



Human Rights Commission

2.0 BREASTFEEDING

2.1 BREASTFEEDING POLICY

2.2 Reference and Authority

Human Rights Act. R.S.N.S., c. 214, ss. 5(1)(a), 5(1)(d), 5(1)(m), 5(1)(r), 5(1)(s)

2.3 Definitions

Refer to Policy Manual Glossary.

2.4 Policy Statement

Under the Human Rights Act women are protected from discrimination and harassment because of sex, which includes pregnancy, and family status, which means being in a parent-child relationship. In Nova Scotia it is illegal to discriminate because a woman is or was pregnant, because she may become pregnant or because she has had a baby. This includes a woman's right to breastfeed her child.

2.5 Policy Directives

2.5.1 Access to Services or Facilities

The *Human Rights Act* prohibits discrimination in the area of "the provision of or access to services and facilities". Women have the right to breast-feed a child in public areas, including restaurants, retail stores and shopping centres, theatres and so forth. Women should not be prevented from nursing a child in a public area, nor asked to move to another area that is more "discreet."

2.5.2 Employment

The *Human Rights Act* prohibits discrimination in the area of employment against women who are breastfeeding. Employers have a duty to accommodate employees who are breastfeeding. This duty is limited only if the accommodation would create an undue hardship. Accommodation could include allowing the employee to have the baby brought into the workplace by a caregiver for feeding, and arranging a quiet place to breast-feed. The onus is on the employer to show an undue hardship if a request for accommodation related to breastfeeding is refused.

2.5.3 Accepting Complaints

The Nova Scotia Human Rights Commission will accept complaints of discrimination based on sex and/or family status related to breastfeeding, and will deal with them in accordance with the above policies.

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