

Pregnancy and maternity leave



Alberta Human Rights
and Citizenship Commission

INFORMATION SHEET

The *Human Rights, Citizenship and Multiculturalism Act* makes it illegal to discriminate against women because of pregnancy. Pregnancy is protected under the ground of gender.

In Alberta, women are protected against:

- being asked on job applications or in job interviews if they are pregnant or plan to have children
- being fired, laid off or demoted because they are pregnant
- not being allowed to use their benefit plans for the health-related part of their maternity leaves
- having to pre-pay their benefit premiums or to pay their employers' share of premiums for the health-related part of their maternity leaves
- not being allowed to rent an apartment or house because they are pregnant, except in the case of buildings which are designated for seniors or adults only
- being refused use of, or access to, any type of public service such as hotels, restaurants, retail stores, schools, hospitals, etc., because they are pregnant

Employer's responsibility

An employee's pregnancy may prevent her from doing her job. Where possible, an employer should try to modify the workplace so the employee can work without harming herself or the baby she carries.

For example, a pregnant store clerk may not have to carry heavy boxes from the stock room if there is someone else on staff who can be asked. The working mother-to-be is then expected to assume additional less physically demanding duties in exchange for not carrying heavy boxes.

Sometimes a pregnant employee can't do her job because her duties simply cannot be changed. In this case, she should be treated like other employees who temporarily cannot carry out all their duties. Negative comments or reactions from customers or staff about an employee's pregnancy cannot be used as a reason to fire, lay off or demote her.

Employment and maternity leave

The Supreme Court of Canada has defined pregnancy as "a valid health-related reason for absence from the workplace." The Supreme Court has also said that pregnancy is a legitimate health-related reason for not working and as such it should be compensated.

Maternity leave can no longer be considered a general leave of absence. It is now a combination of health-related and voluntary leave.

The health-related part of maternity leave is where the woman's health condition meets the employer's normal rules for being away from work because of health. The rest of her maternity leave is voluntary leave.

Alberta law regarding maternity leave

In Alberta, employers are legally required to continue paying the health-related part of maternity leave benefit premiums if they pay for employee benefit premiums when their employees are sick.

However, an Alberta employer can ask a pregnant employee to provide information on her medical condition, as in any other health-related absence.


A woman may begin a maternity leave with no health-related problems, but encounter them later in that leave. If so, she can use the health-related part of her benefit plan from work. The health-related part does not have to apply from the start of a maternity leave.

Benefit plans

Benefit plans can differ from one employer to another. Some control their own sick leave plans. Others have short-term or long-term disability insurance plans administered by insurance companies.

Employers should inform employees of existing benefit plans. Where these exist, employees should know how to apply for benefits.

For more information

The interpretive bulletin *Rights and responsibilities related to pregnancy, childbirth and adoption* offers more detailed information about pregnancy and maternity leave, and related court decisions. You can find the interpretive bulletin on the Commission's Web site or order a printed copy from the Commission. 

Contact the Commission

For more information, please contact the **Alberta Human Rights and Citizenship Commission**. We are an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

Northern Regional Office

800 Standard Life Centre
10405 Jasper Avenue
Edmonton, Alberta T5J 4R7
(780) 427-7661 Confidential Inquiry Line
(780) 427-6013 Fax

Southern Regional Office

Suite 310, 525 – 11 Avenue SW
Calgary, Alberta T2R 0C9
(403) 297-6571 Confidential Inquiry Line
(403) 297-6567 Fax

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

For province-wide free access from a cellular phone, enter *310 (for Rogers-AT&T) or #310 (for Telus).

TTY service for persons who are deaf or hard of hearing

(780) 427-1597 Edmonton
(403) 297-5639 Calgary
1-800-232-7215 Toll-free within Alberta

E-mail humanrights@gov.ab.ca

Web site www.albertahumanrights.ab.ca

Please note: A complaint must be made to the Alberta Human Rights and Citizenship Commission within one year after the alleged incident.

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