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Chief Commissioner welcomes new Executive Director

It is my pleasure to announce that Ms. Andrea Broadley has been appointed as the new Executive Director of the Ontario Human Rights Commission. Ms. Broadley comes to the Commission from the private sector where she has held a number of leadership positions, most recently in the banking industry. She is also actively involved in human rights and social justice issues, and has a reputation for having outstanding human relations skills. She has been officially on board since October 31, 2001.

— Keith C. Norton
 Chief Commissioner

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Six new publications launched

On December 10th the Commission released six new leaflets as part of its ongoing public education mandate. The leaflets are meant to raise awareness of [the Commission](#), [hiring](#), [sexual Harassment](#), [sexual orientation](#), [racial harassment](#), and [pregnancy](#) (including breastfeeding). These bilingual leaflets cover important information regarding the basic human rights of Ontario's citizens, and what they can do if they feel their human rights have been violated.

Written in plain language, the leaflets inform readers about the Commission's role and responsibilities, how to identify different forms of discrimination, what is and isn't acceptable in employment or job-application situations, and what in. The leaflets will be circulated to community groups, schools, trade shows and businesses at various Commission public education events.

Through these helpful and practical guides, the Commission seeks to better inform Ontarians about their rights and empower them to make informed decisions about what to do, who to turn to for more information, and how to proceed with making a human rights complaint.

The leaflets are available from Publications Ontario (<http://www.gov.on.ca/MBS/english/publications/index.html>) or can be printed from the Commission's Web site at www.ohrc.on.ca

Commission revises popular human rights teaching package

In recognition of International Human Rights Day (December 10) the Ontario Human Rights Commission has

announced that it is releasing a new edition of *Teaching Human Rights in Ontario*, its primary educational resource tool

The need to make this revision came about as a result of the 1999 amendment to the Ontario [Human Rights Code](#), in which "same sex partnership status" was added as a protected ground. An evaluation conducted recently with users of the package (mostly teachers) indicated that, while they were very satisfied with it as a teaching tool, they felt it could be improved by the addition of more case studies

Following an evaluation conducted recently with users of the package, this version includes new case studies dealing with disability, sexual orientation and gender, which reflect some of the most current thinking and case law in these areas. In addition, many Web sites have been referenced as additional resources to be used in studying the subject of Human Rights

Teaching Human Rights in Ontario was first developed in 1995 for use by teachers in Ontario secondary schools when teaching about the provisions of the Ontario *Human Rights Code* and the work of the Commission. Law, business and social sciences teachers, and students on work placements in Cooperative Education programs have used *Teaching Human Rights in Ontario* extensively to teach and learn about rights and responsibilities specified in the *Code*. With some modifications, it can be used in settings with both younger and older learners

The package uses examples of real human rights cases in its illustrations and case studies. Cases studied are selected to be relevant to young people and are written in language that can easily be understood

To request a copy of *Teaching Human Rights in Ontario*, please contact Publications Ontario (<http://www.gov.on.ca/MBS/english/publications/index.html>) or [contact the Commission](#).

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Revised Policy on Discrimination Because of Pregnancy

The Commission has revised and expanded its *Policy on Discrimination because of Pregnancy*, and re-naming it as [Policy on Discrimination because of Pregnancy and Breastfeeding](#). The full text of the revised *Policy* is now available on our website.

This *Policy* provides guidance to employers, landlords, service providers, and the general public on the rights of pregnant and nursing women under the Ontario *Human Rights Code*.

Women who are pregnant or nursing have the right to equal treatment in employment; accommodation; goods, services and facilities; membership in trade unions; and contracts. They cannot be discriminated against because they are, have been, or intend to become pregnant, or because they have had a miscarriage, abortion, or complications from pregnancy or childbirth.

For example, women cannot be denied opportunities at work, or harassed because they are pregnant. They cannot be denied service in a restaurant, public facility or store because they are breastfeeding. If a woman needs to make special arrangements at work or at school because she is pregnant or breastfeeding, employers or educators must accommodate her needs unless it would cause them undue hardship to do so.

The OHRC's *Policy on Discrimination because of Pregnancy* has been in place since 1996. These latest revisions incorporate changes to the Ontario *Employment Standards Act* that came into effect September 4, 2001. Because the *Employment Standards Act, 2000* regulates maternity and parental leave, there are significant areas of overlap between this legislation and the *Human Rights Code* in the area of pregnancy. The revised *Policy* clarifies the interaction of the two statutes.

