

## FAMILY-RELATED AND OTHER LEAVES

While maternity and parental leaves are the primary focus of this document, a discussion of these provisions would not be complete without mentioning, if only briefly, other family-related leaves, such as bereavement or family responsibility leave. Also, although sick leave is not normally specifically viewed as a family-related leave (unless linked to a pregnancy or to an illness in the family), information has been provided in this regard. Finally, some of the benefits provided under the employment insurance legislation are briefly described.

### ***LEAVE RELATED TO THE BIRTH OR ADOPTION OF A CHILD***

In Canada, employees who are the parents of a newborn or adopted child can generally avail themselves of a parental or, in some instances, an adoption leave. Eligible birth mothers are also entitled to a maternity leave, also termed “pregnancy leave” in a number of jurisdictions. This section examines these types of leave, as well as existing provisions regarding employment protection and benefits.

#### ***Maternity (Pregnancy) Leave***

The British Columbia *Maternity Protection Act of 1921* prohibited employers to employ women for at least six weeks after they had borne a child. For many years the only legislation of its kind in Canada, it respected the terms of the International Labour Organization’s *Maternity Protection Convention, 1919* (Convention No. 3).<sup>1</sup> The right to maternity leave as we know it today was first introduced in British Columbia’s *Maternity Protection Act of 1966* and in the *Canada Labour Code* in 1970.

Since 1988, the employment and labour standards laws of all Canadian jurisdictions contain maternity leave provisions. Yet, there are sometimes important distinctions with respect to leave duration, extensions and eligibility requirements, not to mention special leaves and reassignments for pregnant or nursing employees.

#### ***Leave duration***

In most cases, maternity leave provisions allow a pregnant employee to take a 17-week unpaid leave of absence. In Alberta, however, the legislation provides for 15 weeks of maternity leave and, in Quebec and Saskatchewan, eligible pregnant employees are entitled to 18 weeks of leave. The leave may normally commence no earlier than 11 to 17 weeks before the expected date of birth, depending on the jurisdiction.

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<sup>1</sup> This ILO Convention was revised in 1952 by Convention No. 103 and in 2000 by Convention No. 183.

A number of jurisdictions allow maternity leave to be extended under certain circumstances. In Quebec, British Columbia and Saskatchewan, it is possible to prolong maternity leave by up to six weeks if the mother is unable to return to work for health reasons. In Quebec, this also applies if the child has health problems.

Moreover, seven jurisdictions guarantee at least six weeks of post-natal leave. This minimum post-natal leave is unconditional only in British Columbia. It applies to employees who are not taking parental leave in Newfoundland and Ontario, and to those who gave birth later than the expected date in Prince Edward Island and Saskatchewan. In Alberta, the minimum post-natal leave is to be charged against any remaining maternity leave first, then against parental leave, reducing the latter accordingly. Finally, employees in the Yukon are entitled to this minimum period only if they have pregnancy-related health problems. It is worth mentioning that legislation in Nova Scotia provides that maternity leave may not end sooner than one week after the date of delivery.

Manitoba, Quebec, Nunavut and the Northwest Territories provide a maternity leave extension if the actual date of delivery occurs later than the estimated date of birth; such an extension is equal to the period of time between the two dates. In the Northwest Territories and Nunavut, this is limited to six additional weeks of leave. Furthermore, only employees who have less than two weeks of regular maternity leave remaining after delivery are entitled to this extension in Quebec.

Special provisions sometimes apply in cases where there is a premature birth, complications during pregnancy, a miscarriage or a stillborn child.

### *Eligibility Requirements*

Eligibility requirements for maternity leave vary in each jurisdiction. With the exception of British Columbia, New Brunswick and Quebec, pregnant employees in most jurisdictions must have completed a specific period of continuous employment to be eligible for maternity leave. The required period of service is of 13 weeks in Ontario; 20 weeks in Newfoundland, Prince Edward Island and Saskatchewan<sup>1</sup>; six months in the federal jurisdiction; and seven months in Manitoba. The other Canadian jurisdictions require a minimum 12-month period of service. Furthermore, in nine of the fourteen jurisdictions, a medical certificate confirming that the employee is pregnant and specifying the expected date of delivery *must* be provided to the employer,<sup>2</sup> in the other jurisdictions, a medical certificate is required only if requested by the employer. Finally, an employee must notify her employer in writing, at least two to six weeks in advance—depending on the jurisdiction—of the date she intends to start maternity leave (sometimes this notice must also indicate the duration of the leave).<sup>3</sup> However, provisions exist allowing notice requirements to be waived in the event of an early birth, a medical emergency related to the pregnancy or other valid reasons; in such cases, an employee must notify her employer within a set period of time after ceasing to work. It should also be noted that, in Saskatchewan, an employee who fails to provide her

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1 In Saskatchewan, an employee must be currently employed and have been in her employer's service for at least 20 weeks in the 52 weeks preceding the leave.

2 These jurisdictions are the federal jurisdiction, Manitoba, New Brunswick, Newfoundland, Ontario, Prince Edward Island, Quebec, Saskatchewan and the Yukon. In Quebec, an employee can provide a written report signed by a midwife instead of a medical certificate.

3 Notice must usually be given at least four weeks in advance, except in New Brunswick, Newfoundland and Ontario (two weeks), Quebec (three weeks), and Alberta (six weeks). In New Brunswick, an employee must, in the absence of an emergency, advise her employer four months before the projected date of delivery or as soon as her pregnancy is confirmed, if later, of her *intent* to take a leave.

employer either advance notice or a medical certificate justifying her absence from work is nevertheless allowed maternity leave, albeit for a reduced period (14 weeks).

### *Leave required by the employer*

It is possible for employers, in ten jurisdictions,<sup>1</sup> to require a pregnant employee to start a leave of absence when it is considered that she cannot reasonably perform the duties of her position. In Alberta, Prince Edward Island and Saskatchewan, this provision applies only as of 12 or 13 weeks before the expected date of delivery. The legislation in the federal jurisdiction, New Brunswick and Saskatchewan explicitly stipulates that an employee may be required to start her leave only where there is no alternative employment. In the Northwest Territories and Nunavut, it is up to a Labour Standards Officer, at the employer's request, to decide whether to require an employee to start her pregnancy leave. In many jurisdictions, the onus is on the employer to prove that a pregnant employee is unable to perform her duties. The legislation in Quebec allows an employer to require an employee, from the sixth week before the expected date of delivery, to produce a medical certificate to prove that she is fit to work. Where an employee fails to comply, she can be forced by her employer to take maternity leave. In the Yukon, an employer may require, without condition, that an employee begin maternity leave during the six weeks preceding the expected date of delivery; with the consent of the Director of Employment Standards, an employer may also require that an employee start her leave earlier if she cannot reasonably perform her duties because of pregnancy.

### *Special leaves and reassignment of pregnant employees*

In the federal jurisdiction and in Quebec, a pregnant employee may, from the start of the pregnancy, take a leave of absence if she is unable to work by reason of pregnancy or nursing (federal jurisdiction), or because of a risk of miscarriage or a risk to her health or to the health of her unborn child (Quebec). In the federal jurisdiction, leave may last up to the 24<sup>th</sup> week following birth. In Quebec, an employee on leave is considered to have started her maternity leave as of the beginning of the 8<sup>th</sup> week preceding the expected date of delivery. In both jurisdictions, a medical certificate must be provided in order to be entitled to this leave.

In Quebec and under the federal jurisdiction, a pregnant employee may also request, upon presentation of a medical certificate, to be reassigned to other duties when her employment presents a risk to herself or to her unborn child. When such a reassignment or modifications to her job functions are not possible, the employee may take a leave of absence immediately. In Quebec, income support is available through the Occupational Health and Safety Commission (*Commission de la sécurité et de la santé du travail*); this type of leave also applies when working conditions involve a risk to the child the employee is breast-feeding.

Moreover, an employee in a workplace under federal jurisdiction is allowed to cease performing her job if she believes that, by reason of her pregnancy or nursing, continuing any of her current job functions may pose a risk to her health or that of her foetus or child. The employee is entitled to continue receiving her wages and benefits until a qualified medical practitioner has determined whether or not there is indeed a risk.

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<sup>1</sup> These are the federal jurisdiction, Alberta, New Brunswick, Nova Scotia, Prince Edward Island, Quebec, Saskatchewan, the Northwest Territories, Nunavut and the Yukon.

Finally, labour standards legislation in Quebec allows an employee to be absent from work without pay for a medical examination, or an examination carried out by a midwife, related to the employee's pregnancy.

## ***Parental Leave***

Job-protected parental leave in labour and employment standards legislation is intimately linked to Canada's employment insurance (EI) system. Indeed, parental leave provisions started to appear in labour standards legislation after the creation of EI parental benefits in the early 1990s.<sup>1</sup> Since then, all jurisdictions have adjusted their labour laws and/or regulations to provide parental leave in addition to maternity leave. The latest to do so was Alberta, on February 7, 2001.

### *Duration*

The extension, as of December 31, 2000, of EI parental benefits from 12 to 35 weeks has resulted in important changes with respect to the duration of parental leave in labour standards legislation. Between the last months of 2000 and the first half of 2001, virtually every jurisdiction extended the maximum period of parental leave to ensure that employees could take advantage of the new benefits.<sup>2</sup> A secondary result was the harmonization, to some extent, of parental leave duration across most Canadian jurisdictions.

Employees who are eligible for parental leave, whether they are a mother or a father, are entitled to up to 35 weeks of leave in Prince Edward Island and Newfoundland; 37 weeks in the federal jurisdiction, Alberta, Manitoba, New Brunswick, the Northwest Territories, Nunavut and the Yukon; and 52 weeks in Quebec. The duration of parental leave in British Columbia, Ontario, Nova Scotia and Saskatchewan depends on whether or not the employee also takes pregnancy leave. In these provinces, employees who take pregnancy leave are entitled to 34 (in the case of Saskatchewan) or 35 weeks of parental leave, compared to 37 weeks (52 weeks in Nova Scotia) for those who do not. In practice, the maximum length of parental leave for employees who have taken a full maternity leave in New Brunswick, the Northwest Territories, Nunavut and the federal jurisdiction is also limited: the legislation in these jurisdictions stipulates that the maximum combined duration of maternity and parental leave may not exceed 52 weeks. In the federal jurisdiction and New Brunswick, this limit applies to the aggregate amount of maternity and parental leave taken by *two* parents with respect to the same birth. In other words, only 35 weeks of parental leave may be shared by both parents if the mother takes a full 17-week maternity leave.

The full parental leave is available to each parent—if eligible—in 10 jurisdictions.<sup>3</sup> In contrast, the legislation in Alberta, New Brunswick, the Yukon, and the federal jurisdiction provides that parental leave may be *shared* by both parents as long as the total period of leave does not exceed the legislated maximum. In the Yukon, however, both parents may not take parental leave

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1 It should be noted that prior to that, some jurisdictions provided paternity leave to allow fathers time off with their newborn children.

2 A notable exception is Quebec, that already provided 52 weeks of parental leave, on top of 18 weeks of maternity leave, since 1997.

3 These are British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, Nunavut and the Northwest Territories.

simultaneously, except in cases of illness or hardship. The Alberta legislation stipulates that there is no requirement to grant parental leave to both parents of a child at the same time if they work for the same employer.

