

## Breastfeeding Protection in Alberta

There are three categories of information listed which can help with protection of breastfeeding; International codes, Canadian federal legislation or guidelines, Alberta provincial legislation.

- 1) The Universal Declaration of Human Rights  
<http://www.un.org/en/documents/udhr/index.shtml> Article 7 prohibits discrimination and Article 25 (2) states "Motherhood and childhood are entitled to special care and assistance."
- 2) International Covenant on Economic, Social and Cultural Rights; Article 6 The right to life; Article 11~The right to adequate food. [adequate = sufficient quality & quantity; safe, accessible, acceptable, sustainable] Article 12 ~The right to health. <http://www2.ohchr.org/english/law/pdf/ceschr.pdf>
- 3) International Code of Marketing of Breast-Milk Substitutes and subsequent WHA Resolutions (The Code) and the Baby-Friendly™ Hospital Initiative (BFHI). The Code was endorsed by Canada at the World Health Assembly 1981 to protect breastfeeding from inappropriate marketing practices. It is a voluntary code and has not been made into legislation in Canada. The BFHI is also endorsed by the government of Canada and intends to protect breastfeeding at birth and beyond. The Code and relevant WHA Resolutions can be found at <http://www.ibfan.org> or [http://www.ibfan.org/issue-international\\_code-full.html](http://www.ibfan.org/issue-international_code-full.html) and BFHI at [www.breastfeedingcanada.ca](http://www.breastfeedingcanada.ca)
- 4) Federal Labour Standards Legislation – In October 2006 a report on the Federal Labour Standards Review was released, and included key work-family recommendations. Section 7.59 says that employers should "provide for short breaks during working hours to afford nursing employees reasonable time off, without pay, to breastfeed a child and/or to express milk on the work site." These recommendations were not incorporated into the Federal Labour Standards Legislation. In Alberta most employers fall under #8 below.
- 5) Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) CEDAW, a UN human rights convention adopted in 1979, and since ratified by most countries (Canada, ratified in 1982; US signed in 1980 but didn't ratify), specifies that to discriminate against women on the basis of their reproductive status (pregnant and lactating) is to discriminate against women. Since only women can be pregnant and breastfeed, to discriminate against a pregnant or breastfeeding woman is to discriminate on the basis of sex. <http://www.un.org/womenwatch/daw/cedaw/>
- 6) Canadian Charter of Rights and Freedoms The Canadian Charter of Rights and Freedoms protects against discrimination on the basis of sex. Section 15(1) states:

Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

<http://laws.justice.gc.ca/en/charter/>

- 7) Canada's Employment Insurance Act - January 1, 2001, Bill C-204 Maternity benefits were increased from a total of 25 weeks of maternal/parental leave to a full year based on a minimum of 600 hours of work  
<http://www.servicecanada.gc.ca/eng/ei/types/special.shtml>
- 8) Convention on the Rights of the Child (CRC) The Convention on the Rights of the Child adopted by the UN General Assembly in 1989, (ratified by Canada, signed by the US but not ratified) correspondingly recognizes the importance of breastfeeding as an essential component of children's rights to optimal health and development. "Article 24(1) States Parties recognize the right of the child to the enjoyment of the highest attainable standards of health (2) States Parties shall pursue full implementation of this right and in particular shall take appropriate measures: (d) to ensure appropriate pre-natal and post-natal health for mothers; (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation..." <http://www2.ohchr.org/english/law/crc.htm>
- 9) Alberta Human Rights and Citizenship Commission - Rights and Responsibilities Related to Pregnancy, Childbirth and Adoption. See (1) below for excerpt from Alberta Human Rights on right of women to breastfeed in Alberta. Also, this link provides information on the case of Degagne 2001 and breastfeeding at the workplace. From here you can link to almost all the Alberta legislation.  
[http://www.albertahumanrights.ab.ca/Bull\\_pregnancy.pdf](http://www.albertahumanrights.ab.ca/Bull_pregnancy.pdf)
- 10) Alberta Employment Standards Code - Albert Human Resources and Employment have a booklet called Becoming a Parent in Alberta. It is a useful booklet for other concerns but no information on breastfeeding protection.  
[http://www.albertahumanrights.ab.ca/Becoming\\_a\\_parent\\_Eng.pdf](http://www.albertahumanrights.ab.ca/Becoming_a_parent_Eng.pdf)
- 11) Nutrition for Healthy Term Infants [http://www.hc-sc.gc.ca/fn-an/pubs/infant-nourrisson/nut\\_infant\\_nourrisson\\_term-eng.php](http://www.hc-sc.gc.ca/fn-an/pubs/infant-nourrisson/nut_infant_nourrisson_term-eng.php) Statement of the Joint Working Group: Canadian Paediatric Society, Dietitians of Canada and Health Canada. Encourage exclusive breastfeeding for the first 6 months of life, as breast milk is the best food for optimal growth. Breastfeeding may continue for up to 2 years and beyond.

If you find other breastfeeding protection information, which would be useful for Alberta citizens, please contact the ABC at [general@breastfeedingalberta.ca](mailto:general@breastfeedingalberta.ca)

Other information and links for information across Canada is also available from INFACT Canada at [http://www.infactcanada.ca/Breastfeeding\\_Rights.htm](http://www.infactcanada.ca/Breastfeeding_Rights.htm)

F r o m : Rights and responsibilities related to PREGNANCY, CHILDBIRTH AND ADOPTION.  
Alberta Human Rights Bulletin; September 2010, p. 3

### Pregnant w o m e n a r e p r o t e c t e d f r o m d i s c r i m i n a t i o n

The *AHR Act* protects people from discrimination on the basis of gender. This includes protection from discrimination because of:

pregnancy,

childbirth,

**breastfeeding,**

miscarriage or stillbirth,

abortion, and

complications arising from any of the above.

The *AHR Act* also protects people from discrimination based on other protected grounds: race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status and sexual orientation. Pregnant women may experience discrimination based on more than one of the protected grounds because of stereotypes about pregnancy and race, disability, source of income or family status, for example. For more information on the protected grounds, see the Commission's information sheet *Protected Areas and Grounds under the Alberta Human Rights Act* or contact the Commission.

The right to treatment without discrimination because of gender, including pregnancy and pregnancy-related issues such as breastfeeding, applies in all of the areas protected by the *AHR Act*:

employment practices;

employment applications and advertisements;

residential or commercial tenancy;

goods, services, accommodation or facilities customarily available to the public (for example, restaurants, stores, hotels or provincial government services);

statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public;

membership in trade unions, employers' organizations or occupational associations; and equal pay. (When employees of any sex—male, female or transgender—do the same or substantially similar work, they must be paid at the same rate.)

- (1) People who believe that they have experienced discrimination that falls under the *AHR Act* may inquire at the Commission about making a human rights complaint. Most of the pregnancy-related complaints that are accepted by the Alberta Human Rights Commission fall under the area of employment practices or employment applications and advertisements. **This bulletin focuses on situations that occur in the workplace.** ( see more at [http://www.albertahumanrights.ab.ca/Bull\\_pregnancy.pdf](http://www.albertahumanrights.ab.ca/Bull_pregnancy.pdf))