

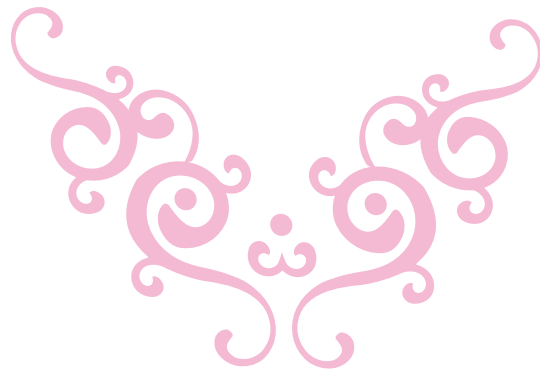


UFCW Canada Guide to Maternity, Paternity & Parental Leaves from Work



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1. Introduction

Congratulations on becoming a mother or a new parent.

All employees in Canada are entitled to leaves of absence from their jobs due to pregnancy or new parenthood. This document will guide you through this process. It introduces the main topics that you will need to consider and suggests some key questions that you should be asking. There are many options available to expectant mothers and new parents. It is best to learn about all of them as early as you can.

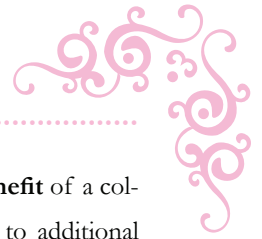
But this guide is only an introduction. To know the specifics of your situation, you will need to look closely at both your employment standards legislation and your collective agreement. You may need to contact your union, your HR representative or your government to get the exact answers you require.

But finding these answers is extremely important. With some foresight and careful planning, you can be certain that your transition from employment to parenthood will be a smooth one.

Please note that this brochure was up-to-date when it was printed. However, legislation and labour law can change at any time, so be sure to confirm that this information is still current before you begin making decisions.



2. Labour Law & Collective Agreements



As a unionized employee, you are affected by several areas of Canadian labour law.

Your first area of coverage comes under statutory (or legislated) law. Examples of such statutes include Employment Standards Acts, Health & Safety Acts and Human Rights Codes. Canadian jurisdictions (10 provinces, 3 territories, 1 federal jurisdiction) have their own versions of these statutes. **These laws cover all employees, unionized or not.** You can think of them as **minimum standards** – like a “floor of rights.” Employers are free to offer more generous terms than the ones outlined in this legislation, but they can never offer worse terms.

Although the legislation of the 14 jurisdictions is quite similar on the whole, these standards do vary from jurisdiction-to-jurisdiction. So to be sure of your exact coverage, it is best to look closely at the employment standards legislation for your jurisdiction.

Unionized workers with the **extra benefit** of a collective agreement are legally entitled to additional terms of employment. These terms are negotiated locally between your union and your employer. A union contract can never include terms that go below the “floor of rights” established by the jurisdiction’s employment standards. So, unionized workers may be entitled to **improved terms** of employment, as stipulated by their collective agreements. This is why workers join unions – to use their collective strength to obtain better working conditions.

This document will explain your work-related legal entitlements as an expectant mother or parent. It will do this by outlining **both** the statutory minimum standards as well as common additional provisions found in collective agreements.

As a member of a union, you are covered by both your statutory law **and** your collective agreement. You will need to consult both sources to determine your specific legal entitlements.





3. Before Your Leave Begins

The transition from a working life to parenthood can sometimes be challenging and confusing. To ensure that your transition goes smoothly, you should take these steps while you are still working.

1. Know your rights. Am I entitled to a leave from work? Does my employer need to keep providing me with benefits? Am I entitled to any form of income while on leave? Can my partner take a leave at the same time as I do? It is important to know your rights as early as you can in the planning stage. This document will help you begin to answer these questions.

2. Know your obligations. Do I need to give my employer proof that I am pregnant? I have only been working for 30 weeks - will I qualify for leave? Do I need a social insurance number to get employment insurance? Going on leave involves meeting administrative deadlines and preparing paperwork. You will need to carefully stay on top of these obligations, which are introduced in this document.

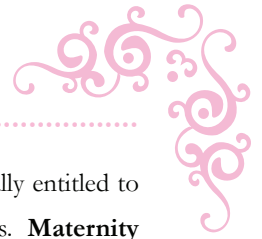
3. Consider your options. Should I share my leave with my partner? When do I want to stop working? When do I want to begin collecting employment insurance? You have many choices to make and it is best to begin considering your options as early as you can.

4. Keep complete records. All documents and correspondence should be kept, in case you should need to refer back to them. This includes written records, photocopies, emails, faxes and letters relating to your pregnancy, parenthood and your job. Keep copies of as many of these as you can, and be sure that they all contain dates.