Moreover, British Columbia provides a five-week parental leave extension if a child suffers from a physical, psychological or emotional condition requiring the attention of the parent. Similar provisions that appeared in the employment standards legislation of New Brunswick, Nunavut and the Northwest Territories were repealed when these jurisdictions increased the maximum parental leave duration.

Parental leave must normally be completed within a set period of time—typically 52 weeks (70 weeks in Quebec)—following the birth or the arrival of the child in the employee’s care.<sup>1</sup> However, legislation in all jurisdictions, except Quebec’s *Act respecting labour standards* and the federal *Canada Labour Code*, requires that parental leave start immediately after maternity leave, when an employee takes both.

### *Eligibility Requirements*

Eligibility requirements for parental leave mirror those for maternity leave in most respects, including the period of service required to qualify for leave. Minimum notification periods replicate those for maternity leave, with one exception: in New Brunswick, written notice for parental leave must be provided at least four weeks in advance, compared to two weeks for maternity leave. In Manitoba, an employee who gives less notice than the required period is entitled to a reduced amount of parental leave. Quebec and New Brunswick are the only provinces requiring that a medical certificate be presented to qualify for parental leave.

### *Short-term leave for the birth or adoption of a child*

In addition to parental leave, Quebec’s labour standards legislation provides for an absence of five days in the 15 days following the birth or adoption of a child, including two paid days if the employee is credited with 60 days of uninterrupted service. However, an employee who adopts the child of his/her spouse is only entitled to two days without pay.

## ***Adoption Leave***

Adoption leave, by definition, is a period of leave granted to adoptive parents to care for a newly adopted child. In most jurisdictions, adoption leave is subsumed under parental leave; adoptive parents are entitled to a parental leave that is equivalent, in terms of duration and eligibility requirements, to what is offered to natural parents (excluding maternity leave). Three provinces nevertheless have distinct provisions regarding adoption leave.

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<sup>1</sup> In Manitoba, Ontario and Newfoundland, parental leave for employees who did not take maternity leave must *begin* no later than 52 weeks (35 weeks in Newfoundland) after the date the child was born or, if later, the date that the child came into the care and custody of the employee for the first time.

Prince Edward Island's *Employment Standards Act* provides for 52 weeks of leave for adoptive parents (compared to 35 weeks of parental leave for natural parents). Eligible adoptive parents in Newfoundland and Saskatchewan are entitled, respectively, to 17 and 18 weeks of adoption leave, to which can be *added* a further 35 (Newfoundland) or 34 (Saskatchewan) weeks of parental leave, for a combined total of 52 weeks of leave in both cases.

The full period of adoption leave is available to each eligible parent in Prince Edward Island and Newfoundland. In Saskatchewan, conversely, the 18 weeks of adoption leave is only provided to the parent who is to be the primary caregiver. Nevertheless, both the primary caregiver of an adopted child and his/her spouse are entitled to the full period of parental leave (34 and 37 weeks respectively). Adoption leave, just as parental leave, must be taken within a set period of time following the adoption or arrival of the child in the employee's care.

## ***Employment Protection***

Labour standards legislation normally provides threefold protection, although to a varying extent depending on the jurisdiction. First, the labour or employment standards legislation of all jurisdictions prohibits employee dismissal (or suspension, lay-off, or other forms of reprisal) by reason of pregnancy, or because of maternity, parental or adoption leave. Likewise, an employer may not, because of pregnancy or leave, change a condition of employment without the employee's written consent in British Columbia, the Northwest Territories, Nunavut and the Yukon.

Second, all jurisdictions provide that an employee be reinstated in the same or in a comparable pre-leave position with at least equal wages and benefits. Employers under federal jurisdiction must, in addition, offer a returning employee a position in the same location. Quebec's labour standards legislation stipulates that employees must be reinstated in the *same* position at the end of their maternity leave or after a parental leave that does not exceed 12 weeks. They may, however, be reassigned to a *comparable* position following a parental leave of greater than 12 weeks' duration. In British Columbia, Nunavut, the Northwest Territories, the Yukon, Ontario, Prince Edward Island and Quebec, employers must give employees any wage or benefit increases to which they would have been entitled had they not been on leave.

Furthermore, eight jurisdictions<sup>1</sup> provide that if an employer suspends or discontinues operations during an employee's maternity or parental leave, the latter is to be reinstated upon resumption of operations. In Alberta, this requirement only extends for 12 months after the end of the leave. In the case of Nova Scotia, Ontario and the Yukon, an employee's reinstatement is subject to an existing seniority system or practice. In the federal jurisdiction, employers must notify employees on maternity or parental leave as soon as possible if a reorganization affects their wages and benefits. Moreover, they must inform employees, upon written request, of all employment, promotion and training opportunities that arise during the maternity or parental leave.

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<sup>1</sup> These are: Alberta, British Columbia, the Northwest Territories, Nunavut, Nova Scotia, Ontario and the Yukon. Although Quebec's legislation does not specifically mention a suspension of operations, it stipulates that an employee who would have been laid off had she not been on maternity leave is to keep, with respect to rehiring, the same rights as the employees who were laid off.

Third, employees in several jurisdictions are allowed to maintain a number of benefits (i.e., pension, life insurance, accidental death, medical and dental plans) during their leave. This is usually contingent on the payment of their share of premiums.<sup>1</sup> In British Columbia, vacation entitlements continue to accrue during leave; and a reduction in annual vacation due to a maternity leave must be compensated by an indemnity in Quebec. Seniority continues to accrue during a maternity, parental or adoption leave in Ontario, Saskatchewan, New Brunswick and the federal jurisdiction; and four other jurisdictions—Prince Edward Island, Nova Scotia, Nunavut and the Northwest Territories—specifically provide that employees returning from their leave can maintain their previous seniority.

Besides labour standards legislation, human rights legislation also provides employment protection regarding pregnancy. A majority of jurisdictions prohibit discrimination in employment on the basis of pregnancy, often by defining the prohibited ground of sex as including pregnancy. The other jurisdictions prohibit discrimination on the basis of sex, gender, family, or family status. It is suggested that these grounds would also offer protection against discrimination based on pregnancy, or child care.

## ***OTHER FAMILY-RELATED LEAVES***

In addition to maternity, parental and adoption leave, other types of leave that are related to family events also appear in labour legislation. This includes bereavement, family responsibility, wedding and sick leave. Emergency leave, a new type of leave which includes elements of bereavement, family responsibility and sick leave, has appeared more recently.

### ***Bereavement leave***

Bereavement leave is the most prevalent of these leaves, available in ten jurisdictions.<sup>2</sup> Its duration varies from one day to one week, depending on the jurisdiction. *Paid* bereavement leave is available only in three jurisdictions (three days in the federal jurisdiction, one day in Quebec and in Newfoundland). To qualify for paid leave, continuous employment of three months in the federal jurisdiction and of one month in Newfoundland is required. In Saskatchewan, an employee must have been employed for three months to be entitled to unpaid bereavement leave. Where such leave is available, it applies in the case of the funeral or death of an employee's spouse, father, mother, children and siblings. It also applies, in a lesser number of jurisdictions, to grand-parents, parents-in-law, and to several other persons, such as guardians or wards.

### ***Family responsibility leave***

Three jurisdictions—British Columbia, New Brunswick and Quebec—provide a short-term period of leave in their legislation to allow employees to deal with specific family responsibilities or emergencies involving close relatives.

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1 Such is the case in British Columbia, Manitoba, Ontario, Quebec, Saskatchewan and the federal jurisdiction. In Nova Scotia, an employee may maintain benefit plans by agreeing to pay both the employer's and his/her share of the cost.

2 These are: the federal jurisdiction, British Columbia, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, Quebec, Saskatchewan and the Yukon. The new emergency leave in Ontario (see below) also applies in case of the death of a close family member.

All three provinces provide unpaid leave (five days per year in British Columbia and Quebec; three days per year in New Brunswick), to fulfil obligations relating to the care, health or education of a child. In British Columbia and New Brunswick, this also applies to responsibilities involving other members of the employee's immediate family. Employees in Quebec, to be eligible, must have taken all reasonable steps to assume their childcare obligations by other means and to limit the duration of the leave.

### ***Wedding leave***

Quebec provides a leave of one day without reduction in wages for the employee's wedding, and one day without pay on the wedding day of the employee's child, father, mother, brother, sister, or step-child.

### ***Sick Leave***

Sick leave is not necessarily family-related, although an employee's illness can arguably have repercussions on his or her family. Besides, as will be seen in the section concerning special benefits under the Employment Insurance legislation, work interruptions due to sickness may affect one's right to EI maternity and parental benefits.

Sick leave in Canada is provided in six jurisdictions. (A seventh jurisdiction, Ontario, provides an emergency leave to certain employees which may be used in case of illness, injury or medical emergency.) All such leave is unpaid. In Quebec, employees with three months of uninterrupted service are allowed 17 weeks of employment protection against dismissal, suspension or transfer because of an absence due to illness or accident. A similar provision exists in the federal jurisdiction for employees with three months of continuous employment in regard to an absence due to illness of up to 12 weeks. In the federal jurisdiction, an employee may be assigned to a different employment if he or she is unable to perform his or her previous work. In Quebec, an employee may be assigned to comparable employment after an absence of four weeks. Newfoundland and New Brunswick provide employees five days of leave per year if they have been employed with the same employer for a continuous period of six months and 90 days, respectively. Employees in the Yukon are entitled to one day without pay per month of employment with an employer, up to a maximum of 12 days. Employers are prohibited from dismissing or laying off an employee during the leave period.

Provisions regarding sick leave are more centred on family responsibilities in Saskatchewan. In fact, an employer may not dismiss, suspend, layoff, demote or discipline an employee with at least 13 weeks of service because of absence due to a personal illness or injury, or—interestingly—due to the illness or injury of a dependant who is a member of the employee's immediate family. An employee's job is protected for absences not exceeding 12 weeks per year in case of serious injury or illness, or 12 days in a calendar year for illnesses or injuries that are not serious. There is nevertheless an exception in the latter case. Employees with a demonstrated record of chronic absenteeism that is unlikely to improve are not entitled to this leave. In addition, the period of job protection is extended to 26 weeks for employees on workers' compensation. An employer may require that an employee provide a medical certificate in such instances.



## ***Emergency leave***

Since September 2001, employees in Ontario whose employer normally employs 50 people or more are entitled to an unpaid leave of absence in case of a personal illness, injury or medical emergency, or in case of a death, illness, injury, medical emergency or an urgent matter involving a close relative, namely:

- the employee's spouse or same-sex partner;
- a parent, step-parent or foster parent of the employee, the employee's spouse or the employee's same-sex partner;
- a child, step-child or foster child of the employee, the employee's spouse or the employee's same-sex partner;
- a grandparent, step-grandparent, grandchild or step-grandchild of the employee, the employee's spouse or the employee's same-sex partner;
- the spouse or same-sex partner of a child of the employee;
- the employee's brother or sister; or
- a relative of the employee who is dependent on the employee for care or assistance.

Eligible employees may take up to ten days of emergency leave per year, provided they notify their employer and give, if asked to do so, reasonable evidence of their entitlement to the leave. However, professionals (e.g., lawyers, architects, pharmacists, nurses), teachers and students in the professions may not avail themselves of this leave if doing so would constitute an act of professional misconduct or a dereliction of professional duty.

