file an application with the Human Rights Tribunal of Ontario.

FILING AN APPLICATION

The Human Rights Tribunal of Ontario deals with all claims of discrimination filed under the Ontario *Human Rights Code*. The Tribunal resolves applications through mediation or adjudication. Contact the Tribunal for:

- Application form to make a claim of discrimination
- Guide to completing an Application form about your experience of discrimination
- Information about the process for bringing an Application about discriminatory treatment

Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, ON M7A 2A3

Local: (416) 326-1312 Toll Free : 1-866-598-0322

TTY (Local): (416) 326-2027 TTY (Toll Free): 1-866-607-1240

Fax: (416) 326-2199 Fax (Toll Free): 1-866-355-6099

www.hrto.ca

GETTING HELP

Contact the Legal Centre if you have experienced discrimination and you need legal assistance filing an application to the Human Rights Tribunal of Ontario or legal advice in resolving an issue of discrimination under the *Human Rights Code*.

Human Rights Legal Support Centre
400 University Avenue, 7th Floor
Toronto, Ontario M7A 1X8
Tel: (416) 314-6266 Toll Free: 1-866—625-5179
TTY: (416) 314-6651 TTY Toll Free: 1-866 612-8627
www.hrlsc.on.ca

If you want to arrange for an in-person interview, you should contact us by telephone at the numbers above. If you live outside the Greater Toronto Area, contact us and we will discuss with you how to meet your needs. We will make every effort to provide an appropriate service to you in your community. We can provide service in over 140 languages.

MORE INFORMATION

The Ontario Human Rights Commission has general information about the *Human Rights Code*. In particular, see Pregnancy and Breastfeeding and Family Status documents on their web site at www.ohrc.on.ca

Ontario Human Rights Commission
180 Dundas Street W., 7th Floor
Toronto, ON M7A 2R9
Local: (416) 326-9511
Toll Free (1-800-387-9080
TTY (Local): (416) 314-6526
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This document was developed by the Human Rights Legal Support Centre in collaboration with Access Alliance Multicultural Health & Community Services (2009).

Human Rights
Legal Support Centre

