

How to Audit Your Parental Leave Policy



The 8 things you need to check to ensure compliance.

Employment standards laws of all jurisdictions allow employees to take unpaid leave to have children, including not just pregnancy or maternity leave for female employees who give birth to a child but also parental and adoption leave for both parents of newly born or adopted children. However, [parental leave rules vary by jurisdiction](#). This creates compliance challenges for HR directors, particularly if your organization operates in more than one province. Here are the 9 things to check to vet your own [parental leave policy](#)—or create a new policy if you don't already have one.

1. Minimum Employment Service Required for Eligibility

In most jurisdictions, employees don't qualify for parental leave unless they've worked for the employer for a minimum amount of time.

Minimum Employment for Parental Leave Eligibility

None (All eligible)

Federal, British Columbia, New Brunswick, Nova Scotia and Quebec

90 Days

Alberta

13 Weeks

Ontario and Saskatchewan

20 Weeks

Newfoundland and *PEI

*In PEI, the minimum 20 weeks need not be consecutive but must have occurred in past 52 weeks

7 Months

Manitoba

12 Months

Northwest Territories, Nunavut and Yukon

2. When Parental Leave Must Be Taken

In most jurisdictions, employees must take parental leave during a time window that begins on the date the child is born or adopted and ends 78 weeks (6 months) after that. However, there are exceptions:

- In Ontario and Manitoba, parental leave need only **begin** during the 78-weeks' period and doesn't have to be completed during that window; and
- In Nunavut, the window is only 52, rather than 78 weeks.

3. How Long Parental Leave Can Last

The number of days of parental leave employees get per year varies by jurisdiction and whether:

- The employee is also taking maternity or pregnancy leave for the same birth; and/or
- More than one employee is taking parental or adoption leave for the same birth or adoption.

Maximum Duration of Parental Leave

| Jurisdiction | Single Employee Not Also Taking Maternity Leave | Single Employee Also Taking Maternity Leave | 2 Employees for the Same Birth/Adoption |
|--------------|---|---|---|
| Federal | 63 weeks | 71 weeks | 86 weeks |
| Alberta | Column 2 Value 2 | Column 3 Value 2 | 62 weeks |

| Jurisdiction | Single Employee Not Also Taking Maternity Leave | Single Employee Also Taking Maternity Leave | 2 Employees for the Same Birth/Adoption |
|-----------------------|---|---|--|
| | | | <u>Shared Parental Leave</u> <u>Standard:</u> Up to 40 weeks with no parent taking more than 35 weeks, with EI benefits at 55% <u>Extended:</u> Up to 69 weeks but with no parent taking more than 61 weeks, with EI benefits at 33% |
| British Columbia | 63 weeks | 78 weeks | |
| Manitoba | 63 weeks | 63 weeks | N/A |
| New Brunswick | 62 weeks | 78 weeks | 62 weeks |
| Newfoundland | 61 weeks | 78 weeks | N/A |
| Nova Scotia | 61 weeks | 77 weeks | 62 weeks |
| Ontario | 63 weeks | 78 weeks | N/A |
| Prince Edward Island | 62 weeks | 78 weeks | N/A |
| Québec | 65 weeks | Not specified | N/A |
| Saskatchewan | 71 weeks | 78 weeks | 86 weeks |
| Northwest Territories | 61 weeks | 78 weeks | 86 weeks |
| Nunavut | 37 weeks | 52 weeks | 86 weeks |
| Yukon | 63 weeks | 71 weeks | N/A |

When taken by the same employee, parental leave must generally begin immediately after maternity or pregnancy leave ends, unless the parties agree otherwise. The 86 weeks for shared parental leave typically begin 13 weeks before the birth or adoption date.

4. Whether Leave Can Be Extended

Most jurisdictions provide for extending leave under certain conditions, such as when a child or mother experiences a medical, psychological or emotional condition that requires an additional period of parental care.

5. Leave Notification Requirements

Employees must give employers written notification of their intent to take parental leave and its expected duration a specified number of weeks in advance, unless it's impossible to provide such notification, in which case the employee must provide notification as soon as possible. Four weeks' notice is the rule in most jurisdictions, but there are exceptions:

- 2 weeks: Ontario and Newfoundland;
- 3 weeks written or verbal: Québec; and
- 6 weeks: Alberta.

6. Required Verification of Leave

Employers can require employees to provide certification of pregnancy and delivery date from a doctor or nurse practitioner to verify their need for pregnancy or maternity leave. However, most jurisdictions don't extend certification requirements to parental or adoption leave. **Exceptions:** If employers request it, employees must

provide verification of parental or adoption leave in Alberta, BC, New Brunswick, Nova Scotia and Saskatchewan.

7. Early Return from Parental Leave

Employees generally must list their return date in written notification of intent to take parental leave. If there's no return date given, the employer can assume the leave will continue for the maximum duration allowed under the province's employment standards laws. Employees who want to return early must provide written notification of the revised return date by a specified number of weeks before that return date, typically 4 weeks.

8. Ban on Reprisal and Retaliation

Employers aren't allowed to terminate, demote, cut the pay or benefits or take other adverse employment action against employees for taking or asking about their parental or adoption leave rights.