

Sheridan

Guidelines on Breastfeeding

Introduction

Canadian law recognizes that women have the ability to become pregnant, and because of this pregnancy cannot be separated from the ground of sex¹.

The **Ontario Human Rights Code** (“the Code”) prohibits discrimination because of **sex**. Section 10(2) states:

The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

The term “pregnancy” as defined in the Code is inclusive of the process of trying to become pregnant, and pregnancy from conception up to the period following childbirth. It also covers “the post-delivery period and breastfeeding.” Likewise, the term takes into account discrimination against a woman because she is of childbearing age and might become pregnant.

The Ontario Human Rights Commission (OHRC) states in its [Policy on preventing discrimination because of pregnancy and breastfeeding that](#) “It is illegal to discriminate because a woman is pregnant, was pregnant, had a baby, or may become pregnant.”

Each individual woman will experience pregnancy differently. Where a woman has special needs or circumstances that arise from pregnancy or childbirth, service providers and employers have a legal duty to accommodate.

The protections against discrimination based on pregnancy, and the legal duty to accommodate extend to breastfeeding.²

These Guidelines are intended to:

¹ A transgender person may “chestfeed” their child. Chestfeeding is a term used by parents to describe how they feed and nurture their children from their bodies. La Leche League Canada & La Leche League USA. Joint Statement on use of term chestfeeding [Internet]. 2018

² These Guidelines focus solely on Sheridan’s obligation to identify and remove barriers to women who are breastfeeding. Additional information about a woman’s right to equal treatment without discrimination based on **pregnancy** can be obtained on the [Ontario Human Rights Commission’s website](#) or by contacting [Sheridan’s Centre for Equity and Inclusion \(CEI\)](#).

- inform the Sheridan community about the right to equal treatment without discrimination because of pregnancy and breastfeeding
- define the term “pregnancy” and the term “breastfeeding”
- explain a woman’s legal right to breastfeed in educational services and the workplace
- guide members of the Sheridan community on providing a supportive and inclusive environment for a woman who is breastfeeding
- set out Sheridan’s duty to accommodate the needs of students and employees related to breastfeeding
- provide information about appropriate accommodation for Sheridan students and employees who are breastfeeding
- advise students and employees who to contact if they have questions

Code protections for breastfeeding

Breastfeeding includes pumping or expressing milk and nursing directly from the breast.

As breastfeeding can be an innate part of raising a child, it is fundamentally related to the Code grounds of **sex**, as well as **family status**. Breastfeeding women should not experience differential treatment in services (including education), housing, or employment because they have chosen to breastfeed their child.

Women may choose to breastfeed their children for different lengths of time. Where a woman chooses not to breastfeed her child or decides to continue to breastfeed her child beyond a certain age, she must not be subjected to negative comments or treatment.

A woman’s legal right to breastfeed

A woman has rights as a breastfeeding mother – this includes the right to breastfeed a child in a public area. This can include stores, malls, schools, public transit, etc. A woman should not:

- be prevented from breastfeeding a child because they are in a public area
- be asked to “cover up”
- be disturbed while breastfeeding
- be asked to move to a more “discreet” area

A woman’s legal right to breastfeed also extends to the workplace. Sheridan must accommodate any needs a woman has related to breastfeeding or expressing milk for her child. Working together to find a way to meet a woman’s needs is not difficult nor should it be onerous.

Providing a supportive and inclusive environment for a woman who is breastfeeding

Ways that Sheridan can provide a supportive and inclusive environment for a breastfeeding woman on campus include:

- allowing for breaks as needed in order to allow time for an employee or student to express milk or breastfeed, or to reach home in time to breastfeed
- permitting a mother to bring the baby into the workplace or class to be breastfed
- setting aside a comfortable and appropriate area on campus so that a woman may breastfeed her baby, pump, express or safely store breast milk
- where special circumstances exist, granting a leave of absence from work or studies.

Providing appropriate accommodation for breastfeeding students and employees

When providing accommodation, the [principles of the duty to accommodate](#) apply. The most appropriate accommodation is one that:

- most respects the dignity of the person
- meets the person's individual needs
- promotes inclusion and full participation, and
- ensures confidentiality.

A breastfeeding woman should not be asked to provide medical documentation to prove the need to breastfeed their child.

Sheridan students who are breastfeeding can access designated spaces at each Sheridan campus. Students should contact askanadvisor@sheridancollege.ca for assistance.

Sheridan employees who are breastfeeding can access designated spaces at each Sheridan campus. Where an employee identifies the need for accommodation in the workplace, they should discuss this with their Manager or their Human Resources Business Partner. For more information, see the [Sheridan Workplace Accommodation Policy](#) and [Procedure \(Employee\)](#).

If you have additional questions or require further information about these Guidelines, you may contact CEI at equity@sheridancollege.ca