

**MATERNITY LEAVE PROVISIONS UNDER
CANADIAN FEDERAL & PROVINCIAL LEGISLATION**

Jurisdiction	Min. Period of Employment to Qualify for Leave	Length of Leave*	Required Notice	Employee Benefits Coverage to Continue During Leave	Reinstatement and Seniority
Federal **	6 months	17 weeks	4 weeks	required – unless employee suspends own contributions, if any	same position but if employer unable to provide it, comparable position; same wages, location and benefits; employment deemed continuous
Alberta	52 weeks	15 weeks	6 weeks	not required	same/comparable position; same wages and benefits
British Columbia ***	No requirements	17 weeks	4 weeks	required – unless employee suspends own contributions, if any	same/comparable position; all increments to wages/benefits as if leave not taken; employment deemed continuous
Manitoba	7 months	17 weeks	4 weeks	not required	same/comparable position; same wages and benefits; employment deemed continuous
New Brunswick	no requirements	17 weeks	(a) intent to take leave: 4 months prior to anticipated delivery date; (b) commencement of leave: 2 weeks	not required	same/comparable position; same wages and benefits; no loss of seniority
Newfoundland and Labrador	20 weeks	17 weeks	2 weeks	not required	wages, duties, benefits and position that are not less beneficial than those that subsisted before leave taken; employment deemed continuous
Nova Scotia	1 year	17 weeks	4 weeks	required – provided employee pays full cost of continuous coverage, including share of employer	same/comparable position; same wages and benefits; no loss of seniority or benefits accrued
Ontario ¹	13 weeks	17 weeks	2 weeks	required – unless employee suspends own contributions, if any	same position, if it exists, or comparable position if it does not; all increments to wages as if leave not taken; seniority ¹ continues to accrue during leave
Prince Edward Island	20 weeks	17 weeks	4 weeks	not required	same position if it exists, or comparable position if it does not; all increments to wages/ benefits as if leave not taken; no loss of seniority
Québec	20 weeks in past 12 months	18 weeks	3 weeks	required – unless employee suspends own contributions, if any	same position; all increments to wages/ benefits as if leave not taken
Saskatchewan ***	20 weeks	18 weeks	4 weeks	required if employee pays contributions required by plan, if any	same/comparable position; same wages and benefits; no loss of seniority

**MATERNITY LEAVE PROVISIONS UNDER
CANADIAN FEDERAL & PROVINCIAL LEGISLATION (Continued)**

Notes

¹ Ontario See Note 2 following the *Parental Leave Provisions Under Federal & Provincial Legislation* chart.

* Under the federal legislation, as well as legislation in Alberta, New Brunswick, Nova Scotia, Prince Edward Island, Québec and Saskatchewan, an employer may require a pregnant employee to commence her maternity leave earlier than intended if the pregnancy interferes with the employee's performance. However, the employer's right to require commencement of a maternity leave is limited as follows:

Federal	- subject to duty of accommodation.
Alberta	- 12 weeks before the estimated date of delivery.
P.E.I.	- 3 months before the estimated date of delivery.
Québec	- 6 weeks before the estimated date of delivery (unless employee provided medical certificate showing she is fit for work).
Saskatchewan	- 13 weeks before estimated date of delivery (subject to duty of accommodation).

** Under the federal legislation, an additional unpaid leave is available to an employee who is pregnant or nursing if she provides the employer with a medical certificate confirming her inability to work by reason of her pregnancy or nursing.

*** In some provinces, a period of extended maternity leave is available in circumstances of medical necessity, as follows:

British Columbia	- 6 weeks
Saskatchewan	- 6 weeks

NOTE: THIS CHART IS INTENDED AS A BRIEF SUMMARY ONLY. FOR FURTHER DETAILS, PLEASE REFER TO THE LEGISLATION.

PARENTAL LEAVE PROVISIONS UNDER FEDERAL & PROVINCIAL LEGISLATION

Jurisdiction	Min. Period of Employment to Qualify for Leave	Length of Leave*	Required Notice	Employee Benefits Coverage to Continue During Leave**	Reinstatement and Seniority
Federal	6 months	37 weeks (Aggregate figure for both parents)	4 weeks	required – unless employee suspends own contributions, if any	same position but if employer unable, comparable position; same wages, location and benefits; employment deemed continuous
Alberta	52 weeks	37 weeks	6 weeks	not required	same/comparable position; same wages and benefits
British Columbia	no requirements	35 weeks (birth mothers with maternity leave); 37 weeks (birth fathers, adoptive parents, birth mothers who do not take maternity leave)	4 weeks	required – unless employee suspends own contributions, if any	same/comparable position; all increments to wages/benefits as if leave not taken; employment deemed continuous
Manitoba	7 months	37 weeks	4 weeks	not required	same/comparable position; same wages and benefits; employment deemed continuous
New Brunswick	no requirements	37 weeks (Aggregate figure for both parents)	4 weeks (natural child); 4 months (adoptive child)	not required	same/equivalent position; same wages and benefits; no loss of seniority
Newfoundland ¹	20 weeks	Adoption: 17 weeks; Parental: 35 weeks	2 weeks	not required	wages, duties, benefits and position that are not less beneficial than those that subsisted before leave taken; employment deemed continuous
Nova Scotia	1 year	35 weeks (if maternity leave taken); 52 weeks (without maternity leave)	4 weeks	required – provided employee pays full cost of continuous coverage, including share of employer	same/comparable position; same wages and benefits; no loss of seniority or benefits accrued
Ontario ²	13 weeks	35 weeks (with maternity leave); 37 weeks (birth fathers, adoptive parents & birth mothers who do not take maternity leave)	2 weeks	required – unless employee suspends own contributions, if any	same position, if it exists, or comparable position if it does not; all increments to wages as if leave not taken; seniority ³ continues to accrue during leave
Prince Edward Island	20 weeks	35 weeks	4 weeks	not required	same position, if it exists, or comparable position if it does not; all increments to wages/benefits as if leave not taken; no loss of seniority
Québec	no requirement	52 weeks	3 weeks	required – unless employee suspends contributions	(a) leave not exceeding 12 weeks: same position; all increments to wages and benefits as if leave not taken (b) leave exceeding 12 weeks: same/comparable position; wage equal to or higher than that to which employee would have been entitled had no leave been taken