5. Be mindful of health and safety in the workplace. Think about your job and consider whether your work poses any health and safety risks connected to your pregnancy. Are there any hazards in your workplace that could hurt you or your unborn child? What steps would you need to take to protect yourself? Or what alternatives are available? There are hazards in many workplaces, including dangerous chemicals, violence and exposure to diseases or infections. Carefully consider the safety of your current job and remember that you always have the right to refuse any work you think may be unsafe.

6. Exercise your human rights. Pregnant women are protected by various human rights codes in Canadian jurisdictions. This means that while you are still working, your employer has a duty to accommodate your new physical reality, short of undue hardship. This means that if you are unable to perform certain job functions, but want to keep working, that your employer has to find work for you to do, so long as it does not put an unreasonable burden upon the company or pose a health risk to you. Contact your human rights tribunal for more information.

4. Leaves in Canada



A “leave” is an absence from work. Leaves in Canada do not have to be paid. But you are legally entitled to return to your job when the leave ends. In Canada, there are three leaves available to new parents. **Maternity leave** covers expectant mothers; **paternity leave** (only available in Quebec) covers expectant fathers; and **parental leave** is open to parents of either gender.

Maternity Leave

Maternity leave (also called “pregnancy leave”) was created to allow women who are expecting to give birth some time away from their jobs to prepare for, and recuperate from the process of childbirth. The leave is unpaid, but it allows mothers to return to their jobs after the leave.

Paternal Leave

Paternity leave. In Quebec, a new father, in most cases, is entitled to leave without pay for five consecutive weeks after the birth of his child. The parental leave may be added to the paternity leave.

Parental Leave

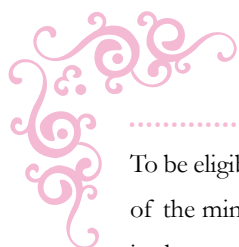
Parental leave (also called “child care leave”) was created to allow one or both parents time away from their jobs to spend with their newborns. Like maternity leave, parental leave is unpaid, but it also allows parents to return to their jobs when the leave ends.

Adoption Leave

Adoption leave, specifically designed for adoptive parents, usually offers the same terms as parental leave.

Questions You Should Ask

- What does my employment standards legislation say about leaves? What does my collective agreement say?
- Which leave(s) am I entitled to? Which leave(s) is my partner entitled to?
- What requirements are there for these leaves?
- When do I (we) need to apply for these leaves?
- Will the leaves affect my (or my partner’s) pension, seniority, or benefits?
- Can changes be made to leave plans once the leaves have begun?
- I am adopting. Are my rights to adoption leave different from the rights to parental leave?
- Do only birth parents qualify for parental leave, or are non-traditional parenting relationships accommodated as well?



5. Eligibility

To be eligible for maternity, paternity and parental leaves, several requirements must be met. What follows is a list of the minimum employment standards for maternity leave and parental leave by jurisdiction. These are found in the employment standards act of your jurisdiction. Remember, all employees are covered by these minimum standards. Your **collective agreement** may offer even more favourable terms. It may shorten the required length of service or the term for written notice.

Eligibility for Maternity, Paternity and Parental Leaves - Minimum Standards

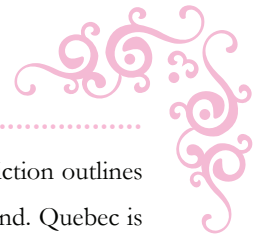
	Service Required Before Entitlement to Both Maternity and Parental Leaves	Maternity Leave Written Notice	Paternity Leave Written Notice	Maternity Leave Medical Certification of Pregnancy	Parental Leave Written Notice
AB	52 weeks	6 weeks	N/A	If requested	6 weeks
BC	None	4 weeks	N/A	If requested	4 weeks
MB	7 months	4 weeks	N/A	Required	4 weeks
NB	None	2 weeks ¹	N/A	Required ²	4 weeks for birth parents ² 4 weeks for adoptive parents ²
NL	20 weeks before due date	2 weeks	N/A	Required	2 weeks
NT	12 months	4 weeks	N/A	If requested	4 weeks
NS	1 year	4 weeks	N/A	If requested	4 weeks
NU	12 months	4 weeks	N/A	If requested	4 weeks
ON	13 weeks	2 weeks	N/A	If requested	2 weeks
PE	20 weeks	4 weeks	N/A	Required	4 weeks
QC	None	3 weeks	3 weeks	Required ³	3 weeks
SK	20 of past 52 weeks from which leave is to start	4 weeks	N/A	Required	4 weeks
YT	12 months	4 weeks	N/A	Required	4 weeks
FED	6 months	4 weeks	N/A	Required	4 weeks

1. Must also give employer notice of anticipated date of leave at least the later of: four months before due date or as soon as pregnancy/adoption is confirmed.
 2. With medical or adoption documentation. 3. A midwife's note will also be accepted.

