Maternity – Know The Laws Of Your Province



Maternity leave regulations are essential for protecting the rights and wellbeing of pregnant employees in the workplace. These regulations require employers to provide job-protected, unpaid leave to eligible employees before and after childbirth. Key provisions include the duration of leave, notice requirements, medical certification, and protections against dismissal due to pregnancy. Employees may also be entitled to extended leave in cases of pregnancy complications, stillbirth, or health-related issues. While general maternity leave principles are consistent across Canada, specific regulations vary by province and territory to address regional employment standards. Compliance with these regulations ensures workplace equity, supports maternal health, and promotes a fair work environment.

FEDERAL

Under the Canada Labour Code, **Part III, Sections 204-206**, **employers must** accommodate pregnant or nursing employees by modifying job functions or reassigning them if their current duties pose a health risk. Employees are entitled to paid leave while the **employer** assesses the request and unpaid leave if reassignment is not feasible. Pregnant employees are also entitled to up to 17 weeks of maternity leave, which can begin up to 13 weeks before birth and may be extended if the child is hospitalized. **Employers must** ensure compliance and support employees during pregnancy and maternity.

Part III – Standard Hours, Wages, Vacations, and Holidays

Maternity-related Reassignment and Leave and Other Leaves

Maternity-related Reassignment and Leave

Reassignment and Job Modification

(1) An employee who is pregnant or nursing may, during the period from the beginning of the pregnancy to the end of the twenty-fourth week following the birth, request the **employer** to modify her job functions or reassign her to another job if, by reason of the pregnancy or nursing, continuing any of her current job functions may pose a risk to her health or to that of the foetus or child.

Certificate

(2) An employee's request under subsection (1) **must** be accompanied by a certificate from a health care practitioner of the employee's choice indicating the expected duration of the potential risk and the activities or conditions to avoid in order to eliminate the risk. **Section 204 (1) (2).**

Employer's Obligations

(1) An **employer** to whom a request has been made under subsection 204(1) **shall** examine the request in consultation with the employee and, where reasonably practicable, **shall** modify the employee's job functions or reassign her.

Rights of Employee

(2) An employee who has made a request under subsection 204(1) is entitled to continue in her current job while the **employer** examines her request, but, if the risk posed by continuing any of her job functions so requires, she is entitled to and **shall** be granted a leave of absence with pay at her regular rate of wages until the **employer:**

(a) modifies her job functions or reassigns her, or

(b) informs her in writing that it is not reasonably practicable to modify her job functions or reassign her, and that pay **shall** for all purposes be deemed to be wages.

Onus of Proof

(3) The onus is on the **employer** to show that a modification of job functions or a reassignment that would avoid the activities or conditions indicated in the certificate issued under subsection 204(2) is not reasonably practicable.

Employee to be Informed

(4) If the **employer** concludes that a modification of job functions or a reassignment that would avoid the activities or conditions indicated in the certificate is not reasonably practicable, the **employer shall** inform the employee in writing.

Status of Employee

(5) An employee whose job functions are modified or who is reassigned **shall** be deemed to continue to hold the job that she held at the time of making the request under subsection 204(1), and **shall** continue to receive the wages and benefits that are attached to that job.

Employee's Right to Leave

(6) An employee referred to in subsection (4) is entitled to and **shall** be granted a leave of absence for the duration of the risk as indicated in the certificate. **Section 205 (1) to (6).**

Entitlement to Leave

An employee who is pregnant or nursing is entitled to and **shall** be granted a leave of absence during the period from the beginning of the pregnancy to the end of the twenty-fourth week following the birth, if she provides the **employer** with a certificate issued by a health care practitioner of her choice indicating that she is unable to work by reason of the pregnancy or nursing and indicating the duration of that inability. **Section 205.1.**

Employee's Duty to Inform Employer

An employee whose job functions have been modified, who has been reassigned or who is on a leave of absence **shall** give at least two weeks' notice in writing to the **employer** of any change in the duration of the risk or in the inability as indicated in the certificate issued by a health care practitioner, unless there is a valid reason why that notice cannot be given, and the notice **must** be accompanied by a new certificate. **Section 205.2.**

For more information:

Maternity Leave

- Entitlement to leave. **Sections 206 (1) to (3).**

Further details on the Canada Labour Code can be found at *Justice.Gc.Ca*.

ALBERTA

Under the **Employment Standards Code, Part 2, Division 7, Sections 45-52**, **employers** in Alberta **must** provide up to 16 weeks of unpaid maternity leave to employees who have worked for at least 90 days with the same **employer**. Leave can start up to 12 weeks before the estimated delivery date, and employees **must** take at least six weeks off after delivery unless a medical certificate allows for an earlier return. **Employers** cannot terminate or lay off employees on maternity leave. Compliance ensures job security and support for pregnant employees.

Part 2 Standards

Division 7 – Maternity Leave and Parental Leave

Entitlement to Maternity Leave

A pregnant employee who has been employed by the same **employer** for at least 90 days is entitled to unpaid maternity leave. **Section 45.**

Length of Maternity Leave

(1) The maternity leave to which a pregnant employee is entitled is a period of not more than 16 weeks starting at any time during the 12 weeks immediately before the estimated date of delivery.

(1.1) A pregnant employee whose pregnancy ends other than as a result of a live birth within 16 weeks of the estimated due date is entitled to maternity leave under this Division.

(2) An employee who takes maternity leave **must** take a period of leave of at least 6 weeks immediately following the date of delivery, unless the employee and her **employer** agree to shorten the period by the employee's giving her **employer** a medical certificate indicating that resumption of work will not endanger her health. **Section 46 (1) (1.1) (2).**

Notice of Maternity Leave

(1) A pregnant employee **must** give her **employer** at least 6 weeks' written notice of the date she will start her maternity leave, and if so requested by her **employer**, the pregnant employee **must** provide her **employer** with a medical certificate certifying

that she is pregnant and giving the estimated date of delivery.