## ***EMPLOYMENT INSURANCE LEGISLATION — SPECIAL BENEFITS<sup>1</sup>***

The EI legislation provides the following special benefits for eligible claimants:

- a)** 15 weeks of maternity benefits in the period surrounding the birth of a child;
- b)** 35 weeks of parental benefits for the care of one or more new-born or newly adopted children to either the mother or father, or shared between them as they deem appropriate; and
- c)** 15 weeks of benefits for illness as prescribed by regulation.

More than one type of benefits mentioned above may be claimed within the same benefit period, up to a cumulative maximum of 50 weeks. To be eligible, a claimant must have contributed to the EI fund and have worked at least 600 hours in the previous 52 weeks or since the start of the last claim, whichever is shorter.

The 15 weeks of EI maternity benefits, payable to the birth mother after a two-week waiting period, may be taken in the period from eight weeks before the expected date of birth to 17 weeks after the actual date of confinement.<sup>1</sup> The 35 weeks of parental benefits

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<sup>1</sup> The following applies in the case of children born or adopted after December 31, 2000.

are payable in the period from the child's date of birth or date of placement to 52 weeks thereafter. Only one waiting period needs to be served per birth or adoption.

Benefits usually cover 55% of a claimant's weekly insurable earnings, to a maximum of \$413 per week. However, claimants who are in a low-income family receiving the Child Tax Benefit are entitled to a family supplement, thereby increasing the benefit rate. Claimants can work while receiving parental benefits; they can earn up to \$50 or 25% of their weekly benefits—whichever is higher—with no reduction in their benefits.

### ***FURTHER INFORMATION: NOTE ON TABLES***

More information on the types of leave available in each of Canada's fourteen jurisdictions, and the conditions under which they are offered, can be found in the following tables. It should be noted, however, that some provisions are not covered in any detail, for instance: changes to the start or end of a leave; the impact on a leave of a transfer (i.e., sale) of business; definitions; premature birth and early arrival of an adopted child.

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<sup>1</sup> This period may be extended if a child is confined to the hospital.

## FAMILY-RELATED AND OTHER LEAVES – FEDERAL JURISDICTION

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Federal</b>	<b><i>Maternity and Parental Leave</i></b>			
<p><i>Canada Labour Code</i></p> <p><i>Canada Labour Standards Regulations</i></p> <p><i>NOTE: References refer to the Code unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> An eligible employee is entitled to a leave of absence of up to 17 weeks commencing no earlier than 11 weeks before the expected date of her confinement and ending no later than 17 weeks following the actual date of her confinement. s. 206</p> <p><b>Parental leave:</b> An eligible employee is entitled to a leave of absence of up to 37 weeks to care for his/her new-born or adopted child. The leave may be shared by two employees, but the aggregate period of leave in respect of the same birth may not exceed 37 weeks. s. 206.1(1),(3)</p> <p>Parental leave must be taken during the 52 week period beginning on the day on which the child is born or comes into the employee's care. s. 206.1(2)</p> <p>The aggregate amount of combined maternity and parental leave that may be taken by one or two employees in respect of the same birth may not exceed 52 weeks. s. 206.2</p>	<p><b>Maternity and parental leave:</b> An employee must have completed six consecutive months of continuous employment to be entitled to leave. The employee must normally give at least four weeks' notice in writing before the start of the leave and inform the employer in writing of the length of leave intended to be taken. A medical certificate is required in the case of maternity leave. ss. 206, 206.1, 207</p>	<p><b>No dismissal:</b> An employer cannot dismiss, suspend, lay off, demote or discipline an employee because the employee is pregnant or has applied for leave. An employee's pregnancy or the employee's intention to take a leave is not to be taken into account by the employer in any decision pertaining to a promotion or training. s. 209.3</p> <p><b>Right to notice of employment opportunities:</b> An employee is entitled, upon written request, to be informed of every employment, promotion and training opportunity that arises during the leave and for which he/she is qualified. s. 209</p> <p><b>Reinstatement:</b> The employee must be reinstated in the position held before the leave commenced or, if this is not possible for a valid reason, in a comparable position with the same wages and benefits and in the same location. s. 209.1</p> <p>When, during the employee's leave, a reorganization affects the wages and benefits of the group of employees of which he/she is a member, the employer must notify the employee in writing of the change as soon as possible. On being reinstated to employment, the employee is entitled to receive the wages and benefits in respect to his/her employment as if he/she had not been on leave during the reorganization. s. 209.1(3),(4)</p> <p><b>(Continued on next page)</b></p>	<p><b>Reassignment of a pregnant or nursing employee:</b> Upon presentation of a medical certificate, a pregnant or nursing employee may, from the beginning of the pregnancy to the 24<sup>th</sup> week following birth, request modifications to her job functions or a reassignment to other duties to avoid risks to her health or to that of the foetus or child. The employer is required to examine the request in consultation with the employee and, where reasonably practicable, to modify the employee's job functions or reassign her. ss. 204, 205(1)</p> <p>When an employee makes such a request, and the risk requires her to stop working, she is entitled to <i>paid</i> leave until accommodations are made by the employer or until the employer informs her that it is not reasonably practicable to meet her request. The onus is on the employer to prove that a modification of job functions or a reassignment is not practically reasonable. s. 205(2),(3)</p> <p>An employee who is reassigned or whose job functions are modified is deemed to continue to hold her previous job and is entitled to the same wages and benefits that she received before changes were made to her duties. s. 205(5)</p> <p>If a modification of job functions or reassignment is not reasonably practicable, the employee is entitled to an unpaid leave of absence for the duration of the risk as indicated in the medical certificate. s. 205(6)</p>

## FAMILY-RELATED AND OTHER LEAVES – FEDERAL JURISDICTION

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
			<p><b>Benefits:</b> Pension, health and disability benefits and seniority continue to accrue during the entire period of leave, except if a contribution is required from the employee with regard to those benefits and he or she fails to pay it within a reasonable time. Pre- and post-leave employment is deemed to be continuous. The employer must continue to pay contributions to these benefits unless the employee does not pay his or her share within a reasonable time. s. 209.2</p> <p>An employee who takes a leave of absence is entitled to benefits under an income-replacement scheme or an insurance plan in force at the workplace on the same terms as any employee absent for health-related reasons, notwithstanding its provisions. s. 209.21</p>	<p><b>Leave required by employer:</b> An employer may not require an employee to take a leave because of pregnancy, except if the employee is unable to perform an essential function of her job and no appropriate alternative job is available. An employee may be required to take a leave of employment only for such time as she is unable to perform that essential function. s. 208(1),(2),(3)</p> <p>The burden of proving that a pregnant employee is unable to perform an essential function of her job rests with the employer. s. 208(4)</p> <p><b>Leave if unable to work:</b> Within the period between the beginning of the pregnancy and the 24th week following birth, an employee who is unable to work by reason of pregnancy or nursing, as indicated in a medical certificate, is entitled to a leave of absence. s. 205.1</p> <p><b>Right to cease performing job:</b> An employee who is pregnant or nursing may cease to perform her job if she believes that, by reason of her pregnancy or nursing, continuing any of her current job functions may pose a risk to her health or that of her foetus or child. The employee must consult a qualified medical practitioner as soon as possible to establish whether there is indeed a risk. The employer may, in consultation with the employee, reassign her to another job that does not pose a health risk. Whether or not she has been reassigned, the employee is deemed to continue to hold her job and is entitled to receive her wages and benefits until the medical practitioner has determined whether there is indeed a risk, at which time the reassignment or leave provisions described above may apply. s. 132</p>

## FAMILY-RELATED AND OTHER LEAVES – FEDERAL JURISDICTION

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b><i>Bereavement Leave</i></b>			
	<p>An eligible employee is entitled to <i>paid</i> leave during the normal working days that occur during the three days immediately following the day of the death of a member of the employee's immediate family, i.e., the spouse or common-law partner, father or mother, children, grandchildren, brothers, sisters, grandparents, father-in-law or mother-in-law of the employee; the spouse of the father or mother of the employee (including a common law spouse); the spouse of the father-in-law or mother-in-law of the employee (including common law spouse); the children of the employee's spouse or common-law partner, and any relative residing permanently in the employee's household or with whom the employee permanently resides.  <i>s. 210(1) of the Code; s. 33 of the Regulation</i></p> <p>Leave is <i>unpaid</i> when the length of service requirement is not met.  <i>s. 210(2)</i></p>	<p>For <i>paid</i> leave, an employee must have completed three consecutive months of continuous employment with an employer.  <i>s. 210(2)</i></p>	
<b><i>Sick Leave</i></b>			
	<p>An eligible employee may be absent due to illness or injury for a period that does not exceed 12 weeks, during which the employer may not dismiss, suspend, lay off, demote or discipline him or her.  <i>s. 239(1)(b)</i></p>	<p>The employee must have completed three consecutive months of continuous employment for the same employer; if requested in writing by the employer within fifteen days after his or her return to work, the employee must provide the employer with a medical certificate.  <i>s. 239(1)(a),(c)</i></p>	<p>An employer may not dismiss, suspend, layoff, demote or discipline an employee because of absence due to illness or injury if the period of the leave does not exceed 12 weeks and other requirements are met.  <i>s. 239(1)</i></p> <p>The employee may be assigned to a different position, with different terms and conditions of employment, if he or she is unable to perform the work performed prior to the absence.  <i>s. 239(1.1)</i></p> <p>The pension, health and disability benefits, and the seniority of an employee continue to accumulate during the entire period of leave unless required contributions in regard to those benefits have not been paid by the employee within a reasonable time. For the purpose of calculating benefits, employment before and after the leave is deemed to be continuous.  <i>ss. 239(2.1),(3),(3.1)</i></p>

## FAMILY-RELATED AND OTHER LEAVES — ALBERTA

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Alberta</b>	<b><i>Maternity and Parental Leave<sup>1</sup></i></b>			
<p><i>Employment Standards Code</i></p> <p><i>NOTE: References refer to the Code unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> An eligible pregnant employee is entitled to 15 weeks of unpaid maternity leave starting at any time during the 12 weeks before the estimated date of delivery. Leave must be taken for a period of at least six weeks after the date of delivery, unless the employee and employer agree to shorten the period and a medical certificate indicates that the employee can resume her work without endangering her health. The additional period of leave is to be charged first against any remaining maternity leave, then against parental leave. ss. 46, 53(3)</p> <p><b>Parental leave:</b> An eligible employee is entitled to 37 consecutive weeks of parental leave. In the case of an employee entitled to maternity leave, the parental leave must begin immediately following the last day of maternity leave. Otherwise, it must be completed within 52 weeks after the child's birth or placement with the adoptive parent. s. 50(1)</p> <p>Parental leave can be taken wholly by one employee or shared by both parents of a child. However, where the parents of the same child work for the same employer, the latter is not required to grant leave to more than one employee at a time. ss. 50(2), (3)</p>	<p><b>Maternity and parental leave:</b> To be entitled to maternity and/or parental leave, an employee must have been employed by an employer for at least 52 consecutive weeks. ss. 45, 50(1)</p> <p>At least six weeks' written notice must be given before the starting date of the leave. ss. 47(1), 51(1)</p> <p><b>Maternity leave:</b> If requested by her employer, the employee must provide a medical certificate. s. 47(1)</p> <p>An employee who does not give prior notice is still entitled to maternity leave if she provides her employer with a medical certificate within two weeks after ceasing work. s. 48</p> <p><b>Parental leave:</b> If the employee cannot comply with the six-week notice requirement because of a medical condition of the mother or child or because the placement date of an adopted child was not foreseeable, he/she must provide the employer written notice at the earliest possible time. s. 51(2)</p> <p>Employees who intend to share parental leave must advise their respective employers. s. 51(5)</p>	<p><b>No dismissal:</b> An employer cannot terminate or lay off an employee who has started maternity leave or who is entitled to or has started parental leave, unless the employer suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed and the operation is not subsequently resumed within 52 weeks following the end of the leave. ss. 52, 53.1</p> <p><b>Reinstatement:</b> If entitled, the employee must be reinstated in the same position or be given alternative work of a comparable nature with not less than the same wages and benefits. The employee must give at least four weeks' notice of the date of resumption of employment and must return to work on that date to be entitled to reinstatement after his/her leave, unless prevented to do so by unforeseeable or unpreventable circumstances. s. 53</p>	<p><b>Leave required by employer:</b> During the 12 weeks immediately before the estimated date of delivery, an employer may require an employee to start maternity leave if her pregnancy interferes with the performance of her duties. s. 49</p>

<sup>1</sup> The following applies in the case of a child born or adopted after December 31, 2000.

