Treatment of Pregnant Employees Policy



HR managers in any part of the country can adapt this Model Policy for use at their own workplace.

1. **Company Commitment**

ABC Company is fully committed to accommodating the needs of employees who are pregnant, attempting to become pregnant, or returning to work following a pregnancy-related absence. We want to ensure our employees' good health and well-being through all of these circumstances.

Employees with pregnancy-related needs have the legal right to be free from discrimination and treated with equality, dignity and respect by their employers and colleagues.

Workplace procedures and activities may affect pregnant employees differently than other employees. Adjustments to working conditions will be made as necessary to meet needs and eliminate discrimination. All parties must cooperate to arrive at reasonable solutions.

2. **What Is Pregnancy-Related Discrimination?**

Under the *Canadian Human Rights Act*, it is prohibited to discriminate against someone because of a pregnancy-related condition. *Because only people with female bodies can become pregnant, discrimination related to pregnancy is a form of sex discrimination. Women in the workplace have the right to be free from negative consequences simply because they are pregnant, trying to become pregnant, or returning from pregnancy-related leave.*

Pregnancy-related discrimination refers to any action, decision or policy that negatively impacts someone because they are pregnant. Discriminatory workplace behaviour related to pregnancy may include:

- negative differential treatment in the workplace;
- harassment;
- refusal to hire or promote;
- termination of employment;
- institution of or engagement in discriminatory policies or practices; or
- failure to provide reasonable accommodation of employee needs.

3. **Who Does This Policy Apply To?**

Protection from pregnancy-related discrimination applies to full-time, part-time, temporary, probationary and contract workers, as well as volunteers and job applicants.

This policy also applies to employees who may face discrimination on the grounds of family status. Family status rights entitle people to be free from discrimination because of someone they are related to. In the context of pregnancy and the workplace, employees related to someone who is pregnant – such as a spouse or partner – must also be treated with equality and have their needs accommodated. For instance, an employee whose spouse is pregnant may need time off work to accompany their spouse to a medical appointment.

4. **Pregnancy-Related Conditions and Circumstances**

ABC Company will protect employees from discrimination and ensure their needs are accommodated throughout all pregnancy-related conditions and circumstances. This includes the entire process of pregnancy: fertility treatment(s), pregnancy, childbirth, and the post-delivery and breastfeeding period – as well as any associated conditions and circumstances.

Pregnancy-related conditions include, but are not limited to:

- fertility treatment(s)
- family planning
- health conditions or complications that may impact or be impacted by pregnancy and/or childbirth (e.g. diabetes, high blood pressure, etc)
- miscarriage and/or conditions resulting directly or indirectly from miscarriage
- stillbirth and/or conditions resulting directly or indirectly from stillbirth
- abortion and/or conditions resulting directly or indirectly from abortion

Pregnancy-related circumstances include:

- planning or trying to conceive
- childbirth
- reasonable recovery time following childbirth, miscarriage, stillbirth or abortion
- pregnancy as a surrogate
- placing a newborn baby for adoption
- parental leave following childbirth
- breastfeeding

5. **Connection with Other Forms of Discrimination**

Pregnancy itself is not a form of disability according to the *Canadian Human Rights Act*. However, pregnancy may impact or be impacted by other *health* issues which constitute disability. These issues may arise before, during or after pregnancy, and can result in additional or alternative needs that *ABC Company* will make every effort to accommodate. For example, if an employee – either male or female – has an underlying health condition that complicates fertility, conception or pregnancy, they may require time off for specialized medical care.

Some groups of women may be especially vulnerable to discrimination or harassment

during the process of pregnancy due to unfair negative stereotypical perceptions of these groups as pregnant women or as mothers. Women who are – for instance – disabled, single, young, lesbian, Aboriginal, transgendered, Muslim, Jewish, Catholic, or atheist have the right to be free from discrimination and to be treated with equal respect. ABC Company will take action to eliminate such discrimination.

Pregnant employees who believe they are being discriminated against or harassed for multiple reasons may make a complaint on more than one ground. For instance, if a pregnant woman feels she is being harassed at work because she is pregnant and single, she could make a complaint on the grounds of sex and marital status. Complaints should be addressed to [CONTACT INFO].