(2) A pregnant employee is entitled to start maternity leave on the date specified in the written notice given to her **employer** under subsection (1). **Section 47 (1) (2).**

No Notice of Maternity Leave

An employee who does not give her **employer** prior notice of maternity leave before starting it is still entitled to maternity leave if, within 2 weeks after she ceases to work, she provides her **employer** with a medical certificate:

(a) indicating that she is not able to work because of a medical condition arising from her pregnancy, and

(b) giving the estimated or actual date of delivery. **Section 48.**

Notice of Employer to Start Maternity Leave

If during the 12 weeks immediately before the estimated date of delivery the pregnancy of an employee interferes with the performance of her duties, an **employer** may give the employee written notice requiring her to start maternity leave. **Section 49.**

For more information:

- Termination of employment prohibited during maternity leave and parental leave. **Section 52 (1) (2).**

Further details on the Employment Standards Code can be found at *Alberta.Ca*.

BRITISH COLUMBIA

Under the **Employment Standards Act**, **Part 6, Section 50**, **employers** in British Columbia **must** provide up to 17 consecutive weeks of unpaid maternity leave to pregnant employees, beginning up to 13 weeks before the expected birth date and ending no later than 17 weeks after leave begins. Employees who give birth or experience pregnancy termination are also entitled to leave, with an additional six weeks if medically necessary. Written notice and medical certification may be **required**. **Employers must** ensure compliance and support employees during maternity.

Part 6 – Leaves and Jury Duty

Maternity Leave

(1) A pregnant employee who requests leave under this subsection is entitled to up to 17 consecutive weeks of unpaid leave, which **must** be taken during the period that begins:

(a) no earlier than 13 weeks before the expected birth date, and

(b) no later than the actual birth date and ends no later than 17 weeks after the leave begins.

(1.1) An employee who requests leave under this subsection after giving birth to a child is entitled to up to 17 consecutive weeks of unpaid leave, which **must** be taken during the period that begins on the date of the birth and ends no later than 17 weeks after that date.

(2) An employee who requests leave under this subsection after the termination of the employee's pregnancy is entitled to up to 6 consecutive weeks of unpaid leave, which **must** be taken during the period that begins on the date of the termination of the pregnancy and ends no later than 6 weeks after that date.

(3) An employee who requests leave under this subsection is entitled to up to 6 additional consecutive weeks of unpaid leave if, for reasons related to the birth or the termination of the pregnancy, the employee is unable to return to work when the employee leave ends under subsection (1), (1.1) or (2).

(4) A request for leave **must:**

(a) be given in writing to the **employer**,

(b) if the request is made during the pregnancy, be given to the **employer** at least 4 weeks before the day the employee proposes to begin leave, and

(c) if **required** by the **employer**, be accompanied by a medical practitioner's or nurse practitioner's certificate stating the expected or actual birth date or the date the pregnancy terminated or stating the reasons for requesting additional leave under subsection (3).

(5) If an employee on leave under subsection (1) or (1.1) proposes to return to work earlier than 6 weeks after giving birth to the child, the **employer** may require the employee to give the **employer** a medical practitioner's or nurse practitioner's certificate stating the employee is able to resume work. **Section 50 (1) to (5).**

Further details on the Employment Standards Act can be found at *Gov.Bc.Ca*.

MANITOBA

Under **The Employment Standards Code, Part 2, Division 9, Sections 52-57.1**, **employers** in Manitoba **must** provide up to 17 weeks of unpaid maternity leave to employees who have worked for the same **employer** for at least seven consecutive months. Leave can start up to 17 weeks before the estimated delivery date and extend beyond 17 weeks if the actual delivery is later than expected. Employees **must** provide at least four weeks' written notice and a medical certificate.

Part 2 – Minimum Standards

Division 9 – Leaves Of Absence

Maternity Leave

Eligibility for Maternity Leave

A pregnant employee who has been employed by the same **employer** for at least seven consecutive months is eligible for unpaid maternity leave. **Section 53.**

Length of Maternity Leave

(1) Subject to subsection (3), an employee who is eligible for maternity leave is entitled to the following maternity leave:

(a) if the date of delivery is on or before the date estimated in a medical certificate, a period of not more than 17 weeks; or

(b) if the date of delivery is after the estimated date, 17 weeks and a period of time equal to the time between the estimated date and the date of delivery.

Beginning and End of Maternity Leave

(2) A maternity leave **must** begin not earlier than 17 weeks before the date of delivery estimated in the medical certificate and end not later than 17 weeks after the date of delivery.

Employee to Provide Certificate and Give Notice

(3) An employee who is eligible for maternity leave **shall:**

(a) as soon as practicable, provide the **employer** with a medical certificate giving the estimated date of delivery; and

(b) give the **employer** not less than four weeks' written notice of the date she will start her maternity leave. **Section 54 (1) to (3).**

Maternity Leave if Notice Given after Stopping Work

(1) An employee who is eligible for maternity leave but does not give notice under clause 54(3)(b) before leaving the employment is still entitled to maternity leave if, within two weeks after stopping work, she gives notice and provides her **employer** with a medical certificate:

(a) giving the date of delivery or estimated date of delivery; and

(b) stating any period or periods of time within the 17 weeks before the date of delivery or estimated date of delivery that the normal duties of the employment could not be performed because of a medical condition arising from the pregnancy.

Length of Maternity Leave

(2) The maternity leave to which the employee is entitled under subsection (1) is:

(a) any time, within the time referred to in clause (1)(b), that she does not work; and

(b) the difference between that time and the time she would receive if she were entitled under subsection 54(1). **Section 55 (1) (2).**

Maternity Leave where Notice not Given

An employee who is eligible for maternity leave but who does not give notice under clause 54(3)(b) or subsection 55(1) is still entitled to maternity leave for a period not exceeding the time she would receive if she were entitled under subsection 54(1). **Section 56.**

End of Maternity Leave where Notice not Given

The maternity leave of an employee referred to in subsection 55(1) or section 56 terminates not later than 17 weeks after the date of delivery. **Section 57.**

End of Maternity Leave

(1) An employee's maternity leave ends:

(a) 17 weeks after it began; or

(b) if clause 54(1)(b) applies, 17 weeks after it began plus the additional time provided for in that clause.

Ending Leave Early

57.1(2) An employee may end her maternity leave earlier than the day set out in subsection (1) by giving her **employer** written notice at least two weeks or one pay period, whichever is longer, before the day she wishes to end the leave. **Section (1) (2).**

Further details on The Employment Standards Code can be found at *Canlii.Org*.

