



Maternity, Adoption, and Parental Leaves

Information for SIAST Students

1. Quick reference for unpaid leaves of absence for new parents

Leave Type	Maternity	Adoption	Parental
Eligibility	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period for the same employer 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 for the same employer 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 for the same employer before the leave is to start.
Entitlement	18 unpaid weeks; benefits paid through Employment Insurance.	18 unpaid weeks; benefits paid through Employment Insurance.	Up to 34 unpaid weeks leave for parent taking maternity or adoption leave. Up to 37 unpaid weeks leave for other parent. Benefits paid by Employment Insurance.
Employee	Female parent.	Either parent, whoever is designated as primary caregiver.	Either or both parents.
Timing	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.
Notice of leave	Four weeks written notice before the leave is to begin. The notice must identify the date the leave is to begin and include a medical certificate with estimated date of birth. The notice should include the estimated date of return to work.	Four weeks written notice if possible. If not, notice must be whatever is given by Community Resources or the adoption agency or birth parents. The 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, the notice should be given four weeks before the leave is to begin.
Return to work	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.
Reinstatement	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 continue 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 continue 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 continue to accrue while the employee is on leave.
Protection	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 protection applies even during the first three months of employment.	Employers may not discharge or discipline employees who take adoption leave.	Employers may not discharge or discipline employees who take parental leave.

Employers and employees can agree to longer leaves than provided by Labour Standards. Put agreements in writing to avoid misunderstandings.

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To contact the Labour Standards Branch:

Visit our website: www.labour.gov.sk.ca

Call: 1-800-667-1783 toll free in Canada fax: (306) 787-4780 in Regina

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 to pregnant employees, the employee may be required to commence leave not more than 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 medical 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.

5. Company benefit plans

Employees on maternity, adoption and parental leave can continue participating in certain company benefit plans.

An employer may require the employee to pay the contributions required to maintain the benefits. Benefit plans that an employee is entitled to continue participating in while on leave include medical, dental, disability or life insurance, accidental death or dismemberment, registered retirement savings plan, and other pension plans.