## FAMILY-RELATED AND OTHER LEAVES — BRITISH COLUMBIA

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b>British Columbia</b>	<b><i>Pregnancy and Parental Leave</i></b>		
<p><i>Employment Standards Act</i></p> <p><i>Employment Standards Regulation</i></p> <p><i>NOTE: References refer to the Act unless indicated otherwise.</i></p>	<p><b>Pregnancy leave:</b> A pregnant employee is entitled to 17 consecutive weeks of unpaid leave, commencing no earlier than 11 weeks before the expected birth date and no later than the actual birth date. The post-natal portion of the leave ends no earlier than six weeks after birth, unless a shorter period is requested in writing at least one week before returning to work; the employer may require a medical certificate. An employee who requests leave <i>after</i> the birth of a child or the termination of a pregnancy is entitled to up to six consecutive weeks of unpaid leave.</p> <p>A pregnancy leave may be extended for six consecutive weeks if the employee is unable to return to work for reasons related to the birth or the termination of the pregnancy. <i>s. 50(1),(2),(3),(5)</i></p> <p><b>Parental leave:</b> A birth mother who has taken pregnancy leave is entitled to 35 consecutive weeks of unpaid parental leave; both leaves must be taken consecutively. Parents who did not take pregnancy leave, including adoptive parents, are entitled to 37 consecutive weeks of unpaid leave, which must be taken within 52 weeks following the birth or the adoption of the child. <i>s. 51(1)</i></p> <p>Parental leave may be extended by up to five additional weeks if a child suffers from a physical, psychological or emotional condition requiring an additional period of parental care. <i>s. 51(2)</i></p> <p>The combined period of pregnancy and parental leave for one employee cannot exceed 52 weeks not counting the possible six-week pregnancy leave extension when the mother is unable to return to work, or the five-week parental leave extension when a child's condition requires additional parental care. <i>s. 51(4)</i></p>	<p><b>Pregnancy leave:</b> The employee must give the employer a written request for the leave four weeks prior to the proposed start date of leave. The request must be accompanied by a medical certificate if required by the employer. <i>s. 50(4)</i></p> <p><b>Parental leave:</b> The employee must give the employer a written request at least four weeks prior to the proposed start date of leave. If required by the employer, the request must be accompanied by a medical certificate or other evidence of the employee's entitlement to leave. <i>s. 51(3)</i></p> <p><b>Exclusions:</b> Practising members of specified professions; students employed in work study or work experience programs; individuals working in certain government training or job creation programs; sitters; student nurses; auxiliary and volunteer firefighters; others. <i>ss. 31, 32, 33 of the Regulation</i></p>	<p><b>No dismissal:</b> An employer cannot terminate employment or change a condition of employment without the employee's written consent, because of an employee's pregnancy or leave. <i>s.54(2)</i></p> <p><b>Reinstatement:</b> The employee must be reinstated in the same position or a comparable position with all increases in wages and benefits to which the employee would have been entitled had the leave not been taken. <i>ss. 54(3), 56</i></p> <p>If the employer's operations are suspended or discontinued when the leave ends, the employee must be reinstated as soon as operations are resumed, subject to the seniority provisions of a collective agreement. <i>s. 54(4)</i></p> <p><b>Benefits:</b> Employment is deemed to be continuous for the purposes of calculating vacation and notice of termination entitlement, and any pension, medical or other plan beneficial to the employee, except if the employee has taken a longer leave than is allowed under the Act. <i>s. 56(1),(4)</i></p> <p>During the leave, the employer continues to make payments to pension, medical and other plans, where the employer pays the total cost of the plan, or in cases of shared cost, where the employee chooses to continue to pay his/her share of the cost. <i>s. 56(2)</i></p>

## FAMILY-RELATED AND OTHER LEAVES — BRITISH COLUMBIA

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b><i>Family Responsibility Leave</i></b>			
	An employee is entitled to up to five days of unpaid leave each year, to meet responsibilities related to the care, health, or education of a child in the employee's care or the care or health of any other member of the employee's immediate family (i.e. spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, or any person who lives with an employee as a member of the employee's family). ss. 52, 1(1)	<b><i>(see "Exclusions" under Pregnancy and Parental Leave)</i></b>	<b><i>(see under Pregnancy and Parental Leave)</i></b>
<b><i>Bereavement Leave</i></b>			
	An employee is entitled to up to three days of unpaid leave on the death of a member of the employee's immediate family. s. 53	<b><i>(see "Exclusions" under Pregnancy and Parental Leave)</i></b>	<b><i>(see under Pregnancy and Parental Leave)</i></b>



## FAMILY-RELATED AND OTHER LEAVES — MANITOBA

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b>Manitoba</b>	<b><i>Maternity and Parental Leave</i></b>		
<p><i>Employment Standards Code</i></p> <p><i>Minimum Wages and Working Conditions Regulation</i></p> <p><i>NOTE: References refer to the Code unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> An eligible employee is entitled to up to 17 weeks of leave, plus, if the date of delivery is after the estimated date of delivery, a period of time equal to the time between the two dates. The leave is to start not earlier than 17 weeks before the estimated date of delivery and to end not later than 17 weeks after the date of delivery. s. 54(1),(2)</p> <p><b>Parental leave:</b> An employee who adopts a child or becomes the natural parent of a child, is entitled to a leave of up to 37 weeks, available to each parent, commencing no later than the first anniversary of the date of birth or adoption of the child or of the date on which the child comes into the actual care and custody of the employee. When parental leave is taken in addition to maternity leave, they must be taken in one continuous period, unless the employee and employer otherwise agree or a collective agreement provides otherwise. ss. 58(1),(3), 59</p> <p>An employee may end his/her parental leave early by giving prior written notice to the employer of at least two weeks or one pay period, whichever is longer. s. 59.1(2)</p>	<p><b>Maternity leave:</b> An employee must be employed by the same employer for at least seven consecutive months. The employee must provide the employer not less than four weeks' written notice of the start of the leave, and must provide a medical certificate. ss. 53, 54(3)(a)(b)</p> <p><b>Parental leave:</b> An employee must be employed by the employer for at least seven consecutive months. He/she must give at least four weeks' written notice before the intended commencement of the leave. Parental leave duration is reduced by a period equal to the number of days by which the notice given is less than four weeks. s. 58(1),(2)</p> <p><b>Exclusions:</b> Leave provisions do not apply to the following employees: volunteers for religious, philanthropic, political or patriotic institutions, beneficiaries under a rehabilitation plan or project, or persons working on training or work experience programs under government or school board authority and who do not receive wages; or to some farmers, fishers and horticulturists. ss. 2, 3 of the Regulation.</p>	<p><b>No dismissal:</b> The employer may not terminate or lay off an employee who has completed seven consecutive months of employment solely because the employee is pregnant, takes parental leave or gives notice of maternity or parental leave. s. 60(1)</p> <p><b>Reinstatement:</b> The employee must be reinstated in the same position or a comparable position with not less than the wages and benefits earned immediately before the leave began. s. 60(2)</p> <p><b>Benefits:</b> For the purpose of pension and other benefits, the employment of an employee with the same employer before and after maternity leave or parental leave is deemed to be continuous. s. 60(3)</p>

## FAMILY-RELATED AND OTHER LEAVES — NEW BRUNSWICK

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>New Brunswick</b>	<b>Maternity and Childcare (Parental) Leave</b>			
<p><i>Employment Standards Act</i></p> <p><i>General Regulation</i></p> <p><i>NOTE: References refer to the Act unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> An employer must grant a pregnant employee a 17-week unpaid leave to start any time during the period from 11 weeks before the expected date of delivery to the actual date of delivery. The period of leave must include the anticipated date of delivery. s. 43(1),(3)</p> <p><b>Childcare leave:</b> An employer must grant the natural or adoptive parent of a child an unpaid leave of 37 consecutive weeks. The leave may be taken wholly by one of the parents or be shared between them; the aggregate amount of parental leave that may be taken by both parents of a child may not exceed 37 weeks. In the case of an employee who has taken maternity leave, childcare leave must start immediately after maternity leave, unless the employer and employee agree otherwise and unless the newborn child is hospitalized at that time. Otherwise, a natural or adoptive parent must take the leave within 52 weeks following the date on which the newborn or adopted child came into his/her care and custody. s. 44.02(2),(8),(10),(11),(12),(12.1)</p> <p>The aggregate amount of maternity and parental leave that may be taken by one or both parents for the same birth may not exceed 52 weeks. s. 44.02(12.2)</p>	<p><b>Maternity leave:</b> The employee must request the leave and provide a medical certificate stating the expected date of delivery. The employee must, four months before the projected date of delivery or as soon as her pregnancy is confirmed—whichever is later—advise her employer of her intent to take a leave. Except in case of an emergency, she must also give two weeks' notice of the start date of the leave. s. 43(1),(2)</p> <p><b>Childcare leave:</b> In the case of a natural parent, the employee must give four weeks' written notice of the start date of the leave (except in case of emergency), and a medical certificate indicating the actual or anticipated date of birth. In the case of an adoptive parent, the employee must give four months' written notice (or provide written notice as soon as possible in the event of an emergency) of intent to take the leave, provide proof of actual or expected placement, and notify the employer of the start date and duration of leave. s. 44.02(3),(4)</p> <p><b>General exclusions:</b> The <i>Employment Standards Act</i> does not apply to agricultural workers whose employers have three or fewer employees (not in a close family relationship) over a substantial period of the year or to persons employed in or about the private home of the individual who employs them. Under certain conditions, employers may also request to be exempted from certain provisions of the Act. s. 5, 8</p>	<p><b>No dismissal (maternity leave):</b> The employer may not dismiss, suspend or lay off a pregnant employee or refuse to employ a pregnant employee for reasons arising out of the pregnancy alone. s. 42</p> <p><b>Reinstatement:</b> The employee must be reinstated in the same or a comparable position, with no decrease in pay and with no loss of seniority or benefits accrued up to the beginning of the leave. ss. 44, 44.02(13)</p> <p><b>No dismissal (leaves generally):</b> An employer cannot dismiss, suspend or lay-off an employee who has been granted leave during the leave or for reasons arising out of the leave alone. s. 44.04(1)</p> <p><b>Seniority (leaves generally):</b> An employee's seniority continues to accrue during the leave unless the employee would have been dismissed, suspended or laid off if he/she had not been granted a leave of absence. s. 44.04(2),(3)</p>	<p><b>Maternity leave required by employer:</b> Where no alternative employment is available, an employer may require an employee to begin a leave if her duties cannot reasonably be performed by a pregnant woman or if the performance of her work is materially affected by the pregnancy. s. 43(4)</p>