Questions You Should Ask

- What does my employment standards legislation say about eligibility for leaves?
What does my collective agreement say?
- How long do I need to be employed before I can go on maternity leave?
- How much notice do I need to give my employer before going on maternity leave? Does this notice period extend back from my due date or the date I intend to go on leave?
- Does my employer require official certification of my pregnancy/birth or adoption?
- What if an unforeseeable emergency or situation arises? Am I entitled to begin my leave immediately?

6. Timing & Length of Leaves



Maternity and parental leaves vary in both length and available dates. Legislation for each jurisdiction outlines minimum standards for how long leaves are, when they can begin and when they can, or must, end. Quebec is the only province in Canada with paternity leave for expectant fathers.

Length and Date Restrictions for Maternity, Paternity and Parental Leaves – Minimum Standards

	Maternity Leave		Parental Leave	
	Length	Earliest Start Date Before Due Date	Length	When Leave Must be Taken in Relation to Birth or Adoption
AB	15 weeks	12 weeks	37 weeks*	Completed within 52 weeks
BC	17 weeks	11 weeks	35 with maternity leave 37 otherwise	Completed within 52 weeks
MB	17 weeks	17 weeks	37 weeks	Commenced within 1 year
NB	17 weeks	11 weeks	37 weeks*	Completed within 52 weeks
NL	17 weeks	17 weeks	35 weeks	Commenced within 35 weeks
NT	17 weeks	17 weeks	37 weeks	Completed within 1 year
NS	17 weeks	16 weeks	35 with maternity leave 52 otherwise	Completed within 52 weeks
NU	17 weeks	17 weeks	37 weeks	Completed within 52 weeks
ON	17 weeks	17 weeks	35 with maternity leave 37 otherwise	Commenced within 52 weeks
PE	17 weeks	11 weeks	35 weeks for natural parents* 52 weeks for adoptive parents*	Completed within 52 weeks
QC	18 weeks for mothers 5 weeks for fathers	16 weeks for mothers week of the birth for fathers	52 weeks	Completed within 70 weeks
SK	18 weeks	12 weeks	34 with maternity leave 37 otherwise	Completed between 12 weeks before and 52 weeks after
YT	17 weeks	17 weeks	37 weeks*	Completed within 1 year
FED	17 weeks	11 weeks	37 weeks	Completed within 52 weeks

**In these areas, the full parental leave cannot be taken by each parent. The total allotments noted here in these cases cover both parents.*

If a mother taking parental leave has already taken maternity leave, the parental leave must begin immediately after maternity leave ends (in all jurisdictions except Quebec).

When combined, these leaves cannot exceed 52 weeks in total for a new mother.

Check the laws in your area and your collective agreement to be sure you know all the issues around timing of your leave.

In several jurisdictions (noted in the chart on the left), an entire parental leave cannot be taken by **both** parents. In these cases, the leave can be split between the parents. In the other jurisdictions, however, the entire parental leave can be taken by **each** parent. For example, in Alberta, both parents must split one 37 week parental leave. But in Manitoba each parent can take a 37 week leave.

Once again, your **collective agreement** may provide more generous terms. It is common to see the leave durations extended, or the dates made more flexible.

Questions You Should Ask

- What does my employment standards legislation say about the length and timing of leaves? What does my collective agreement say?
- How long am I entitled to leaves? How long is my partner? Can we each take a parental leave, or must one leave be shared?
- How early can I begin each leave?
- How late can I end each leave?
- Are there any circumstances where my employer has the right to require my leave to start on a certain date?
- Can I change the dates of my leaves?
- If my baby is born early and I am still working, does my leave begin immediately?
- If there are complications with my pregnancy or a medical emergency, can I begin my leave without giving my notice? If so, what steps need to be taken later?
- Can my leave be extended if my baby is born past its due date?
- In the event of a miscarriage or stillbirth, am I still entitled to my maternity leave? Is there a time restriction?



7. Income While on Leave




It is very important to plan your finances carefully as you prepare to give birth and/or become a new parent. Parenthood often brings new and unexpected expenses. While on leave from work, you may also have a reduced level of income. Money matters must be carefully researched and planned to avoid any financial difficulties.