MANITOBA

In Manitoba, **employer** responsibilities under the **Employment Standards Code** are outlined in **Sections 2, 6, 10, 14.1, 45, 50, 60.1, 82, and 86. Employers must** pay at least the minimum wage, ensure standard hours of work do not exceed 8 hours per day or 40 per week, and allow one full day of rest per week. They **must** also provide breaks after five consecutive hours of work, pay employees within 10 working days after each pay period or termination, and ensure equal pay for equal work regardless of gender.

Application of this Code

(1) Except as otherwise provided in this Code, this Code applies to all **employers** and employees, including the Crown, and an agency of the Crown, and its employees.

Meaning of "Agency of the Crown"

(2) In subsection (1), "agency of the Crown" means a board, commission, association or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(a) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council; or

(b) in the discharge of their duties, are public officers or servants of the Crown or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown.

No Application to Independent Contractor

(3) For greater certainty, this Code does not apply to an independent contractor. **Section 2 (1) to (3).**

PART 2 – MINIMUM STANDARDS

DIVISION 1 – MINIMUM WAGE

Payment of Minimum Wage

(1) An **employer shall** not pay an employee less than minimum wage for standard hours of work, unless this Code authorizes otherwise.

Minimum Wage

(2) The minimum wage is:

(a) the minimum wage determined under section 7, plus the additional amount prescribed under section 7.1, if any; or

(b) in the case of a prescribed class of employees referred to in subsection 7(5), the minimum wage prescribed for that class by regulation.

One-Time Adjustment of Minimum Wage

(3) Despite clause (2)(a), the minimum wage is deemed to be $14.15 as of April 1, 2023.

Application

(4) For certainty, the minimum wage established under subsection (3) is subject to the ongoing adjustment under section 7. **Section 6 (1) to (4).**

DIVISION 2 – STANDARD HOURS OF WORK

Standard Hours of Work

The standard hours of work for an employee are:

(a) 40 hours per week, or any greater number of hours per week prescribed by regulation or permitted by the director under section 13; and

(b) eight hours per day, or any greater number of hours per day:

(i) provided for in a collective agreement that applies to the employee, or

(ii) prescribed by regulation or permitted by the director under section 13, if no collective agreement applies to the employee. **Section 10.**

Individual Flextime Arrangements

(1) At the request of an employee who is not covered by a collective agreement and who regularly works at least 35 hours per week, an **employer** may enter into a written agreement with the employee that exempts the employee from the standard hours of work set out in section 10.

Agreement may Provide Alternative Hours

(2) An agreement **must:**

(a) establish alternative standard hours of work for the employee, which:

(i) **must** not exceed 40 hours per week,

(ii) **must** not exceed 10 hours per day, and

(iii) may specify a different number of hours per day for each day of the week that the employee works; and

(b) clearly specify that the employee or the **employer** may terminate the agreement at any time by giving the other party at least two weeks’ written notice.

Terminating the Agreement with Less Notice

(3) An agreement may be terminated with less than two weeks’ notice if both parties agree.

Adjustments Permitted

(4) At the request of an employee who has entered into an agreement, the **employer** may make occasional adjustments to the employee's hours of work set out in the agreement, as long as they do not exceed 10 hours per day or 40 hours per week. The agreement is deemed to be amended to provide for such adjustments.

Director may Terminate or Prohibit an Agreement

(5) The director may, by written notice to the **employer**,

(a) terminate an agreement at any time;

(b) prohibit the **employer** from entering into an agreement under this section. **Section 14.1 (1) to (5).**

For more information:

- Exemption – standard hours of work and overtime. **Sections 2 (4).**
- Application to agricultural workers. **Sections 2 (5).**
- DIVISION 6 – WEEKLY DAY OF REST. **Sections 45.**
- DIVISION 7 – WORK BREAKS. **Sections 50.**
- DIVISION 10 – TERMINATION OF EMPLOYMENT. **Sections 60.1.**
- DIVISION 13 – EQUAL WAGES. **Sections 82.**
- DIVISION 1 – TIME AND METHOD OF PAYMENT OF WAGES. **Sections 86.**

Further details on the Employment Standards Code can be found at gov.mb.ca.

NEW BRUNSWICK

Under the **Employment Standards Act, Sections 42-44, employers** in New Brunswick **must** provide up to 17 weeks of unpaid maternity leave to pregnant employees, starting up to 13 weeks before delivery with medical certification. Employees **must** give four months' notice of their intent to take leave and two weeks' notice before the start date unless an emergency arises. **Employers** cannot dismiss or lay off an employee due to pregnancy and **must** reinstate them to their previous or an equivalent position upon return.

Maternity

Prohibition Against Dismissal, Suspension or Layoff of Employee due to Pregnancy

An **employer shall** not dismiss, suspend or lay off an employee who is pregnant, or refuse to employ a person who is pregnant, for reasons arising from her pregnancy alone. **Section 42.**

Leave of Absence Without Pay

(1) Subject to subsection (2), an **employer shall** at any time from a day thirteen weeks before the specified date of delivery to the day of actual delivery, upon the request of a pregnant employee and upon receipt of a certificate by a medical practitioner, nurse practitioner or midwife stating that the employee is pregnant and specifying the date upon which delivery will, in the opinion of the medical

practitioner, nurse practitioner or midwife, as the case may be, occur, grant the employee leave of absence without pay of seventeen weeks or such shorter period as the employee requests.

(2) An employee intending to take leave of absence under this section **shall:**

(a) advise her **employer** four months before the projected date of delivery or as soon as her pregnancy is confirmed, whichever is the later, of her intent to take leave and the anticipated commencement date in the absence of an emergency; and

(b) in the absence of an emergency, give two weeks' notice to the **employer** of the commencement date of the leave.

(3) Subject to subsection (4), leave of absence under subsection (1) may be taken during the period of time the employee stipulates in her request as long as the anticipated date of delivery falls within the stipulated period.

(4) An **employer** may, where no alternative employment is available, before or after commencement of the period referred to in subsection (1), require the employee to commence a leave of absence at the time when the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the work of the employee is materially affected by the pregnancy. **Section 43.**

Return to Work

(1) Where an employee reports for work upon the expiration of the period of leave granted under section 43, the **employer shall** permit the employee to resume work in the position the employee held immediately before the commencement of the leave or an equivalent position with no decrease in pay and with no loss of benefits accrued up to the commencement of the leave.