## FAMILY-RELATED AND OTHER LEAVES — NEW BRUNSWICK

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b><i>Family Responsibility Leave</i></b>				
	An employer must grant an employee unpaid leaves of absence of up to three days during a 12 calendar month period to meet responsibilities related to the health, care or education of a person in a close family relationship with the employee (i.e., spouse, parent, child, sibling, grandparent, grandchild, or a relationship between persons who “demonstrate an intention to extend to one another the mutual affection and support normally associated” with one of these relationships). s. 44.022(1)	The employer must be advised of the employee’s intention to take leave as well as the anticipated start date and duration of the leave. s. 44.022(2)	<b><i>(see “No dismissal (leaves generally)” and “Seniority” under Maternity and Parental Leave)</i></b>	
<b><i>Bereavement Leave</i></b>				
	An employer must grant an employee an unpaid bereavement leave of up to five consecutive calendar days on the death of a person in a close family relationship (see above); it may begin no later than the day of the funeral or memorial service. s. 44.03(2)	The employer must be advised of the employee’s intention to take leave as well as the anticipated start date and duration of the leave. s. 44.03(3)	<b><i>(see “No dismissal (leaves generally)” and “Seniority” under Maternity and Parental Leave)</i></b>	
<b><i>Sick Leave</i></b>				
	An employer must grant an employee unpaid sick leave of up to five days during a 12 calendar month. s. 44.021(1)	The employee must have been in the employ of the employer for more than 90 days. The employer must be advised of the anticipated duration of the leave. s. 44.021(1),(3)  The employer may require a medical certificate if an employee requests a sick leave that is four or more consecutive days in length. s. 44.021(2)	<b><i>(see “No dismissal (leaves generally)” and “Seniority” under Maternity and Parental Leave)</i></b>	The obligation of an employer to grant sick leave is in addition to duties under the <i>Workers’ Compensation Act</i> . s. 44.021(4)

## FAMILY-RELATED AND OTHER LEAVES — NEWFOUNDLAND AND LABRADOR

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
Newfoundland and Labrador	<b><i>Pregnancy, Adoption and Parental Leave</i></b>		
<i>Labour Standards Act</i>	<p><b>Maternity leave:</b> The pregnancy leave of an eligible employee <i>who is entitled to take parental leave</i> ends 17 weeks after it started. The pregnancy leave of an employee <i>who is not entitled to take parental leave</i> ends 17 weeks after it began, or six weeks after birth, whichever is later. Pregnancy leave may begin no earlier than 17 weeks before the expected birth date. ss. 40(2), 42(1),(2)</p> <p><b>Adoption leave:</b> An eligible employee is entitled to 17 weeks of unpaid leave, available to each parent, following the coming of the child into the care and custody of the parent for the first time. ss. 43(1), 43.2</p> <p><b>Parental leave:</b> An eligible employee is entitled to 35 weeks of unpaid leave, available to each parent. Parental leave may begin no later than 35 weeks after the child is born or comes into the care and custody of the parent for the first time. However, where pregnancy leave is taken, parental leave begins when pregnancy leave ends, unless the child has not yet come into the care and custody of the parent. ss. 43.3(1),(2),(3), 43.5</p>	<p><b>Maternity leave:</b> A pregnant employee must have been employed under a contract of service with the same employer for 20 consecutive weeks “immediately before the expected birth date”. The employee must give at least two weeks written notice of the date the leave is to begin, and provide a medical certificate; this requirement does not apply if the employee stops working because of complications caused by her pregnancy or a birth, still-birth or miscarriage that happens earlier than the expected birth date. In that case, written notice, as well as a medical certificate, must be given within two weeks of stopping work. ss. 40(1),(3), 41</p> <p>An employee on pregnancy leave who does not intend to take parental leave must notify the employer not less than four weeks before her intended return to work. s. 42(4)</p> <p><b>Adoption and parental leave:</b> The employee must have been employed under a contract of service with the employer for at least 20 consecutive weeks. The employee must give at least two weeks written notice of the date the leave is to begin, unless the child comes in the care and custody of the parent sooner than expected. ss. 43(1),(2), 43.3(1),(4)</p> <p><b>Exclusions:</b> Persons who are qualified in, or training for qualification in, and working for an employer in the practice of accountancy, architecture, law, medicine, pharmacy, professional engineering, surveying, teaching, veterinary science, and other professions and occupations that may be prescribed are excluded from these leave provisions. s. 2(b)</p>	<p><b>No dismissal:</b> An employer may not dismiss an employee solely because the employee intends to take maternity, adoption or parental leave, or because of absence by reason of the leave. In case of dismissal, the burden of proof regarding the reason of dismissal rests with the employer. s. 43.9(1),(2)</p> <p><b>Reinstatement:</b> At the end of the leave, the terms of the contract of service are resumed so that the wages, duties, benefits and position of the employee are not less beneficial than those that existed before the leave. s. 43.7</p> <p><b>Benefits:</b> Unless an employer and an employee agree otherwise, the period of pregnancy leave, adoption leave or parental leave does not count towards the application of rights, benefits and privileges conferred by the Act. However, pre- and post-leave employment is deemed to be continuous. s. 43.8</p>

## FAMILY-RELATED AND OTHER LEAVES — NEWFOUNDLAND AND LABRADOR

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b><i>Bereavement Leave</i></b>			
	An employee is entitled to a bereavement leave period of one day of <i>paid</i> leave and two days of <i>unpaid</i> leave in the event of the death of the employee's spouse, child, grandchild, mother, father, brother, sister, grandparent, mother-in-law, father-in-law, brother-in-law or sister-in-law. s. 43.10(1)	The employee must have been under a contract of service with the same employer for a continuous period of at least one month. s. 43.10(1)	<b>No dismissal:</b> An employee cannot be dismissed or given a notice of dismissal because of bereavement leave. In case of dismissal, the burden of proof regarding the reason of dismissal rests with the employer. s. 43.10(3),(4)
<b><i>Sick Leave</i></b>			
	An employee is entitled to a period of five days of unpaid sick leave in a year. s. 43.10(2)	The employee must have been under a contract of service with the same employer for a continuous period of six months. The employee must provide a medical certificate. s.43.10(2)	<b>No dismissal:</b> An employee cannot be dismissed or given a notice of dismissal because of sick leave. In case of dismissal, the burden of proof regarding the reason of dismissal rests with the employer. s. 43.10(3),(4)

## FAMILY-RELATED AND OTHER LEAVES — NORTHWEST TERRITORIES AND NUNAVUT

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Northwest Territories and Nunavut</b>	<b><i>Pregnancy and Parental Leave</i></b>			
<p><i>Labour Standards Act</i></p> <p><i>Pregnancy and Parental Leave Regulation</i></p> <p><i>NOTE: References refer to the Act unless indicated otherwise.</i></p>	<p><b>Pregnancy leave:</b> An eligible employee is entitled to 17 consecutive weeks of unpaid leave, commencing at any time during the 17 week period immediately preceding the estimated date of birth. If the actual date of delivery is later than the estimated date of delivery, an employee can extend her leave by a period not exceeding the period of time between the two dates, to a maximum of six more weeks. An employee may resume employment before the expiry of her leave, with the consent of the employer. s. 31</p> <p><b>Parental leave:</b> An eligible employee is entitled to 37 consecutive weeks of unpaid leave. The leave, which is available to each parent, whether natural or adoptive, must be taken in the period from the day of birth or the day the child arrives at the employee's home, to one year after. However, an employee who has taken pregnancy leave must begin parental leave immediately after pregnancy leave, or on the day the child arrives at the employee's house, unless the employee and the employer agree otherwise. An employee may resume employment before the expiry of the leave, with the consent of the employer. s. 34(1),(4),(6),(7)</p> <p>The maximum period of combined pregnancy and parental leave to which an employee is entitled is 52 weeks. s. 35.1</p>	<p><b>Pregnancy and parental leave:</b> The employee must be employed by an employer for 12 consecutive months before the day on which he or she intends to commence the leave, ceases to work or gives birth. The employee must normally request leave in writing at least four weeks before the date he/she intends to commence the leave. In the case of pregnancy leave, a medical certificate must be provided if so requested by the employer. ss. 31(1), 34(1); s. 2 of the Regulation</p> <p><b>General exclusions:</b> The Act only applies to persons employed to do skilled or unskilled manual, clerical, technical, operational or administrative work in an industrial establishment (i.e. "any work, undertaking or business of a local or private nature in the Territories"). Trappers and persons engaged in commercial fisheries are specifically excluded. ss. 1, 2(3)</p>	<p><b>No dismissal or change in employment conditions:</b> An employer cannot change a condition of employment without the employee's written consent, or terminate employment because of the employee's pregnancy or on account of the pregnancy or parental leave. s. 38</p> <p><b>Reinstatement and benefits:</b> The employee must be reinstated in the same or comparable position with no loss of wages, benefits and seniority accrued to the date the leave began, and with all increments to wages and benefits to which the employee would have been entitled had the leave not been taken. s. 36</p> <p>If the employer's operations are suspended when the leave ends, the employer must not, because the employee has taken leave, refuse to reinstate him or her when operations resume. s. 37</p> <p><b>Onus on employer:</b> The onus is on the employer to show that a contravention is not due to the pregnancy or to pregnancy or parental leave. s. 39</p>	<p><b>Pregnancy leave required by Labour Standards Officer:</b> The Labour Standards Officer may, at the request of an employer and after due consideration, require an employee to commence pregnancy leave if, in the Officer's opinion, the duties of the employee cannot reasonably be performed because of pregnancy. Pregnancy leave will continue until the Officer is satisfied the employee is able to perform her duties, or until the pregnancy is terminated. s. 33</p> <p><b>Period of parental leave —more than one child:</b> Where more than one child are adopted and arrive at substantially the same time, an employee is entitled to parental leave for the period commencing on the day the first child arrives and ending one year after the last child arrives. s. 34(5)</p>

