



Breastfeeding at Work

Know Your Rights

Returning to work after parental leave can be challenging for many new parents. Breastfeeding can add extra stress to this, and parents may consider weaning their child(ren) to return. The World Health Organization, Alberta Health Services, and the Public Health Agency of Canada all recommend breastfeeding to age two and beyond as it provides many benefits for both parent and baby. Working while breastfeeding is possible, and it is important to understand your rights.

The Canada Labor Code section 181.2 states “Subject to regulations, every employee who is nursing is entitled to and shall be granted any unpaid breaks necessary for them to nurse or to express breastmilk.”^[1] The Human Rights Commission of Canada states that employers have a duty to accommodate when a situation applies to the protected grounds defined in the Human Rights Act.^[2] Protected grounds include race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, and disability. Discrimination that is pregnancy or childbirth-related generally falls under the protected ground of sex or family status. ^[3]

Currently, legislation requiring employers to accommodate milk expression breaks has only been implemented in British Columbia and Ontario. In Alberta, if your employer does not provide their duty to accommodate, the Alberta Human Rights Commission can help. The Alberta Human Rights Act covers the same protected grounds as the Canadian Human Rights Act, and they are they to help you if you feel you’ve been discriminated against in the workplace because of a failure to accommodate. You can contact the AHRC through their confidential inquiry line at 780-427-7661. They can help walk you through the process of filing a formal complaint against your employer.

While employers do have a duty to accommodate in Alberta, they must prove that the accommodation would cause undue hardship to the business to override that duty. When discussing returning to work options with your employer, there may be some negotiation in terms of the number of breaks and the timing of breaks. It is important to let your employer know what your expectations are. In the event a resolution is not made between you and your employer, it is your right to contact the AHRC and file a complaint. You can also reach out to your MLA or MP for guidance on the matter, or a human rights lawyer if you so choose.

To file a complaint with the AHRC the discrimination must have occurred within the last year, must be in the jurisdiction of the Alberta Commission, and must be a form of discrimination in one of the protected grounds. ^[4]The AHRC also provides a phenomenal self-assessment tool you can use if you are unsure whether your complaint is valid. ^[5]

Breastfeeding while working is possible. If you find yourself in a situation where your employer is not willing to or unable to accommodate you, there are resources in place.