Jurisdiction	Min. Period of Employment to Qualify for Leave	Length of Leave*	Required Notice	Employee Benefits Coverage to Continue During Leave**	Reinstatement and Seniority
Saskatchewan	20 weeks	34 (with maternity leave); 37 weeks (without maternity or adoption)	4 weeks	required if employee pays contributions required, if any	same/comparable position; same wages and benefits; no loss of seniority

**PARENTAL LEAVE PROVISIONS
UNDER FEDERAL & PROVINCIAL LEGISLATION (Continued)**

Notes:

¹ Newfoundland Parental leave provisions in the Newfoundland legislation are divided into two categories – parental leave and adoption leave. Parental leave is available to all parents (including adoptive parents). Adoption leave is available to adoptive parents only and is comparable to a maternity leave.

² Ontario Under the amended *Employment Standards Act*, an employee's pregnancy leave and parental leave are included when determining his or her seniority. Under the amended Act, periods of pregnancy leave and parental leave are also included when determining the employee's length of employment and length of service to determine rights earned by virtue of employment, including accrued vacation leave.

Entitlement to paid vacation or vacation pay is based upon 12 months of employment, which period of employment includes periods of parental and pregnancy leave.

Periods of parental and pregnancy leave are not included when determining whether an employee has fulfilled a probationary period of employment.

* (a) In most jurisdictions, the legislation limits the time period during which a parental leave can be taken. For female employees, parental leave is generally required to be taken immediately following maternity leave. For male employees, parental leave must commence no later than one year following the birth or adoption of the child. In some jurisdictions, the designated time period is even narrower.

(b) In B.C. and N.B., an extended parental leave is available in extenuating circumstances, as specified in the legislation.

** Some jurisdictions specify which benefits shall continue to accrue. Where benefit coverages must continue, pension benefits are always included. To see whether continuing coverage is mandated for other benefit plans, please see the legislative provisions.

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Benefits During Maternity and Parental Leave -- Statutory Minimum Requirements

As of April 16, 2003

Jurisdiction	Benefits	Restrictions
Federal	"pension, health and disability" benefits continue to accumulate during period of leave	Where benefits are 100% employer paid, the employer must continue to provide coverage at employer's expense. Where benefits are employer and employee paid and employee contributions are required under the terms of the benefit arrangement, employee must continue to pay employee contributions. Otherwise, no obligation for the employer to continue benefits during leave.
Alberta	none	n/a
British Columbia	"pension, medical or other plan beneficial to the employee"	Employer must continue to pay benefits if the employer pays total cost of plan. Where employee contributions are required under the terms of the benefit arrangement, employee must continue to pay employee contributions.
Manitoba	none	n/a
New Brunswick	none	n/a
Newfoundland and Labrador	none	n/a
Northwest Territories	none	n/a
Nova Scotia	option to maintain all benefits, employer must notify employee of option to continue participation in benefit plans	Employee must enter into an agreement with the Employer to pay the cost required to maintain the benefits, including the employer's share thereof. Otherwise, no obligation for employer to continue benefits during leave.
Ontario*	"pension plans, life insurance plans, accidental death plans, extended health plans, dental plans"; benefit plan cannot discriminate between different types of leaves of absence	Where benefits are 100% employer paid, the employer must continue to provide coverage at employer's expense. Where employee contributions are required under the terms of the benefit arrangement, employee must continue to pay employee contributions. If benefit plan entitles employees on other types of leaves of absence to participate then employer must allow employees on maternity and parental leave to participate.
Prince Edward Island	none	n/a
Quebec	all "fringe benefits" plans	Where benefits are 100% employer paid, the employer must continue to provide coverage at employer's expense. Where employee contributions are required under the terms of the benefit arrangement, employee must continue to pay employee contributions. Otherwise, no obligation for the employer to continue benefits during leave.
Saskatchewan	medical plan, dental plan, disability or life insurance plan, registered retirement savings plan, pension plan, accidental death or dismemberment plan, and any similar plan.	Where employee contributions are required under the terms of the benefit arrangement, employee must continue to pay employee contributions. Otherwise, no obligation for the employer to continue benefits during leave.
Yukon	none	n/a

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**BENEFITS DURING MATERNITY AND PARENTAL LEAVE
STATUTORY MINIMUM REQUIREMENTS (Continued)**

Notes

- * The *Employment Standards Act* (Ontario) does not require employers to necessarily continue long-term disability coverage during periods of maternity and parental leave. However, an employer must continue, during pregnancy or parental leave, all benefits and coverages that are continued for employees on other types of approved leaves. Further, an employer should not discriminate between pregnancy and non-pregnancy related disabilities under an existing short or long-term plan. This means that a woman should not be denied short-term disability benefits during that portion of a statutory leave when she is suffering from a pregnancy-related disability. As such, a birth mother may be entitled to disability benefits during that period of the leave that she would otherwise have been absent from work for health reasons related to the pregnancy or birth.

The above approach has been adopted in many of the other jurisdictions in Canada even in instance where there is no express requirement to provide long-term disability coverage.

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