Maternity Leave Policy (Ontario Version)



Employment standards laws of all jurisdictions allow employees to take unpaid maternity leave. But because rules vary, it's important to implement a maternity leave policy that reflects the laws of your province. Here's a template policy based on Employment Standards Act requirements in Ontario, where maternity leave is referred to as pregnancy leave.

1. **DEFINITION**

For purposes of this Policy, "legally qualified medical practitioner" means:

- A person who is qualified to practice as a physician;
- A person who is qualified to practice as a midwife,
- A registered nurse who holds an extended certificate of registration under the Ontario *Nursing Act, 1991*; or
- A member of a prescribed class of medical practitioners, as set out in the Ontario *Employment Standards Act*

2. **ENTITLEMENT TO PREGNANCY LEAVE**

ABC Company employees who are pregnant are entitled to a leave of absence without pay unless their due date falls fewer than 13 weeks after they began employment with ABC Company.

3. **START OF PREGNANCY LEAVE**

Eligible employees may begin their pregnancy leave no earlier than whichever of the following dates occurs earlier:

- The day that's 17 weeks before the employee's due date; and
- The day on which she actually gives birth (this clause doesn't apply to a pregnancy that ends with a still-birth or miscarriage).

Employees may begin their pregnancy leave no later than their due date or the day on which they actually give birth, whichever comes sooner.

4. **END OF PREGNANCY LEAVE**

An employee's pregnancy leave ends:

(a) If the employee is entitled to parental leave, 17 weeks after the pregnancy

leave began;

(b) If the employee is not entitled to parental leave, on whichever of the following days comes later: (i) 17 weeks after the pregnancy leave began, and (ii) 12 weeks after the birth, still-birth or miscarriage.

5. **WRITTEN NOTIFICATION OF LEAVE**

Employees wishing to take parental leave must give the ABC Company HR department or other Company:

- Official written notice at least two weeks before the day the leave is to begin ; and
- If ABC Company requests it, if the employer requests it, a certificate from a legally qualified medical practitioner stating the due date.

6. **EMPLOYEE RIGHT TO END LEAVE EARLY**

Employees on pregnancy may end leave earlier than the date scheduled in accordance with Section 4 above by providing ABC Company written notice at least four weeks before the day they want to end their leave. To the extent something unexpected arises after employees do provide such notice to end their pregnancy leave early may end their pregnancy leave on either:

- On an earlier day than was set out in the notice, if they give ABC Company a new written notice at least four weeks before the earlier day; or
- On a later day than was set out in the notice, if they give ABC Company a new written notice at least four weeks before the day indicated in the original notice.

7. **EMPLOYEES NOT RETURNING FROM PREGNANCY LEAVE**

Employees who take pregnancy leave may not terminate their employment before the leave expires or when it expires without giving ABC Company at least four weeks’ written notice of the termination.

8. **DUTY TO COOPERATE & COMMUNICATE**

Employees must remain in communication with their supervisor or manager while they are on pregnancy leave to ensure that arrangements can be made for their return.

9. **NON-RETALIATION**

ABC Company will not discharge, threaten, penalize or in any other manner discriminate or retaliate against any employee for exercising their rights under this Policy, including but not limited to requesting or obtaining pregnancy leave.