(2) For the purposes of subsection (1), alternative employment referred to in subsection 43(4) **shall** not be considered as the position the employee held immediately before the commencement of the leave. **Section 44.**

Further details on the Employment Standards Act can be found at *Gnb.Ca*.

NEWFOUNDLAND & LABRADOR

Under the **Employment Standards Act**, **Sections 40-42**, **employers** in Newfoundland and Labrador **must** provide up to 17 weeks of unpaid pregnancy leave to employees who have worked for at least 20 consecutive weeks before the expected birth date. Leave can begin up to 17 weeks before birth, with two weeks' written notice and medical certification. In cases of complications, stillbirth, or miscarriage, employees **must** notify the **employer** within two weeks of stopping work.

Part Vii – Pregnancy, Adoption, and Parental Leave

Pregnancy Leave

(1) A pregnant employee who has been employed under a contract of service with the same **employer** for a period of 20 consecutive weeks immediately before the expected birth date is entitled to a leave of absence without pay.

(2) An employee may begin pregnancy leave no earlier than 17 weeks before the expected birth date.

(3) An employee **shall** give her **employer:**

(a) at least 2 weeks written notice of the date the leave is to begin; and

(b) a certificate from a medical practitioner or nurse practitioner stating the estimated birth date. **Section 40 (1) to (3).**

Special Circumstances

(1) Subsection 40(3) does not apply in the case of an employee who stops working because of complications caused by her pregnancy or because of a birth, still-birth or miscarriage that happens earlier than the employee was expected to give birth.

(2) An employee referred to in subsection (1) **shall**, within 2 weeks of stopping work, give to her **employer:**

(a) written notice of the date the pregnancy leave began or is to begin; and

(b) a certificate from a medical practitioner or nurse practitioner that:

(i) in the case of an employee who stops working because of complications caused by her pregnancy, states the employee is unable to perform her duties because of complications caused by her pregnancy and states the expected birth date, or

(ii) in other cases, states the date of the birth, still-birth or miscarriage and the date the employee was expected to give birth. **Section 41 (1) (2).**

End of Pregnancy Leave

(1) The pregnancy leave of an employee who is entitled to take parental leave ends 17 weeks after the pregnancy leave begins.

(2) The pregnancy leave of an employee who is not entitled to take parental leave ends either 17 weeks after the pregnancy leave began or the day that is 6 weeks after the birth, still-birth or miscarriage whichever is the later.

(3) The pregnancy leave of an employee ends on a day earlier than the day provided for in subsection (1) or (2) if the employee gives the **employer** at least 4 weeks written notice of that day.

(4) An employee who is on pregnancy leave and who does not intend to take parental leave **shall** notify her **employer** not less than 4 weeks before the date on which she intends to return to work. **Section 42 (1) to (4).**

Change of Notice

(1) An employee who has given notice to begin pregnancy, adoption or parental leave may change the notice:

(a) to an earlier date where the employee gives the **employer** 2 weeks written notice before the earlier date; or

(b) to a later date where the employee gives the **employer** at least 2 weeks written notice before the date leave was to begin.

(2) An employee who has given notice to end the employee’s pregnancy, adoption or parental leave may change the notice:

(a) to an earlier date where the employee gives the **employer** at least 4 weeks written

notice before the earlier date; or

(b) to a later date where the employee gives the **employer** at least 4 weeks written notice before the date leave was to end. **Section 43.6.**

For more information:

- Employee's rights after leave. **Section 43.7.**
- Effect of leave on benefits. **Section 43.8.**
- Employee may not be dismissed. **Section 43.9 (1) (2).**

Further details on the Labour Standards Act can be found at *Assembly.Nl.Ca*.

NOVA SCOTIA

Under the **Labour Standards Code, Sections 59, 59A, 59D, 59F, 59G**, **employers** in Nova Scotia **must** provide up to 16 weeks of unpaid pregnancy leave to employees who have worked for at least one year with the same **employer**. Leave can begin up to 16 weeks before the expected birth date, with written notice **required**. Employees experiencing pregnancy loss after the 19th week are entitled to up to 16 additional weeks of leave, while those experiencing an earlier pregnancy loss may take up to five days. **Employers** cannot dismiss employees for taking pregnancy leave and **must** ensure compliance.

Pregnancy Leave and Parental Leave

Pregnancy Leave

(1) A pregnant employee, who has been employed by her **employer** for at least one year, or such shorter period as may be prescribed by the regulations, is entitled to an unpaid leave of absence of up to sixteen weeks upon:

(a) giving the **employer** notice of the date that she will begin the leave and the date she will return to work, as **required** by Section 59D; and

(b) providing to the **employer**, where the **employer** so requests, a certificate of a legally qualified medical practitioner stating that the employee is pregnant and specifying the expected date of delivery.

(2) Pregnancy leave pursuant to this Section begins on such date, not sooner than sixteen weeks preceding the expected date of delivery, as the employee determines, and not later than the date of delivery.

(3) Pregnancy leave pursuant to this Section ends on such date:

(a) not sooner than the date of delivery; and

(b) not later than sixteen weeks after the pregnancy leave began pursuant to this Section, as determined by the employee. **Section 59 (1) to (3).**

Requirement by Employer to Take Leave

(1) Notwithstanding Section 59, an **employer** may require a pregnant employee, who has been employed by the **employer** for at least one year, or such shorter period as may be prescribed by the regulations, to take an unpaid leave of absence while the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected.

(2) For greater certainty, nothing in subsection (1) affects any protection provided to a pregnant employee, regardless of the length of employment, by the Human Rights Act. **Section 59A (1) (2).**

Notice

(1) Subject to subsection (1A), an employee **shall** give the **employer** four weeks' notice of:

(a) the date the employee will begin pregnancy leave pursuant to Section 59 or parental leave pursuant to subsection (3) of Section 59B; and

(b) the date the employee will return to work upon completion of the leave unless the employee will take the maximum leave to which the employee is entitled.

(1A) Where an employee will have been employed for fewer than four weeks as of the date the employee's pregnancy leave pursuant to subsection (2) of Section 59 or the employee's parental leave pursuant to subsection (3) of Section 59B is to begin, the employee **shall** give the **employer** as much notice of the date the employee will begin the leave as is reasonably practicable in the circumstances.