## FAMILY-RELATED AND OTHER LEAVES — NOVA SCOTIA

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Nova Scotia</b>	<b><i>Pregnancy and Parental Leave</i></b>			
<p><i>Labour Standards Code and Regulations</i></p> <p><b>NOTE:</b> <i>References refer to the Code unless indicated otherwise.</i></p>	<p><b>Pregnancy leave:</b> An eligible pregnant employee is entitled to an unpaid leave of up to 17 weeks, commencing not sooner than 16 weeks preceding the expected date of delivery and not later than the date of delivery. Leave ends not sooner than one week after delivery, and not later than 17 weeks after the pregnancy leave began, as determined by the employee. s. 59(1),(2),(3)</p> <p><b>Parental leave:</b> An eligible employee who becomes a parent through the birth or placement of one or more children and who has <i>not</i> taken pregnancy leave is entitled to an unpaid leave of up to 52 weeks, ending no later than 52 weeks after the child or children first arrive in the employee's home.</p> <p>An employee who takes pregnancy leave is entitled to 35 weeks of parental leave, beginning immediately after pregnancy leave, if the child has arrived in the employee's home. Otherwise, the leave must be taken within 52 weeks of the child or children first arriving in the employee's home. s. 59B(1),(2),(3)</p> <p><b>Maximum combined leave:</b> The maximum combined pregnancy and parental leave to which an employee is entitled is 52 weeks. s. 59B(4)</p>	<p><b>Pregnancy leave:</b> A pregnant employee must have been employed by her employer for at least one year. The employee must normally give the employer four weeks' notice of the date she will begin the leave and, if she does not take the maximum leave, of the date that she will return to work. Where the employer so requests, a medical certificate stating the expected date of delivery must also be provided. ss. 59(1), 59D(1)</p> <p><b>Parental leave:</b> An employee must have been employed by an employer for at least one year. The employee must normally give the employer four weeks' notice of the start of parental leave, unless pregnancy leave was also taken. Four weeks' notice of the date the employee will return to work must also be provided if the duration of the leave is less than the maximum. ss. 59B(1), 59D(1)</p> <p><b>General exclusions:</b> Persons employed in a private home by the householder to provide domestic service for a member of the employee's immediate family or for no more than 24 hours per week and persons employed under the Unemployment Insurance Job Creation Program or any substantially similar program are not covered by the Act. s. 2(1),(9) of the Regulations</p>	<p><b>No dismissal:</b> An employer may not discharge, lay off or discriminate in any other manner against any person who has taken, has evidenced an intention to take, or that the employer believes may take, a leave of absence to which that person is entitled pursuant to this Act. s. 30(1)(d)</p> <p><b>Reinstatement:</b> An employer must permit an employee who returns to work from a leave to resume work in the same position held before the leave or in a comparable position with not less than the same wages and benefits, and with no loss of seniority or benefits accrued to the commencement of the leave.</p> <p>Where the employer's operations are suspended or discontinued when the employee returns to work after the leave, the termination of employment provisions apply; the employee must be reinstated if operations are resumed, subject to the seniority system. ss. 59G, 59H, 72</p> <p><b>Benefits:</b> During a period of leave, an employee is entitled to maintain benefit plans in which he/she participated prior to the leave, by agreeing to pay both the employer's and his/her share of the cost. s. 59F</p>	<p><b>Maternity leave required by employer:</b> Subject to the <i>Human Rights Act</i>, an employer may require a pregnant employee who has been employed by the employer for at least one year, to take an unpaid leave of absence while the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected. s. 59A(1)</p> <p><b>Parental leave interruption:</b> Parental leave may be interrupted and employment resumed where the child to whom parental leave relates is hospitalized for a period exceeding or likely to exceed one week. The unused portion of the leave can be deferred until the child is discharged from hospital. As much notice as is reasonably practical must be given and the employer may request the employee to provide proof of entitlement, such as a medical certificate. A parental leave may only be interrupted once. ss. 59C(1),(2), 59D(3), 59E(1)</p>

## FAMILY-RELATED AND OTHER LEAVES — NOVA SCOTIA

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b><i>Bereavement Leave</i></b>				
	An employee is entitled to up to three consecutive working days of unpaid leave upon the death of the employee's spouse, parent, guardian, child or ward, and to one working day of unpaid leave upon the death of a grandparent, grandchild, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law or brother-in-law. s. 60A	The employee must give the employer as much notice as is reasonably practicable. s. 60C  <b><i>(see "General Exclusions" under Pregnancy and Parental Leave)</i></b>	<b><i>(see "No dismissal" under Pregnancy and Parental Leave)</i></b>	



## FAMILY-RELATED AND OTHER LEAVES — ONTARIO

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b>Ontario</b>	<b><i>Pregnancy and Parental Leave</i></b>		
<p><i>Employment Standards Act, 2000</i></p> <p><i>Exemptions, Special Rules and Establishment of Minimum Wage Regulation</i></p> <p><b>NOTE:</b> <i>References refer to the Act unless indicated otherwise.</i></p>	<p><b>Pregnancy leave:</b> An eligible pregnant employee is entitled to 17 weeks of unpaid leave, commencing no earlier than 17 weeks before her due date or the day on which she gives birth to a live-born child, and no later than the due date or the date of birth. If the employee is entitled to parental leave, the pregnancy leave ends 17 weeks after it started. Otherwise, pregnancy leave ends 17 weeks after it began or six weeks after birth, stillbirth or miscarriage, whichever is later. An employee may end her leave earlier by giving the employer at least four weeks' written notice. An employee who does so may change the end date to an earlier or later day by giving her employer a new written notice at least four weeks before the new date or the day indicated in the original notice. ss. 46(2),(3),(3.1), 47(1),(2),(3)</p> <p><b>Parental leave:</b> An eligible employee, who is the natural or adoptive parent of a child, is entitled to 35 weeks of unpaid leave if pregnancy leave was taken, or 37 weeks otherwise.<sup>1</sup> The leave, which may be taken fully by each parent, must begin no more than 52 weeks after the child is born or comes into the employee's care, custody and control for the first time. However, the parental leave of an employee who takes pregnancy leave must begin when the pregnancy leave ends, unless her child has not yet come into her care, custody and control for the first time. An employee may end his/her leave earlier by giving the employer at least four weeks' written notice. An employee who does so may change the end date to an earlier or later day by giving his/her employer a new written notice at least four weeks before the day indicated in the original notice. ss. 48(1),(2),(3), 49(1),(2),(3)</p>	<p><b>Pregnancy leave:</b> A pregnant employee is entitled to pregnancy leave if she started employment with her employer at least 13 weeks before her due date. The employee must normally give two weeks' written notice of the date the leave is to begin and, if the employer requests it, provide a medical certificate. An employee who has already given notice may start her leave on an earlier or later day by giving her employer a new notice at least two weeks before the new date or the day indicated in the original notice. Unless constructively dismissed, an employee on pregnancy leave may not terminate her employment without giving her employer at least four weeks' written notice. ss. 46(1),(4),(5),(6), 47(4),(5)</p> <p><b>Parental leave:</b> An employee is entitled to parental leave if the employee has been employed by his/her employer for at least 13 weeks. The employee must normally give at least two weeks' written notice of the date the leave is to begin. An employee who has already given notice may start his/her leave on an earlier or later day by giving his/her employer a new notice at least two weeks before the new date or the day indicated in the original notice. Unless constructively dismissed, an employee on parental leave may not terminate his/her employment without giving the employer at least four weeks' written notice. ss. 48(1),(4),(5),(6), 49(4),(5)</p>	<p><b>No dismissal:</b> No employer or person acting on his/her behalf may intimidate, dismiss or otherwise penalize an employee or threaten to do so because the latter is or will become eligible to take a leave, intends to take a leave or takes a leave, or exercises or attempts to exercise a right under the Act. s. 74</p> <p><b>Reinstatement:</b> An employee who has taken pregnancy and/or parental leave must be reinstated to the position he/she most recently held or, if it no longer exists, to a comparable position with wages that must be at least equal to the wages most recently paid or the wages that the employee would be earning if he/she had worked throughout the leave, whichever is greater. This does not apply if the employment of the employee is ended solely for reasons unrelated to the leave. s. 53</p> <p><b>Benefits:</b> The period of leave is included in the calculation of the employee's length of employment, length of service and seniority for the purpose of determining rights under an employment contract; but is not counted to determine if a probationary period has been completed. During the leave, the employee continues to participate in benefit plans such as pension, life insurance, accidental death, extended health and dental plans, unless he/she elects in writing not to do so. Employer contributions must continue to be made unless the employee gives the employer written notice that he/she does not intend to pay his/her contributions. ss. 51, 52</p>

<sup>1</sup> Applies in the case of children born or who came into the employee's custody, care and control on or after December 31, 2000.

## FAMILY-RELATED AND OTHER LEAVES — ONTARIO

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits
<b><i>Emergency Leave</i></b>			
	<p>An employee whose employer regularly employs 50 or more employees is entitled to a total of up to ten days of unpaid leave per year in case of a personal illness, injury or medical emergency, or in case of a death, illness, injury, medical emergency or an urgent matter concerning one of the following relatives: the employee's spouse or same-sex partner; a parent, step-parent or foster parent of the employee, the employee's spouse or the employee's same-sex partner; a child, step-child or foster child of the employee, the employee's spouse or the employee's same-sex partner; a grandparent, step-grandparent, grandchild or step-grandchild of the employee, the employee's spouse or the employee's same-sex partner; the spouse or same-sex partner of a child of the employee; the employee's brother or sister; or a relative of the employee who is dependent on the employee for care or assistance. s. 50(1),(2),(5)</p> <p>An employee who takes an emergency leave for part of a day may be deemed, by his/her employer, to have taken a full day's leave. s. 50(6)</p>	<p>An employee who wishes to take an emergency leave must advise the employer that he/she will do so. If it is impossible to give notice before starting an emergency leave, the employee must advise the employer as soon as possible. s. 50(3),(4)</p> <p>An employer may require an employee who takes an emergency leave to provide evidence reasonable under the circumstances that the employee is entitled to the leave. s. 50(7)</p> <p><b>Exclusions:</b> Duly qualified practitioners of architecture, law, professional engineering, public accounting, surveying and veterinary science, persons employed as a registered practitioner of a health profession, duly registered practitioners under the <i>Drugless Practitioners Act</i>, teachers as defined in the <i>Teaching Profession Act</i>, and students training in any of these occupations are not entitled to take an emergency leave if doing so would constitute an act of professional misconduct or a dereliction of professional duty. s. 3 of the Regulation</p>	<b><i>(see under Pregnancy and Parental Leave)</i></b>

## FAMILY-RELATED AND OTHER LEAVES — PRINCE EDWARD ISLAND

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<p><b>Prince Edward Island</b></p> <p><i>Employment Standards Act</i></p> <p><i>NOTE: References refer to the Act unless indicated otherwise.</i></p>	<b>Maternity and Parental Leave</b>			
	<p><b>Maternity leave:</b> An eligible employee is entitled to 17 weeks of unpaid leave, commencing at any time during the period of 11 weeks before the estimated date of birth. The employee is entitled to not less than six weeks of leave after birth if it occurs later than the estimated date of birth. s. 20(1),(2)</p> <p>An employee may return to work, with her employer's permission, earlier than six weeks after the actual date of delivery. s. 20(5)</p> <p><b>Parental and adoption leave:</b> An eligible employee who is a natural parent is entitled to 35 weeks of unpaid leave. Eligible adoptive parents are entitled to a 52-week unpaid leave. The leave must be taken during the 52 week period beginning on the child's birth date or the date the child comes in the employee's custody. However, a natural mother must take parental leave immediately on expiry of maternity leave, without a return to work in between, unless the employer agrees otherwise. s. 22(1),(3),(6)</p> <p>An employer may accept an employee's return to work before the expiry of the parental leave granted provided that a two-week notice be given. s. 22(5)</p> <p><b>Maximum aggregate leave:</b> The maximum aggregate period of maternity and parental or adoption leave that may be taken by one or two employees regarding the same event may not exceed 52 weeks. s. 22(2.1)</p>	<p><b>Maternity leave:</b> An employee must have been in the employment of the employer for a continuous period of 20 weeks or more. The employee must submit an application for leave at least four weeks before the intended commencement of the leave, as well as a medical certificate. s. 19</p> <p><b>Parental leave:</b> An employee must have been in the employment of the employer for a continuous period of 20 weeks or more. The employee must submit an application for leave at least four weeks before the day he or she intends to commence the leave. In the case of an employee adopting a child or obtaining legal guardianship of a child, the application for leave is not required earlier than the date the employee is notified of the placement of the child. s. 22(1),(2)</p> <p><b>General exclusions:</b> Farm labourers (except those employed in a commercial undertaking) and persons whose income is derived primarily from commissions on sales are excluded from most of the Act's provisions. Parental and adoption leave does not apply to foster parents. ss. 2, 22(7)</p>	<p><b>No dismissal:</b> The employer may not dismiss, lay off or suspend an employee by reason only of the fact that the employee is pregnant, is temporarily disabled because of pregnancy, has applied for maternity leave, or has applied for parental leave. s. 18</p> <p><b>Reinstatement and benefits:</b> The employee must be reinstated in the position occupied when leave commenced or, if it no longer exists, in a comparable position with not less than the same wages and benefits the employee would have received if the employee had not been granted maternity, parental or adoption leave. In either case, there is no loss of seniority or pension benefits, although the employer is not required to pay pensions benefits during the period of leave. ss. 21, 22(4)</p>	<p><b>Maternity leave required by employer:</b> The employer may request that an employee begin maternity leave not more than three months before the estimated date of birth where the pregnancy would unreasonably interfere with the performance of her duties. In a prosecution regarding the above, the onus of proof is on the employer. s. 20(3),(4)</p>