6. **Accommodation of Pregnant Employees' Needs**

Pregnancy-related needs, conditions and circumstances may mean that employees need to make changes in the way they work so that they may work to the best of their ability without discrimination, penalty or unnecessary discomfort. For example, if a pregnant employee needs to take extra time for additional bathroom breaks, ABC Company must allow these breaks without cutting the employee's existing break time.

ABC Company employers have a duty to reasonably work to meet pregnant employees' needs, although employees also have a responsibility to communicate their individual needs to their employers. Employer and employee will work together to find a solution that ensures the employee's equality, dignity and respect, even if it is not the employee's ideal solution. Every pregnant employee will have unique circumstances and needs, so accommodation for every situation will be addressed on an individual basis.

While employee health, safety and well-being are very important, they should be balanced with the right of a pregnant employee to participate fully in the workplace. Doctor-ordered instructions should be followed, but in their absence, employers will not assume a pregnant employee is unable to perform their duties simply because of pregnancy.

Pregnant employees should raise any health or safety concerns with their supervisor or health and safety officer [CONTACT INFO] as early as they can. If an employer believes that a pregnant employee faces significant health or safety risks because of workplace conditions, this should be discussed with the pregnant employee. Employee and employer will work together to find ways to reduce potential risk in the work environment. If temporary changes to the job are possible to increase a pregnant employee's safety, the employer should attempt to make these changes. These changes could include:

- temporary adaptations to the job environment or job duties
- temporary reassignment to another position or other duties
- temporary leave

7. **Undue Hardship**

The employer may need to make adjustments to accommodate pregnant employees, even if they result in some cost and hardship to the employer. However, undue hardship occurs when factors such as safety, health or cost place too heavy a burden on the employer. Once accommodation reaches undue hardship, an employer may not be required to accommodate an employee's needs further.

There is no standard for undue hardship – it will vary for each employer and each situation. It is important to document requests for accommodation, steps taken to accommodate the employee, and any other evidence that may lead an employer to conclude that they are facing undue hardship.

8. **Pregnancy and Parental Leave**

Employees must notify employers in writing of their intention to take pregnancy and/or parental leave. This notice should include the approximate start and end dates of the leave and should be submitted to [CONTACT INFO] at least [TIME] before the intended leave.

Pregnant employees have the right to take pregnancy leave of up to 17 weeks [or longer if company policy allows] of unpaid time off work. Employers do not have to pay wages to employees who are on pregnancy leave.

New parents have the right to take parental leave of up to 35 weeks (or 37 weeks if they did not take pregnancy leave) of unpaid time off work when a child is born or first comes into their care.

If an employee has a miscarriage or stillbirth within the 17 weeks before their due date, they are still eligible for pregnancy leave. The leave begins on or before the date of the miscarriage or stillbirth, and end on the date that is the later of: 17 weeks after the leave began, or six weeks after the miscarriage or stillbirth. (This means that if the miscarriage or stillbirth takes place less than six weeks before the due date, the leave will be longer than 17 weeks.)

Parental leave is separate and independent from pregnancy leave, so a birth mother may take both pregnancy and parental leave. A birth father or non-pregnant spouse may be on parental leave at the same time the birth mother is on pregnancy leave and/or parental leave.

Employees on pregnancy or parental leave have a right to continue to take part in benefit plans, which may include pension plans, life insurance plans, accidental death plans, extended health plans and dental plans, and any other benefit plan that employees on other types of leave may continue to participate in. Employer and employee must both continue to pay their share of the premiums for these plans, unless the employee tells the employer in writing that they will not continue to pay their share.

Employees continue to earn credits toward length of employment, length of service,

and seniority during pregnancy or parental leave. However, if an employee is in a probationary period, the period of a leave is not included, so they must complete the probationary period after they return to work.

In most cases, when an employee finishes their pregnancy or parental leave, they are entitled to be given back the same job they had before their leave began, or a comparable job if their original job no longer exists. The employee’s wage must be at least as much as it was before the leave. If the wages for their job increased or would have increased during the time they were on leave, they must be paid the higher wage upon return from leave.

Employees may not be penalized in any way because they have taken or plan to take a pregnancy or parental leave, or because they are or will be eligible to take such a leave.

9. **Questions or Concerns**

If you require any clarification or would like to discuss any part of ABC Company’s Pregnancy Policy, please contact [contact info].

Signed: _____ President/CEO Date: _____

The ABC Company Policy on the Treatment of Pregnant Employees should be consulted whenever there are concerns about pregnancy or pregnancy-related conditions and circumstances in the workplace.