(2) Notice given pursuant to subsection (1) or (1A) may be amended from time to time by the employee:

(a) by changing any date in the notice to an earlier date if the notice is amended at least four weeks before that earlier date;

(b) by changing any date in the notice to a later date if the notice is amended at least four weeks before the original date; and

(c) by adding the date that the employee will return to work if the notice is amended at least four weeks before the employee would have been **required** to return to work.

(3) An employee **shall** give the **employer** as much notice as reasonably practicable of:

(a) the date the employee will begin pregnancy leave pursuant to Section 59 where she is advised by a legally qualified medical practitioner to begin pregnancy leave sooner than planned because of medical circumstances resulting from her pregnancy;

(b) the delivery where the actual delivery occurs sooner than expected;

(c) the first arrival of the child or children in the employee's home where that arrival is not anticipated or occurs sooner than reasonably expected;

(d) the return to work of the employee pursuant to Section 59C; and

(e) the resumption of parental leave by the employee in accordance with Section 59C, and subsection (1) does not apply.

(4) Notice given pursuant to this Section **shall** be put in writing where the **employer** so requests. **Section 59D (1) to (3).**

For more information:

- End of pregnancy. **Section 59F (1) (2).**
- Unpaid leave of absence. **Section 59G (1) to (4).**

Further details on the Labour Standards Code can be found at *Nslegislature.Ca*.

NORTHWEST TERRITORIES

Under the **Employment Standards Act**, **Part 3, Sections 26-27**, **employers** in Northwest Territories **must** provide up to 17 consecutive weeks of unpaid pregnancy leave to eligible employees, starting anytime within 17 weeks before the expected delivery date. Employees **must** give four weeks' written notice and may be **required** to provide medical certification. If delivery occurs later than expected, leave can be extended by up to six weeks. **Employers** may request mandatory leave if an employee's duties cannot reasonably be performed due to pregnancy.

Part 3 — Days Of Work, Leave, and Holidays

Pregnancy Leave

Entitlement to Pregnancy Leave

(1) An eligible employee is entitled to pregnancy leave of 17 consecutive weeks, without pay, commencing at any time during the 17-week period immediately preceding the estimated date of delivery.

Application for Leave

(2) To be eligible for pregnancy leave, the employee **must:**

(a) have been employed by the **employer** for at least the prescribed length of time;

(b) submit to the **employer** a written request for pregnancy leave at least four weeks before the day on which she intends to commence the leave; and

(c) provide to the **employer**, on request, a medical certificate confirming that she is pregnant and estimating the date of delivery.

Leave without Four Weeks' Notice

(3) An otherwise eligible pregnant employee who is unable to submit a request within the time **required** under paragraph (2)(b) because of a medical condition arising from the pregnancy is entitled to pregnancy leave, if the employee provides her **employer** with a medical certificate, within two weeks after the employee ceases to work, that:

(a) states the employee was not able to perform the duties of her employment because of that medical condition; and

(b) estimates the date of delivery or states the actual date of delivery.

Extension of Leave

(4) If the actual date of delivery occurs after the estimated date of delivery, the employee is entitled, on request, to extend the pregnancy leave to the actual date of delivery, but no extension may exceed a further six consecutive weeks.

Leave after Delivery

(5) An otherwise eligible employee who has given birth without submitting a request in accordance with paragraph (2)(b) is entitled to pregnancy leave, without pay, of six consecutive weeks, if the employee provides the **employer** with a medical certificate stating that the employee gave birth on a specified day.

Shortening Leave

(6) An employee who has requested pregnancy leave may, with the consent of her **employer**, resume employment before the leave expires. **Section 26 (1) to (6).**

Mandatory Pregnancy Leave

(1) The Employment Standards Officer may, at the request of an **employer**, require an employee to commence pregnancy leave, if the Employment Standards Officer is satisfied that the duties of the employee cannot reasonably be performed because of the pregnancy.

Considerations

(2) Before requiring an employee to commence pregnancy leave under subsection (1), the Employment Standards Officer **shall** consider:

(a) the nature of the industrial establishment;

(b) the conditions of employment of the industrial establishment;

(c) the welfare of the employees in the industrial establishment; and

(d) any medical information respecting the employee's pregnancy provided, with the consent of the employee, by a qualified medical practitioner or a registered midwife.

Continuation of Leave

(3) The employee **shall** continue the pregnancy leave under subsection (1) until the earlier of the date:

(a) the Employment Standards Officer is satisfied that the employee is able to perform her duties; or1

(b) the pregnancy ends or is terminated. **Section 27 (1) to (3).**

Further details on the Employment Standards Act can be found at *Gov.Nt.Ca*.

NUNAVUT

In Nunavut, Maternity leave are governed by **Part V** of the ***Official Consolidation of Labour Standards Act***, specifically **Sections 30 to 33, 36 to 38(1), and 39**. These provisions entitle pregnant employees to take an unpaid, job-protected leave surrounding the birth of a child. The Act outlines eligibility requirements, the length of maternity leave, notice periods for taking leave, and rights to reinstatement after the leave ends. It ensures that expecting employees are supported in balancing work and family responsibilities without jeopardizing their employment status.

Part V

Pregnancy And Parental Leave

Medical Certificate

For the purposes of this Part, a medical certificate **must** be signed by a qualified medical practitioner or, in a community in Nunavut in which no qualified medical practitioner is resident, by a registered nurse, a nurse practitioner or a temporary certificate holder under the Nursing Profession Act (Northwest Territories). **Section**

30.

Entitlement to Pregnancy Leave

(1) An employee is entitled to pregnancy leave, without pay, in accordance with subsection (2), where the employee:

(a) has been employed by an **employer** for the prescribed length of time;

(b) submits to the **employer** a written request for pregnancy leave at least four weeks before the day on which the employee intends to commence the leave; and

(c) if so requested by the **employer**, provides the **employer** with a medical certificate stating that the employee is pregnant and stating the estimated date of delivery.

Length of Leave

(2) Subject to this Part, an employee referred to in subsection (1) is entitled to pregnancy leave of 17 consecutive weeks commencing at any time during the 17 week period immediately preceding the estimated date of delivery.