## FAMILY-RELATED AND OTHER LEAVES — PRINCE EDWARD ISLAND

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b><i>Bereavement Leave</i></b>				
	An employee is entitled to up to three consecutive calendar days of unpaid leave upon the death of his or her spouse, common-law spouse, child, parent, brother or sister, commencing no later than the day of the funeral. s. 23(1),(2)	The employee must advise the employer of the intent to take the leave, as well as the anticipated commencement and duration of the leave. s. 23(3)  <b><i>(see “General Exclusions” under Maternity and Parental Leave)</i></b>		

## FAMILY-RELATED AND OTHER LEAVES — QUEBEC

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Maternity and Parental Leave</b>				
<p><b>Quebec</b></p> <p><i>An Act respecting labour standards</i></p> <p><i>Regulation respecting labour standards</i></p> <p><i>An Act respecting occupational health and safety</i></p> <p><i>NOTE: References pertain to the Act respecting labour standards unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> A pregnant employee is entitled to 18 consecutive weeks of unpaid leave, commencing at any time from the 16<sup>th</sup> week before the expected date of birth. If the delivery takes place after the expected date, the employee is entitled to an extension of leave equal to the period of time between the two dates, unless there already are at least two weeks of maternity leave after delivery. A further extension of up to six weeks is available if the health of the mother or child so requires. <i>ss. 81.4, 81.5; ss. 17, 18, 23 of the Regulation</i></p> <p><b>Parental leave:</b> The father and mother of a newborn child, or a person who adopts a child who has not reached the age of compulsory school attendance, are entitled to not more than 52 consecutive weeks of parental leave without pay. Parental leave may not start before the day the child is born, or the day the adopted child is entrusted to the employee, and ends not later than 70 weeks after those days. Leave may also begin from the day the employee leaves work to go to a place outside Quebec in order that a child be entrusted to him or her. Parental leave does not apply to an employee who adopts the child of his or her consort. <i>ss. 81.10, 81.11</i></p>	<p><b>Maternity leave:</b> The employee must normally give written notice of not less than three weeks indicating the date of the intended beginning of the leave and the date of return to work; the employee must have been in the service of the employer the day preceding the three-week notice; also, a medical certificate, or where applicable, a written report signed by a midwife, must be sent along with the notice. <i>s. 81.6; ss. 15, 24 of the Regulation</i></p> <p>An employee may provide a new notice of return date to her employer if it is sent at least two weeks ahead of time. <i>Ss. 27, 28 of the Regulation</i></p> <p>To benefit from the six-week extension on account of the health of mother or child, the employee must send her employer a notice and a medical certificate before the end of the maternity leave. <i>s. 23 of the Regulation</i></p>	<p><b>Reinstatement after leave:</b> At the end of the maternity leave or of a <i>parental leave that does not exceed 12 weeks</i>, the employee must be reinstated in his or her former position with the same wages and benefits the employee would have been entitled to had he or she remained at work. <i>s. 81.15; s. 31 of the Regulation</i></p> <p>At the end of a <i>parental leave that exceeds 12 weeks</i>, the employer may assign the employee to a comparable position in the same establishment with equal or higher wages and with equivalent pension and insurance plans.</p> <p>If the position no longer exists, the employer must recognize all rights and privileges the employee would have been entitled to had he or she been at work. <i>s. 81.15</i></p> <p>If the employee would have been laid off had she not been on maternity leave, she keeps, with respect to rehiring, the same rights as the employees who were laid off. <i>s. 34 of the Regulation</i></p>	<p><b>Maternity leave—Medical certificate attesting fitness to work:</b> From the sixth week before the expected date of delivery, the employer may require the employee to produce a medical certificate attesting that she is fit to work. The employer may require the employee to start maternity leave if she refuses or neglects to produce a medical certificate within eight days. Moreover, an employer may require that an employee who returns to work within two weeks following delivery provide a medical certificate attesting that she is fit to work. <i>ss. 81.8, 81.9; ss. 19, 30 of the Regulation</i></p> <p><b>Risk pregnancies—special leave:</b> When there is a risk of miscarriage or a risk to the mother's or unborn child's health, as indicated in a medical certificate, the employee is entitled to special maternity leave. The leave is reputed to be the maternity leave as of the beginning of the 8<sup>th</sup> week before the expected date of delivery. <i>s. 20 of the Regulation</i></p> <p><b>Reassignment of a pregnant worker:</b> A pregnant worker may request to be re-assigned to other duties she is reasonably capable of performing, upon presentation of a certificate attesting that the working conditions may be physically dangerous to her unborn child or to herself by reason of her pregnancy. If a requested re-assignment is not made immediately, the pregnant worker may stop working until she is reassigned or until the date of delivery. Income support is paid by the Occupational Health and Safety Commission (<i>Commission de la sécurité et de la santé au travail</i>). All benefits attached to her regular employment are retained. At the end of the period of reassignment, or of work interruption, the employee is returned to her regular employment with all the benefits she would have been entitled to had she remained in her employment. <i>ss. 40, 41, 43, 44 of the Act respecting occupational health and safety</i></p>

## FAMILY-RELATED AND OTHER LEAVES — QUEBEC

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
		<p><b>Parental leave:</b> An employee must give notice of not less than three weeks, stating the date of the start of the leave and the date of return to work. An employee may return to work earlier than the stated date by providing three weeks' notice of the new date. ss. 81.12, 81.13</p> <p><b>General exclusions:</b> The Act does not apply to employees employed in a dwelling to care for a child, a sick, disabled, handicapped or aged person, unless work is intended to procure a profit for the employer; employees subject to a regulation of another act establishing their remuneration or the applicable tariff; a student employed in a job induction program approved by the <i>Ministère de l'éducation</i>. s. 3</p>	<p>Generally, an employee who does not report to work on the date stated in the notice given to the employer is presumed to have resigned. s. 81.14; s. 29 of the <i>Regulation</i></p> <p><b>No dismissal or reprisals:</b> An employer cannot dismiss, suspend, transfer, practice discrimination or take reprisals against an employee for the exercise of his/her rights or because she is pregnant. s. 122(1),(4)</p> <p><b>Benefits:</b> The participation of an employee in fringe benefits is not affected by her maternity leave, subject to regular payment of her share of the contributions. Also, an employee whose absence on maternity leave results in the reduction of her annual leave indemnity is entitled to an indemnity equal to twice or three times (depending on the employee's annual leave entitlement) the weekly average of the wages earned during the period of work. s. 74; s. 32 of the <i>Regulation</i></p>	<p>The provisions on reassignment described above apply as well in the case of an employee whose working conditions involve risks to the child she is breast-feeding. An interruption of work lasts until reassignment or until the child is weaned. ss. 46, 47, 48 of the <i>Act respecting occupational health and safety</i></p> <p><b>Transfer at employer's initiative:</b> An employer must of his own initiative transfer a pregnant employee if working conditions are physically dangerous to herself or her unborn child. The employee may refuse the transfer, on presentation of a medical certificate attesting that the conditions are not dangerous. s. 122</p>
<b>Leave for Health Examination Related to Pregnancy</b>				
	<p>An employee may be absent from work without pay for a medical examination related to her pregnancy or for an examination by a midwife. s. 81.3</p>	<p>The employee must advise the employer of her absence as soon as possible. s. 81.3</p> <p><b>(see "General Exclusions" under Maternity and Parental Leave)</b></p>		

## FAMILY-RELATED AND OTHER LEAVES — QUEBEC

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Absence for Birth or Adoption (short term)</b>				
	An employee is entitled to be absent from work for five days— two of which may be <i>paid</i> —at the birth or adoption of a child. The leave may be divided into days at the request of the employee but may not be taken more than 15 days after the child arrives at the employee’s residence. The leave of an employee who adopts the child of his or her consort is two days without pay. s. 81.1	An employee must have 60 days of uninterrupted service, in order to be entitled to two paid days. The employee must advise the employer of his or her absence as soon as possible. s. 81.1  <b>(see “General Exclusions” under Maternity and Parental Leave)</b>		
<b>Absence for Obligations to Minor Child</b>				
	An employee may be absent for five days per year without pay to fulfil obligations relating to the care, health or education of his or her minor child in cases where his or her presence is required due to unforeseeable or uncontrollable circumstances.  The leave may be divided into days, and, with the approval of the employer, into smaller periods. s. 81.2	The employee must have taken all reasonable steps to assume his or her childcare obligations by other means and to limit the duration of the leave.  The employee must advise the employer of his or her absence as soon as possible. s. 81.2  <b>(see “General Exclusions” under Maternity and Parental Leave)</b>		
<b>Bereavement Leave</b>				
	An employee is entitled to one day <i>without reduction in wages</i> , plus three days <i>without pay</i> , in the event of the death or funeral of his or her consort, his or her child or the child of the consort, or his or her father, mother, brother or sister. s. 80  An employee is also entitled to one day without pay in the event of the death or funeral of a son-in-law or daughter-in-law, a grand-parent or grand-child or the father, mother, brother or sister of his or her consort. s. 80.1	The employee must advise the employer of his or her absence as soon as possible. s. 80.2  <b>Exclusions:</b> In addition to the general exclusions enumerated under <i>Maternity and Parental Leave</i> , the section of the Act regarding bereavement leave does not apply to employees governed by the <i>Act respecting labour relations, vocational training and manpower management in the construction industry</i> or to senior managerial personnel. s. 3		