As well, the revisions further detail rights and responsibilities regarding breastfeeding women. For example, women are sometimes discouraged from breastfeeding in public. The *Policy* clarifies that breastfeeding is a health issue, and not one of public decency, and that women should have the choice to feed their baby the way that they feel is most dignified.

For further information on pregnancy and breastfeeding and the *Human Rights Code*, please see the leaflet on [pregnancy](#) (*Six new publications launched*), or link to the full text of the revised [Policy](#). As well, helpful information can also be found at the following websites:

Ministry of Labour, Employment Standards: <http://www.gov.on.ca/LAB/es/es.htm>

Human Resources Development Canada, Employment Insurance

http://www.hrdc-drhc.gc.ca/ae-ei/pubs/in201_e.shtml

INFACt Canada (Breastfeeding Information)

<http://www.infactcanada.ca/>

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Commonly Asked Questions: Pregnancy and Breastfeeding

Can my employer deny me a promotion because I am pregnant and will soon be going on maternity leave?

No. Denying or restricting employment opportunities in hiring, transferring or promoting a woman because she was, is, or may become pregnant, or because she has had a baby, is a violation of the Ontario *Human Rights Code*. A woman loses more than just a job or a promotion when she is discriminated against because of her pregnancy: she experiences a "missed opportunity" which has consequences for her long-term employment prospects.

Are there any circumstances where a woman can be denied a job because of her pregnancy?

It may be legitimate to treat a woman differently if she is pregnant, if it can be demonstrated that *not* being pregnant is a *bona fide* occupational requirement. This will be rare: the standard imposed by the courts is high. To be a *bona fide* occupational requirement, the requirement must be imposed in good faith, and have a rational connection to the occupation. The employer must also demonstrate that it could not accommodate a pregnant woman in that job without an undue hardship.

What if a woman is temporarily unable to do parts of her job because of her pregnancy?

Employers have a duty to accommodate the special needs of women arising from their pregnancy. Examples include temporarily relocating employees to alternative workstations or duties; providing a flexible work schedule to accommodate medical appointments; or allowing breaks as necessary.

It's important to note that an employer can't arbitrarily decide that a pregnant employee should take a leave of absence as an accommodation measure, without considering other options for dealing with a situation requiring accommodation, in consultation with the affected employee.

Can a woman who is breastfeeding in a restaurant or public place be asked to "cover up" or to move to a more "discreet" area?

The *Code* prohibits discrimination in services, goods, and facilities because of pregnancy. This means that women who are accompanied by their newborn babies to a restaurant or theatre cannot be denied service or access unless there is a *bona fide* reason for doing so.

This also means that women have the right to breastfeed undisturbed, and can't be prevented from breastfeeding a child in, for example, a public area or restaurant. They also can't be asked to move to a more "discreet" area, or to "cover up". Complaints from other persons will not justify interfering with a woman's right to breastfeed.

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Noteworthy Sites

<http://canada.justice.gc.ca/en/justice2000/>

Justice Canada 2000 is a great collection of information and fast facts about the evolution of human rights in 20th Century Canada. The information is divided into four time periods: 1900-1924, 1925-1949, 1950-1974, and 1975-

2000. Search chronologically or by subject. Many areas contain links to relevant laws, statutes and case law that makes up Canada's long history of human rights activity.

<http://www.access-able.com/>

In their own words *Access-Able Travel Service* has, "information and everything else you need to know about: travel with disabilities, mature travel, disability magazines, access guides, wheelchair travel, scooter rental, accessible transportation and more!" Information abounds on this Web site whether you're interested in North American or European travel, Cruise ships or finding travel professionals experienced in trip planning for travelers with disabilities.

<http://www.e-laws.gov.on.ca/>

E-laws, is the gateway to the consolidated laws of Ontario. Whether you're looking for the latest version of the Ontario *Human Rights Code* or the most recent version of the *Employee Standards Act*, you should be able to find it quickly on the e-laws Web site. They state that the latest version of all laws and statutes should be available within 14 days of a change. Specific statutes or regulations are organized in an easy to use alphabetical list or you can use the site's good search engine to track down the information you need. You can also link to the Legislative Assembly's web site to see the latest bills.

Please Note: These Web sites are created by or for organizations outside of the Ontario Human Rights Commission, and those organizations are responsible for the information contained within their respective sites. We neither endorse, nor recommend these organisations and are not liable for their content - they are provided as information only. These sites might not be available in French. Any specific comments or inquiries regarding these sites should be directed to the individual organization.

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