Extension of Leave

(3) If the actual date of delivery is after the estimated date of delivery, an employee is entitled, at the request of the employee, to extend the pregnancy leave for a further period, without pay, not exceeding the period between the estimated date of delivery and the actual date of delivery and, in any event, not exceeding six consecutive weeks.

Shortening Leave

(4) An employee who has requested pregnancy leave may, with the consent of her **employer**, resume employment before the expiration of that period. **Section 31(1) to (4).**

Leave without Notice

(1) An employee who does not request pregnancy leave in accordance with paragraph 31(1)(b) but who has been employed by an **employer** for the prescribed length of time is entitled to pregnancy leave under section 31 where:

(a) due to a medical condition arising from the employee’s pregnancy, the employee is unable to give the **required** notice; and

(b) within two weeks after the employee ceases to work, the employee provides her **employer** with a medical certificate stating that the employee was not able to perform the duties of her employment because of a medical condition arising from the employee’s pregnancy and stating the estimated date on which, in the opinion of a qualified medical practitioner or nurse, delivery will occur or the actual date of delivery.

Leave after Delivery

(2) An employee who does not request pregnancy leave in accordance with paragraph 31(1)(b) and to whom subsection (1) does not apply but who has been employed by an **employer** for the prescribed length of time is entitled to pregnancy leave of six consecutive weeks, without pay, where the employee provides the **employer** with a medical certificate stating that the employee has given birth on a specified day.

Application of Subsection 31(4)

(3) Subsection 31(4) applies to an employee referred to in subsection (2). **Section 32 (1) to (3).**

For more information:

- Requirement to take leave. **Section 33.**
- Resumption of benefits. **Section 36.**
- Suspension of operations. **Section 37.**
- Prohibition respecting pregnancy leave. **Section 38.**
- Onus on employer. **Section 39.**

Further details on the Official Consolidation of Labour Standards Act.

ONTARIO

Under the **Employment Standards Act, (Part XIV Sections 46-47), employers** in Ontario **must** provide up to 17 weeks of unpaid pregnancy leave to employees who have been employed for at least 13 weeks before their due date. Leave can begin up to 17 weeks before the due date and **must** start no later than the birth date. Employees **must** give two weeks' written notice, and medical certification may be **required**. If pregnancy ends in a stillbirth or miscarriage, leave lasts at least 12 weeks after the event. Employees may end leave early with four weeks' written notice.

Part XIV – Leaves of Absence

Pregnancy Leave

(1) A pregnant employee is entitled to a leave of absence without pay unless her due date falls fewer than 13 weeks after she commenced employment.

When Leave may Begin

(2) An employee may begin her pregnancy leave no earlier than the earlier of,

(a) the day that is 17 weeks before her due date; and

(b) the day on which she gives birth.

Exception

(3) Clause (2) (b) does not apply with respect to a pregnancy that ends with a still-birth or miscarriage.

Latest Day for Beginning Pregnancy Leave

(3.1) An employee may begin her pregnancy leave no later than the earlier of,

(a) her due date; and

(b) the day on which she gives birth.

Notice

(4) An employee wishing to take pregnancy leave **shall** give the **employer**,

(a) written notice at least two weeks before the day the leave is to begin; and

(b) if the **employer** requests it, a certificate from a legally qualified medical practitioner stating the due date.

Notice to Change Date

(5) An employee who has given notice to begin pregnancy leave may begin the leave,

(a) on an earlier day than was set out in the notice, if the employee gives the **employer** a new written notice at least two weeks before that earlier day; or

(b) on a later day than was set out in the notice, if the employee gives the **employer** a new written notice at least two weeks before the day set out in the original notice.

Complication

(6) If an employee stops working because of a complication caused by her pregnancy or because of a birth, still-birth or miscarriage that occurs earlier than the due date, subsection (4) does not apply and the employee **shall**, within two weeks after stopping work, give the **employer**,

(a) written notice of the day the pregnancy leave began or is to begin; and

(b) if the **employer** requests it, a certificate from a legally qualified medical practitioner stating,

(i) in the case of an employee who stops working because of a complication caused by her pregnancy, that she is unable to perform the duties of her position because of the complication and stating her due date,

(ii) in any other case, the due date and the actual date of the birth, still-birth or miscarriage. **Section 46 (1) to (6).**

End of Pregnancy Leave

(1) An employee's pregnancy leave ends,

(a) if she is entitled to parental leave, 17 weeks after the pregnancy leave began;

(b) if she is not entitled to parental leave, on the day that is the later of,

(i) 17 weeks after the pregnancy leave began, and

(ii) 12 weeks after the birth, still-birth, or miscarriage.

Transition

(1.1) Despite clause (1) (b), if an employee who is not entitled to parental leave began her pregnancy leave before January 1, 2018, her pregnancy leave ends on the day that is the later of,

(a) 17 weeks after the pregnancy leave began; and

(b) six weeks after the birth, still-birth, or miscarriage.

Ending Leave Early

(2) An employee may end her leave earlier than the day set out in subsection (1) by giving her **employer** written notice at least four weeks before the day she wishes to

end her leave.

Changing End Date

(3) An employee who has given notice under subsection (2) to end her pregnancy leave may end the leave,

(a) on an earlier day than was set out in the notice, if the employee gives the **employer** a new written notice at least four weeks before the earlier day; or

(b) on a later day than was set out in the notice, if the employee gives the **employer** a new written notice at least four weeks before the day indicated in the original notice.

Employee not Returning

(4) An employee who takes pregnancy leave **shall** not terminate her employment before the leave expires or when it expires without giving the **employer** at least four weeks' written notice of the termination.

Exception

(5) Subsection (4) does not apply if the **employer** constructively dismisses the employee. **Section 47 (1) to (5).**

Further details on the Employment Standards Act can be found at *Ontario.Ca*.

PRINCE EDWARD ISLAND

Under the **Employment Standards Act**, **Sections 18 to 20**, **employers** in Prince Edward Island **must** provide up to 17 weeks of unpaid maternity leave to employees who have worked at least 20 weeks in the past 52 weeks. Leave can start up to 13 weeks before the estimated birth date and **must** include at least six weeks after birth if the actual delivery is later than expected. Employees **must** submit a written application with four weeks' notice and medical certification. **Employers** cannot dismiss or suspend employees due to pregnancy.