## FAMILY-RELATED AND OTHER LEAVES — QUEBEC

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b><i>Sick Leave</i></b>				
	An employer may not dismiss, suspend or transfer an employee because of an absence due to illness or accident for a period not exceeding 17 weeks in the preceding 12 months, unless the consequences of the illness or accident or the repetitive nature of the absences constitute good and sufficient cause. s. 122.2	The employee must have three months of uninterrupted service. s. 122.2  <b><i>(see “General Exclusions” under Maternity and Parental Leave)</i></b>	At the end of an absence that exceeds four consecutive weeks, the employer may assign the employee to a comparable position with equal or higher wages and with an equivalent pension and insurance plan. s. 122.2  An employee whose absence on sick leave results in the reduction of the employee’s annual leave indemnity is entitled to an indemnity equal to twice or three times (depending on the employee’s annual leave entitlement) the weekly average of the wages earned during the period of work. s. 74	
<b><i>Wedding Leave</i></b>				
	An employee may be absent from work one day without reduction in wages on his or her wedding day. One day without pay is provided on the wedding day of the child, father, mother, brother or sister of the employee or of a child of his or her consort. s. 81	The employee must advise the employer not less than one week in advance. s. 81  <b><i>(see “Exclusions” under Bereavement Leave)</i></b>		



## FAMILY-RELATED AND OTHER LEAVES — SASKATCHEWAN

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Saskatchewan</b>	<b>Maternity and Parental Leave</b>			
<p style="text-align: center;"><i>Labour Standards Act</i></p> <p><i>NOTE: References refer to the Act unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> An eligible employee is entitled to 18 weeks of unpaid leave, commencing at any time within 12 weeks of the estimated date of birth. An employee who fails to give her employer a written application for leave and who does not provide a medical certificate attesting that there were <i>bona fide</i> medical reasons to cease work immediately is entitled to 14 weeks of unpaid leave, starting at any time during the eight weeks preceding the estimated date of birth. Where the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks' leave after the actual date of birth. However, with the agreement of her employer, an employee can return to work less than six weeks after the actual date of birth. s. 23(3),(4),(5),(6),(7)</p> <p>An employee who is unable, for <i>bona fide</i> medical reasons, to return to work and who provides a medical certificate, is entitled to a further period of leave not exceeding six weeks. s. 24</p> <p><b>Parental leave:</b> An employee meeting eligibility requirements is entitled to 34 consecutive weeks of unpaid leave if entitled to maternity or adoption leave, and to 37 consecutive weeks otherwise. This leave is to be taken during the period from 12 weeks before the estimated date of birth or the estimated date on which the child is to come into the employee's care, to 52 weeks following the actual date of birth or the actual date on which the child comes into the employee's care. An employee who takes both maternity leave and parental leave must take the two leaves consecutively. s. 29.1(2),(2.1),(5)</p> <p><b>Adoption leave:</b> An eligible employee who is the primary caregiver of an adopted child is entitled to a period of not more than 18 weeks of unpaid adoption leave commencing on the day the child becomes available for adoption, to which can be added 34 weeks of parental leave. The spouse of the primary caregiver of an adopted child is entitled, if eligible, to 37 weeks of parental leave. s. 29.2 (2)</p>	<p><b>Maternity, parental and adoption leave:</b> The employee must be currently employed and have been in the employment of his/her employer for a total of at least 20 weeks in the 52 weeks preceding the leave. The employee must normally submit a written application at least four weeks before the commencement of the leave. ss. 23(1), 29.1(1), 29.2(1)</p> <p>The employee must also provide a medical certificate, in the case of maternity leave. If she intends to take parental leave as well, the employee must submit a notice four weeks prior to the day on which she was scheduled to return from maternity leave. s. 23(1), s. 29.1(1)(b)(ii)</p> <p>To be eligible for adoption leave, the employee must be the primary caregiver of the adopted child during the leave. s. 29.2(1)</p> <p>An employee on maternity, parental or adoption leave must notify the employer at least four weeks prior to the day the he/she intends to resume employment; no employer is required to allow an employee to resume employment if this prerequisite is not met. ss. 28, 29.1(4), 29.2(4)</p> <p><b>General exclusions:</b> Farming, ranching and market gardening. These definitions do not include the operation of egg hatcheries, greenhouses and nurseries, or bush clearing operations. s. 4(3)</p>	<p><b>No dismissal (maternity leave):</b> An employer must not dismiss, lay off, suspend or discriminate against an employee because of her pregnancy, a temporary disability due to her pregnancy, or because the employee applied for maternity leave. In the case of an alleged violation, the onus is on the employer to prove that a dismissal, lay off, suspension or other form of discrimination was for good and sufficient reason. s. 27(1),(2)</p> <p><b>Reinstatement and benefits (maternity, parental and adoption leave):</b> An employer must reinstate the employee in the same or comparable position with no loss of accrued seniority or benefits or reduction in wages. Seniority and rights of recall continue to accrue while the employee is on leave. An employee is entitled to continue participating in benefit plans prescribed by regulation (i.e., medical, dental, disability/life insurance, registered retirement savings, pension, accidental death and dismemberment or other similar plans) if he or she pays contributions required by the plan. ss. 26(1),(2), 29.1(4), 29.2(4), 29.3(4); s. 15 of the Regulation</p>	<p><b>Maternity leave required by employer:</b> Where the pregnancy of an employee unreasonably interferes with the performance of her duties, the employer can, if no opportunity exists to modify her duties or reassign her to another job with no loss of wages or benefits, require her to commence her maternity leave not more than 13 weeks prior to the estimated date of birth. In the case of a prosecution alleging a violation, the onus is on the employer to prove that pregnancy unreasonably interfered, and that no opportunity existed to modify duties or to reassign the employee to another job. s. 25</p>

## FAMILY-RELATED AND OTHER LEAVES — SASKATCHEWAN

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b><i>Bereavement Leave</i></b>				
	An employee is entitled to up to five working days without pay following the death of a spouse, parent, grandparent, child, sister, or brother of the employee or of his/her spouse. The leave must be taken in the period commencing one week before the funeral and ending one week after. s. 29.3(1),(2),(3)	An employee must have been employed during three months of continuous employment with the employer. s. 29.3(2)  <b><i>(see “General exclusions” under Maternity and Parental Leave)</i></b>	An employer must grant the leave “without dismissal or discipline”. s. 29.3(2)	
<b><i>Leave for Illness or Injury of an Employee or Immediate Family Members</i></b>				
	An employer may not dismiss, suspend, lay off, demote or discipline an eligible employee because of absence due to an illness or injury of the employee or of a member of the immediate family who is a dependant. In the case of serious illness or injury, the employee’s job is protected for an absence not exceeding 12 weeks in a period of 52 weeks. In the case of illness or injury that is not serious, employees may be absent for up to 12 days in a calendar year, except where it can be demonstrated that they have a record of chronic absenteeism and there is no reasonable expectation of improved attendance. The period of permitted absence is extended to 26 weeks where the employee is receiving workers’ compensation benefits. s. 44.2(1),(2)	An employee must have been in the employer’s service for at least 13 consecutive weeks prior to the absence. If requested in writing by the employer, the employee must provide a certificate of a duly qualified medical practitioner certifying that the employee was incapable of working due to illness or injury or certifying the illness or injury of the member of the employee’s immediate family. s. 44.2(1)(c)  <b><i>(see “General exclusions” under Maternity and Parental Leave)</i></b>	An employer must grant the leave “without dismissal or discipline”. s. 29.3(2)	“Immediate family” is defined as a spouse, parent, grandparent, child, brother or sister of an employee or of his/her spouse. s. 29.3

## FAMILY-RELATED AND OTHER LEAVES — YUKON

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b>Yukon Territory</b>	<b>Maternity and Parental Leave</b>			
<p><i>Employment Standards Act</i></p> <p><i>General Exemption Regulation</i></p> <p><i>NOTE: References refer to the Act unless indicated otherwise.</i></p>	<p><b>Maternity leave:</b> An eligible employee is entitled to 17 consecutive weeks of unpaid leave or such shorter period that she requests and that is agreed to by the employer. An employee can return to work before the requested period is over with the consent of her employer or by giving four weeks' notice in writing of the day she intends to return to work. s. 36(2),(3)</p> <p>An employee who requires leave because of health problems associated with pregnancy cannot be required to return to work during six weeks following the date of birth or of termination of the pregnancy. s. 36(5)</p> <p><b>Parental Leave:</b> An eligible employee is entitled to 37 weeks of unpaid leave, whether for a natural or adopted child, to be completed no later than the first anniversary date of birth or adoption, or of the date the child comes into the employee's care and custody. However, an employee taking maternity leave must begin parental leave immediately on expiry of the maternity leave, without a return to work, unless the employer and the employee agree otherwise. The leave can be shared between the parents but the total cumulative leave may not exceed a continuous period of 37 weeks, nor can it be taken at the same time unless illness or hardship prevents the first parent from caring for the child. ss. 37.1(1),(3),(6),(7), 37.2(1)</p> <p>Employees may return to work before the requested period of parental leave is over with the consent of their employer or by giving four weeks prior written notice. s. 37.1(5)</p>	<p><b>Maternity leave :</b> An employee must have completed 12 months of continuous employment with the employer. The employee must also normally submit a written request for leave at least four weeks before she intends to commence the leave. A medical certificate is also required. s. 36(1)</p> <p><b>Parental Leave:</b> An employee must have completed 12 months of continuous employment with an employer. The employee must normally submit a written request for leave at least four weeks before he or she intends to begin the leave. s. 37.1(1),(2)</p> <p><b>General exclusions:</b> Employees of the Government of the Yukon and sitters. s. 2; s. 4 of the Regulation</p>	<p><b>No dismissal:</b> The employer cannot terminate an employee or change a condition of employment, without the employee's written consent, because of parental or maternity leave or because of pregnancy, unless the employee has been absent for a time exceeding the period permitted. s. 40</p> <p><b>Reinstatement:</b> The employee must be reinstated in the same or in a comparable position with not less than the wages and benefits he/she was entitled to on the date that the leave began plus all increases to wages and to benefits to which the employee would have been entitled had the leave not been taken. The service of an employee who has taken a leave is considered to be continuous. ss. 38(1), 39(1),(2)</p> <p>Where an employer's operations are suspended or discontinued at the time an employee ends his or her leave, the latter must be reinstated, subject to the seniority provisions of a collective agreement, on resumption of operations. s. 39(3)</p>	<p><b>Maternity leave required by employer:</b> During the six weeks preceding the expected date of delivery, an employer may require that an employee begin maternity leave. Also, at any time, an employer may, with the consent of the Director of Employment Standards, require an employee to begin a leave of absence when the employee cannot reasonably perform her duties because of the pregnancy. s. 37(1),(2)</p>

## FAMILY-RELATED AND OTHER LEAVES — YUKON

Legislation	Period of Leave	Eligibility Requirements and Exclusions	Job Security and Benefits	Other
<b><i>Bereavement Leave</i></b>				
	<p>An employee is entitled to up to one week of bereavement leave without pay in the event of the death of the employee's spouse, parent, child, brother, sister, father of a spouse, mother of a spouse, step-mother, step-father, grandparent, grandchild, son-in-law, daughter-in-law and any relative permanently residing with the employee or with whom the employee resides. The funeral must take place during the week that the leave is taken. s. 58(1),(2)</p> <p>An employee designated by the family of a deceased member of a First Nation as the person responsible for organizing the funeral potlatch is entitled to one week without pay. s. 58(3),(4)</p>			
<b><i>Sick Leave</i></b>				
	<p>An employee is entitled to one day without pay per month of employment with an employer up to a maximum of 12 days. s. 57(2)</p>	<p>An employer may request that the employee produce a medical certificate as a condition of entitlement. s. 57(3)</p>	<p>An employer cannot dismiss or lay-off an employee solely because of an absence due to illness or injury if the period of absence does not exceed the employee's sick leave entitlement. s. 57(1)</p>	

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