

YOUR RIGHTS : PREGNANCY



Rose had a baby six months ago and took maternity leave. Rose returned to work last week and was surprised to find that her previous position has been filled permanently. She has been placed in a lower-paying position with less responsibility than she had before.

Patricia is a waitress. She is five months pregnant. The manager has advised her that they will be laying her off shortly because she is getting “too big” to do her job.

Rose and Patricia are experiencing discrimination on the basis of sex (pregnancy).

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THE LAW

The Prince Edward Island Human Rights Act prohibits discrimination on the basis of pregnancy in these situations:

- Employment
- Volunteering
- Offering accommodations, services or facilities to the public
- Membership in professional, business or trade associations and employee organizations
- Leasing or selling property
- Publishing, broadcasting and advertising

Discrimination on the basis of pregnancy is included under the ground of sex, and occurs most often in employment.

Employers cannot fire or refuse to hire a woman because she is pregnant or may become pregnant. If a pregnant woman becomes ill, she is entitled to sick leave and health and/or short-term disability benefits the same as any other employee. Under the PEI Employment Standards Act, women are entitled to take unpaid maternity leave and parental leave. A woman is entitled to return to the same or a comparable employment position to the one she had prior to taking maternity/parental leave.

Employers must accommodate pregnant women to the point of undue hardship. Accommodation may include allowing frequent washroom breaks, modifying duties, or providing a place for the woman to breastfeed upon her return to work. See *Your Rights: Duty to Accommodate* for more information on the duty to accommodate and undue hardship.

*Human Rights:
It's
Everyone's
Business...*

*Why Not Make It
Yours?*