Maternity, Parental, and Adoption Leave

Unlawful Dismissal etc.

No **employer shall** dismiss, lay off or suspend an employee by reason only of the fact that the employee:

(a) is pregnant;

(b) is temporarily disabled because of pregnancy;

(c) has applied for maternity leave in accordance with section 19; or

(d) has applied for parental or adoption leave in accordance with section 22. **Section 18.**

Maternity Leave

(1) Where a pregnant employee of an **employer:**

(a) submits an application, in accordance with subsection (2), to the **employer** for maternity leave;

(b) has been in the employment of the **employer** for a total of at least 20 weeks of the 52 weeks immediately preceding the commencement date for the maternity leave specified in the application; and

(c) provides the **employer** with a certificate from a medical practitioner that states that the employee is pregnant and specifies the estimated date of birth the **employer** of the employee **shall** grant the employee maternity leave without pay from employment with the **employer** in accordance with section 20.

Application

(2) An application by an employee to her **employer** for maternity leave **shall:**

(a) be made in writing;

(b) specify the dates that the employee proposes to commence and terminate the leave; and

(c) be given to the **employer** at least four weeks before the commencement date for the leave specified in the application. **Section 19 (1) (2).**

Entitlement

(1) The maternity leave to which an employee is entitled pursuant to section 19 **shall** consist of a period not exceeding seventeen weeks commencing at any time during the period of 13 weeks immediately preceding the estimated date of birth.

(2) Notwithstanding subsection (1), where the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks leave after the actual date.

Commencement of Maternity Leave

(3) Where the pregnancy of an employee would unreasonably interfere with the performance of the employee's duties, the **employer** may require the employee to commence maternity leave not more than three months prior to the estimated date of birth.

Onus of Proof

(4) In any prosecution alleging a violation of subsection (3) the onus **shall** be upon the **employer** to prove that pregnancy of the employee would unreasonably interfere with the employee's duties.

Return to Work

(5) The employee may return to work and the **employer** may permit the employee to return to work at a date earlier than six weeks after the date of actual delivery. **Section 20 (1) to (5).**

Further details on the Employment Standards Act can be found at *Princeedwardisland.Ca*.

QUÉBEC

Under the **Act Respecting Labour Standards**, **Division V.1, Sections 81.3 to 81.8**, **employers** in Quebec **must** provide up to 18 consecutive weeks of unpaid maternity leave, which can be taken before or after delivery. Leave can start up to 16 weeks before the expected birth date and **must** end no later than 20 weeks after delivery. If delivery occurs later than expected, employees are entitled to at least two additional weeks of leave. In cases of pregnancy complications or termination before 20 weeks, employees may take up to three weeks of special leave, with longer leave available if medically **required**. **Employers** may request a medical certificate confirming pregnancy and expected delivery date.

Division V.1 — Family or Parental Leave and Absences

An employee may be absent from work without pay for a medical examination related to the employee's pregnancy or for an examination related to the employee's pregnancy carried out by a health professional authorized for that purpose.

The employee **shall** advise the **employer** as soon as possible of the time at which the employee will be absent. **Section 81.3.**

A pregnant employee is entitled to a maternity leave or personal leave in connection with pregnancy or delivery without pay of not more than 18 consecutive weeks unless, at the employee's request, the **employer** consents to a longer leave.

The employee may spread the leave as the employee wishes before or after the expected date of delivery. However, where the leave begins on the week of delivery, that week **shall** not be taken into account in calculating the maximum period of 18 consecutive weeks. **Section 81.4.**

If the delivery takes place after the expected date, the employee is entitled, after the delivery, to at least two weeks of maternity leave or personal leave in connection with pregnancy or delivery. **Section 81.4.1.**

The leave provided for in section 81.4 **shall** not begin before the sixteenth week preceding the expected date of delivery and **shall** not end later than 20 weeks after the week of delivery. **Section 81.5.**

Where there is a risk of termination of pregnancy or a risk to the health of the mother or the pregnant person or the unborn child, caused by the pregnancy and requiring a work stoppage, the employee is entitled to a special leave, without pay, for the duration indicated in the medical certificate attesting the existing risk and indicating the expected date of delivery.

The leave is, where applicable, deemed to be the leave provided for in section 81.4 from the beginning of the fourth week preceding the expected date of delivery. **Section 81.5.1.**

Where there is termination of pregnancy before the beginning of the twentieth week preceding the expected date of delivery, the employee is entitled to a special leave, without pay, for a period of no longer than three weeks, unless a medical certificate attests that the employee needs an extended leave.

If the termination of pregnancy occurs in or after the twentieth week, the employee is entitled to the leave provided for in section 81.4. Section 81.5 applies to that leave, with the necessary modifications. **Section 81.5.2.**

In the case of a termination of pregnancy or a premature birth, the employee **must**, as soon as possible, give written notice to the **employer** informing the **employer** of the event and the expected date of the employee's return to work, accompanied with a medical certificate attesting to the event. **Section 81.5.3.**

The leave provided for in section 81.4 may be taken after giving written notice of not less than three weeks to the **employer**, stating the date on which the leave will begin and the date on which the employee will return to work. The notice **must** be accompanied with a medical certificate attesting to the pregnancy and the expected date of delivery. Where applicable, the medical certificate may be replaced by a written report signed by a health professional authorized to provide pregnancy care.

The notice may be of less than three weeks if the medical certificate attests that the employee needs to stop working within a shorter time. **Section 81.6.**

From the sixth week preceding the expected date of delivery, the **employer** may, in writing, require a pregnant employee who is still at work to produce a medical certificate attesting that the employee is fit to work.

If the employee refuses or neglects to produce the certificate within eight days, the **employer** may oblige the employee to take the leave provided for in section 81.4 immediately by sending the employee a written notice to that effect giving reasons. **Section 81.8.**

Further details on the Act Respecting Labour Standards can be found at *Gouv.Qc.Ca*.