There are two potential sources for income while you are on leave: **employment insurance** and **supplementary unemployment benefits**. All Canadian workers (outside of Québec) can qualify for the Maternity/Parental Benefits under the *Canadian Employment Insurance Act*. Residents of Québec are covered by the *Québec Parental Insurance Plan*, which offers largely similar terms. However, there are differences, so workers from Québec are encouraged to look into the specifics of their plan.

Workers covered by collective agreements may also benefit from supplementary income which is paid by your employer. Some collective agreements provide supplementary unemployment benefit (SUB) plans to provide **more** financial support during maternity leave. These plans are often designed to top-up the EI payments of those on leave so they do not fall below their regular income while away from work. SUB plans often provide top-up coverage to 93% of regular income. This is thought to provide “total coverage,” as tax advantages make up the other 7%.

It is very important to plan your finances carefully as you prepare to give birth and/or become a new parent.



Questions You Should Ask

- Do I qualify for government benefits? Does my partner?
- How much money am I entitled to through government benefits? And for how long?
- How much money is my partner entitled to through EI benefits and Quebec’s Parental Insurance Plan? And for how long?
- I am already on EI. Can I still qualify for maternity, paternity or parental government benefits?
- Will collecting leave benefits affect my ability to collect regular EI benefits in the future?
- Can I work part-time while on these leave benefits? How much could I work/earn, while still qualifying for government benefits?
- Does my collective agreement provide for additional SUB income? If so, do I qualify for the SUB? How much will it pay? For how long?

EI in GENERAL (this does not apply in Quebec)

- To qualify, you must have worked for 600 hours in the last 52 weeks, or since the start of your last EI claim.
- Maternity benefits under EI pay 55% of your average insured earnings. This will pay a maximum of \$447 per week. Low-income families can receive a higher rate than 55%.
- A combination of maternity and parental benefits provides a maximum 50 weeks of EI.
- There is a 2 week unpaid waiting period before EI benefits begin to be paid. Applications also currently take 28 days to process.
- EI payments are taxable income, so federal and provincial taxes will be deducted.

Maternity Benefits

- Payable to birth mother for a maximum of 15 weeks.
- Can begin up to 8 weeks before due date but will not be paid later than 17 weeks following the actual or expected birth date (whichever is later).
- If the pregnancy terminates within the first 19 weeks, it is considered an illness under EI (and sickness benefits may be paid). If the pregnancy terminates in the 20th week or later, maternity benefits can still be considered.

Parental Benefits

- Payable to biological or adoptive parents while they are spending time with their new family member. These benefits can be paid for a maximum of 35 weeks.
- Can be claimed by one parent or shared between two partners. However, the benefits will not exceed the maximum of 35 weeks. When shared, only one waiting period will be served.
- Payable within 52 weeks following the birth date (or custody date for adoptive parents).

How to Apply

- Submit an EI application online or in person at a Service Canada Centre.
- Documents required include: SIN number, proof of immigration status and work permit (if applicable), record(s) of employment from past 52 weeks, personal identification, blank cheque or bank information (for direct deposit purposes), medical certificate proving pregnancy with due date (for maternity benefits), newborn's date of birth or adopted child's date of placement (for parental benefits) and salary details from most recent employment.



8. Seniority, Pensions & Benefits



Seniority

Employment standards legislation varies on how maternity leave will affect seniority. Some jurisdictions let seniority grow during a maternity. Others let employees maintain the same level of seniority as when they began their leave. As always, your collective agreement could have even more favourable terms.

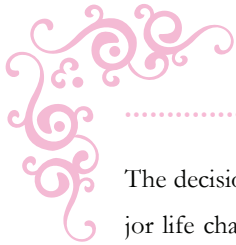
Pensions & Benefits

Employment standards legislation in most jurisdictions allow employees to maintain their pensions and benefits during their maternity leaves. In these jurisdictions, employees can choose to continue benefits, but they have to pay both their share and the employer's share. However, several jurisdictions require the employer to continue making their payments. Some collective agreements offer even more generous terms (often continuing to pay for employee benefits at no cost). Your employer, your union or your pension plan can provide you with more specific details.

Questions You Should Ask

- What seniority, pension and benefits do I currently have?
- What are the policies for seniority, benefits and pensions in my employment standards legislation?
- What are the policies for seniority, benefits and pensions in my collective agreement?
- How will a leave affect my seniority level?
- How will a leave affect my pension?
- How will a leave affect my benefit plans?
- Will all of my benefits still be available?
- Will my employer continue to pay its share of the benefits?
- Will I have to continue paying my share? If so, how much will that cost?
- How do I ensure that my coverage is continued? What steps need to be taken?
- How do I ensure that my newborn or adopted child will be covered as well?





