

# Maternity, Adoption and Parental Leaves for New Parents

Labour Standards information for the restaurant and foodservices industry



Employers and employees can agree to longer maternity, adoption and parental leaves than what is provided for by Labour Standards. To prevent misunderstanding, these agreements should be in writing.

## 1. Quick Reference to leaves of absences for new parents.

Type of leave	Maternity	Adoption	Parental
<b>Eligibility</b>	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52 week period before the leave is to start.	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52 week period before the leave is to start.	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52 week period before the leave is to start.
<b>Entitlement</b>	18 unpaid weeks; wages paid through Employment Insurance.	18 unpaid weeks; wages paid through Employment Insurance.	34 unpaid weeks; 37 weeks for the parent who did not take maternity or adoption leave; wages paid through Employment Insurance.
<b>Employee</b>	Female parent.	Either parent, whomever is designated as primary caregiver.	Either or both parents.
<b>Timing</b>	Can start any time during the 12 weeks prior to the estimated date of birth.	Adoption leave starts at least on the day the child is available for adoption.	If parental leave is not taken with maternity leave, it must be taken between the period 12 weeks before the estimated date of birth or the estimated date on which the child will come into the employee's care and 52 weeks after the actual date the child was born or the adopted child came into the employee's care.
<b>Notice of leave</b>	Four weeks written notice before the leave is to begin. Notice to identify the date the leave is to begin and include a medical certificate with estimated date of birth. Notice should include estimated date of return to work.	Four weeks written notice if possible. If not, notice must be whatever is given by Community Resources and Employment or the adoption agency or birth parents. Notice should include an estimated date of return to work.	If taken after maternity or adoption leave, four weeks written notice before the end of the maternity or adoption leave. If taken separately notice should be given four weeks before the leave is to begin.
<b>Return to work</b>	Four weeks written notice before the employee returns to work.	Four weeks written notice before the employee returns to work.	Four weeks written notice before the employee returns to work.
<b>Reinstatement</b>	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave. Seniority and the right of recall continues to accrue while the employee is on leave.	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave. Seniority and the right of recall continues to accrue while the employee is on leave.	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave. Seniority and the right of recall continues to accrue while the employee is on leave.
<b>Protection</b>	Employer shall not dismiss, lay off, suspend or otherwise discriminate against an employee because she is pregnant; is temporarily disabled because of pregnancy; or has applied for maternity leave. This is a job protected leave even during the first three-month probationary period.	Employers may not discharge or discipline employees who take adoption leave.	Employers may not discharge or discipline employees who take parental leave.

(see over)



Saskatchewan Labour

This publication is part of a series developed in cooperation by the Canadian Restaurant and Foodservices Association and Saskatchewan Labour. For more information, visit [www.labour.gov.sk.ca](http://www.labour.gov.sk.ca) or [www.crfa.ca](http://www.crfa.ca).



Canadian Restaurant and Foodservices Association

Association canadienne des restaurateurs et des services alimentaires

## **2. Modification of duties.**

A woman must be given modified duties if her pregnancy would unreasonably interfere with the performance of her duties. Where duties are modified, there must be no reduction in wages or benefits.

If there is no opportunity to assign modified duties for pregnant employees, the employee may be required to commence leave 13 weeks before the estimated date of birth.

## **3. Illness resulting from pregnancy.**

If a pregnant employee must stop work as a result of a pregnancy related illness, she may leave work immediately. She is not required to start her maternity leave at this time and can delay the start of her maternity leave up to the estimated date of birth.

Employers who provide sick benefits to employees must make sure that pregnant employees get these benefits when they are unable to work because of a pregnancy related illness. Employees must also get these benefits for the period of time after the birth of the child during which the employee is unable to work for reasons related to the birth of the child. Sick benefits may also be available through Employment Insurance.

## **4. Annual holidays upon return from leave.**

After returning from leave, an employee gets the same annual holiday time the employee would have received if the leave had not been taken. Since holiday pay is a percentage of the employee's wages, annual holiday pay could be affected.

Note: This publication is not a legal document. The original Act and Regulations should be consulted for all purposes of interpretation and application of the law.



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