

Pregnancy and maternity leave

INFORMATION SHEET

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The *Alberta Human Rights Act* prohibits discrimination based on gender. Pregnancy is included under the ground of gender, thus the law prohibits discrimination based on pregnancy.

In most cases, it is contrary to the *Act* to:

- ask on job applications or in job interviews if an applicant is pregnant or plans to have children
- fire, lay off or demote a woman because she is pregnant
- prevent a woman from using her benefit plan for the health-related part of her maternity leave
- ask a woman to pre-pay her benefit premiums or to pay her employer's share of premiums for the health-related part of her maternity leave
- refuse to rent an apartment or house to a woman because she is pregnant, except in the case of buildings designated for seniors or adults only
- refuse a woman the use of, or access to, any type of public service such as hotels, restaurants, retail stores, schools, hospitals, etc. because she is 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 clerk would then be 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 certain information related to 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

For more information, see these Commission publications:

- *Rights and responsibilities related to pregnancy, childbirth and adoption*
- *Becoming a parent in Alberta*
- *Obtaining and responding to medical information in the workplace* 

Contact us

The Alberta Human Rights Commission is 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.

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Hours of operation are 8:15 a.m. to 4:30 p.m.

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Email humanrights@gov.ab.ca

Website www.albertahumanrights.ab.ca

Please note: A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

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