9. Returning to Work

The decision to return to work will be another major life change for a new mother or a new parent. To ensure that the change is free of unexpected problems, it is best to understand your rights and obligations. To know the specifics of your situation, you will have to look at your employment standards legislation and your collective agreement.

Job Security

In all jurisdictions, employees who take a leave can expect to return to their previous position when their leave ends. Employers are prohibited from dismissing or penalizing employees in any way for taking a leave. However, in the ever-changing world of work, sometimes this can be complicated if a workplace is restructured or if layoffs are required. If the same job is no longer available, labour standards legislation and collective agreements entitle workers to at least a comparable job with equal status, compensation and benefits. In most jurisdictions, if an employee on leave is laid off for legitimate business reasons, he/she still retains the right to be the first person recalled for the job (or for a substantially similar job).

Early Return

In most cases, employees can return to work earlier than they have arranged. Legislation and collective agreements outline the requirements of such a return, which often involves an agreement, a period of advance notice and sometimes a medical certificate stating that the employee is fit to work.

Extended leave

Maternity leaves can often be extended if there are medical complications resulting from the pregnancy or from childbirth, or if the baby is born past its due date.

To ensure that your return to work is free from unexpected problems, it is best to understand your rights and obligations.



Questions You Should Ask

- Will I get my same job back? Will I still have my old salary and status?
- Do I need to give my employer notice that I will be returning to work? If so, how long does this notice have to be?
- Can I return to work early? What steps do I need to take if I want to return to work early?
- Do I have the right to an extended maternity leave if I need it? How do I extend my leave?

10. My Contacts



My Union Contacts:

Local Union: UFCW Canada Local # _____

Local Union Office Phone: _____

Union Representative: Name: _____

Phone: _____

Email: _____

My Company Contacts:

Human Resources Officer: Name: _____

Phone: _____

Email: _____

Benefits Officer: Name: _____

Phone: _____

Email: _____

Payroll Officer: Name: _____

Phone: _____

Email: _____

My Pension Plan: (if applicable)

Provider: _____

Website: _____

Phone: _____

Email: _____



11. Employment Standards Contacts

Alberta

Employment and Immigration
Employment Standards
employment.alberta.ca/SFW/1224.html
1-877-427-3731

British Columbia

Ministry of Labour and Citizens' Services
Employment Standards Branch
www.labour.gov.bc.ca/esb
1-800-663-3316

Canada (Federal Jurisdiction)

Human Resources and Skills Development Canada
Employment Standards
www.hrsdc.gc.ca/eng/labour/employment_standards/index.shtml
1-800-641-4049

Manitoba

Labour and Immigration
Employment Standards
www.gov.mb.ca/labour/standards/acts_regulations.html
1-800-821-4307

Newfoundland & Labrador

Labour Relations Agency
Labour Standards
www.hrle.gov.nl.ca/lra
1-877-563-1063

New Brunswick

Post Secondary Education, Training and Labour
Employment Standards
www.gnb.ca/0308/index-e.asp
1-888-452-2687

Northwest Territory

Education, Culture and Employment
Employment Standards
www.ece.gov.nt.ca/Divisions/Labour/index.htm
1-888-700-5707

11. Employment Standards Contacts



Nova Scotia

Labour & Workforce Development
Employment Rights
www.gov.ns.ca/lwd/employmentrights
1-888-315-0110

Nunavut

Labour Standards Act
action.attavik.ca/home/justice-gn/attach-en_conlaw_prediv/Type1061.pdf

Ontario

Ministry of Labour
Employment Standards
www.labour.gov.on.ca/english/es
1-800-531-5551

Prince Edward Island

Communities, Cultural Affairs and Labour
Labour and Industrial Relations
www.gov.pe.ca/commcul/lair-info/index.php3
1-800-333-4362

Québec

Commission des normes du travail
www.cnt.gouv.qc.ca/en
1-800-265-1414

Saskatchewan

Advanced Education, Employment and Labour
Labour Standards Branch
www.labour.gov.sk.ca/LS
1-800-667-1783

Yukon

Department of Community Services
Labour Services – Employment Standards Act
www.community.gov.yk.ca/labour/esa.html



12. Employment Insurance Contacts

All Canadian Jurisdictions Except Québec

Service Canada
Employment Insurance
www.servicecanada.gc.ca/eng/ei/types/special.shtml
1-800-206-7218

Find Your Local Service Canada Centre:

http://www.servicecanada.gc.ca/eng/gateways/where_you_live/menu.shtml

Québec

Emploi et Solidarité sociale
Quebec Parental Insurance Plan
http://www.rqap.gouv.qc.ca/index_en.asp
1-888-610-7727



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