SASKATCHEWAN

Under the **Saskatchewan Employment Act, Part II, Subdivision 11, Section 2-49 and 2-50**, **employers must** provide up to 19 weeks of unpaid maternity leave to pregnant employees, starting up to 13 weeks before birth and no later than the birth date. If delivery occurs later than expected, employees are entitled to at least six additional weeks of leave. Employees unable to return for medical reasons may extend leave by six more weeks. **Employers must** accommodate pregnancy by modifying duties or reassigning employees when practicable. Employees experiencing miscarriage or stillbirth within 13 weeks of the due date may take maternity leave.

Part II – Employment Standards

Subdivision 11 – Employment Leave

Maternity Leave

(1) Subject to subsections (2) and (7), an employee who is pregnant is entitled to a maternity leave of 19 weeks commencing at any time during the period of 13 weeks preceding the estimated date of birth, and no later than the date of birth.

(2) If the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks' leave after the actual date of birth.

(3) An **employee may** extend the leave for a further period of six weeks if the employee is unable for medical reasons to return to work after the expiration of the maternity leave.

(4) An **employer shall** modify an employee's duties or reassign the employee to other

duties, without a decrease in wages or benefits to accommodate a pregnancy if:

(a) the employee's duties or pregnancy would be unreasonably interfered with; and

(b) it is reasonably practicable to do so.

(5) An **employer may** require an employee to commence maternity leave not more than 13 weeks before the estimated date of birth if:

(a) the pregnancy of the employee would unreasonably interfere with the performance of the employee's duties; and

(b) no opportunity exists to modify the employee's duties or to reassign the employee to other duties.

(6) An employee whose pregnancy terminates on a date not more than 13 weeks before the estimated date of birth due to a miscarriage or a stillbirth may take a leave pursuant to this section.

(7) An **employer shall** grant a maternity leave in accordance with subsection (8) to an employee who:

(a) has failed to comply with clause 2-46(1)(a) but is otherwise entitled to maternity leave; and

(b) has not provided her **employer** with a certificate of a duly qualified medical practitioner certifying that there are bona fide medical reasons that require the employee to cease work immediately.

(8) Subject to subsection (2), the maternity leave to which an employee is entitled pursuant to subsection (7) is to consist of a period not exceeding 15 weeks commencing at any time during the period of nine weeks preceding the estimated date of birth. **Section 2-49 (1) to (8).**

Adoption Leave

An employee is entitled to an adoption leave of 19 weeks commencing on the date on which the child comes into the employee's care or becomes available for adoption if the employee is to be the primary caregiver of the adopted child during the period of the leave. **Section 2-50.**

Further details on the Saskatchewan Employment Act can be found at *Saskatchewan*.

YUKON TERRITORY

Under the **Employment Standards Act, Part 6, Sections 36-39**, **employers** in Yukon **must** provide up to 17 consecutive weeks of unpaid maternity leave to employees who have worked for at least 12 months. Employees **must** give four weeks' written notice and provide medical certification. If pregnancy ends in birth, termination, or health complications, employees are still entitled to leave. **Employers** may require an employee to start leave within six weeks before birth if duties cannot be performed due to pregnancy. If taking parental leave, it **must** begin immediately after maternity leave unless otherwise agreed.

Part 6 – Maternity and Parental Leave

Entitlement to Maternity Leave

(1) An employee is entitled to a leave of absence from work, without pay, in accordance with this section if the employee:

(a) has completed 12 months of continuous employment by the **employer**; and

(b) submits, at least four weeks before the day on which the employee intends to begin the leave, a written request for the leave stating the day the employee intends to begin the leave and the day the employee will return to work; and

(c) provides the **employer** with a certificate of a qualified medical practitioner, a qualified nurse practitioner or a qualified registered midwife stating the employee is pregnant and the probable date of the birth of the child.

(2) The leave of absence to which an employee is entitled under this section is a period of 17 consecutive weeks or any shorter period the employee requests and the **employer** agrees to.

(3) An employee who has requested a leave of absence for a period under this section may return to work before the period is over:

(a) with the consent of the **employer**; or a) son employeur y consent;

(b) by giving to the **employer** four weeks notice in writing of the day the employee intends to return to work.

(4) If the employee gives birth, or the pregnancy is terminated, or the employee requires a leave of absence because of health problems caused by or associated with the pregnancy before making a request for a leave of absence under subsection (1), the **employer shall**, on the employee's request, grant the employee a leave of absence from work, without pay, for a period of 17 consecutive weeks or any shorter period as the employee may request. Before granting the leave, the **employer** may require from the employee a certificate of a qualified medical practitioner, a qualified nurse practitioner or a qualified registered midwife stating the employee has given birth or the pregnancy has terminated or the employee requires the leave because of health problems caused by or associated with the pregnancy.

(5) An employee who requires leave because of health problems caused by or associated with the pregnancy cannot be **required** to return to work before a day that is six weeks after the date of the birth or of the termination of the pregnancy.

(6) If the employee referred to in a certificate **required** under paragraph (1)(c) or subsection (4) is in a country other than Canada, the certificate may be issued by an individual:

(a) who is authorized by an appropriate governmental authority of the country to perform, in the country, the work of a qualified medical practitioner, of a qualified nurse practitioner or of a qualified registered midwife; and

(b) who has professional qualifications that are substantially similar to those of a qualified medical practitioner, of a qualified nurse practitioner or of a qualified registered midwife. **Section 36 (1) to (5).**

Maternity Leave at Request of Employer

(1) An **employer** may, at any time within the period of six weeks preceding the probable date of birth of the child, require an employee to begin a leave of absence under section 36.

(2) If the duties of the employee cannot reasonably be performed because of the pregnancy, an **employer** may at any time, with the consent of the director, require an employee to begin a leave of absence under section 36.

(3) If an **employer** requires an employee to begin a leave of absence pursuant to subsection (1), the provisions of this Part apply with all necessary changes to that leave of absence. **Section 37 (1) to (3).**

Maternity and Parental Leave Must be Continuous

(1) If an employee intends to take parental leave in addition to maternity leave, the employee **must** begin the parental leave immediately on expiry of the maternity leave without a return to work after expiry of the maternity leave, unless the **employer** and employee otherwise agree or an applicable agreement otherwise provides.

(2) Subsection (1) does not apply to an employee who returned to work from maternity leave under subsection 36(1) before this Act comes into force. **Section 39 (1) (2).**

Further details on the Employment Standards Act can be found at *Canlii.Org*.