

New Leaves For Employees Under The Canada Labour Code



As of December 12, 2025, new and expanded leaves have come into effect under the *Canada Labour Code*, with additional leave expected to come into force in 2026.

The updated regime expands employee leave protections while placing additional administrative and compliance responsibilities on federally regulated employers, requiring careful review of existing workplace policies and practices.

Which Employers Do These Changes Apply To?

These amendments only apply to employers that fall under federal jurisdiction, and are governed by Part III (Labour Standards) of the *Canada Labour Code*. These amendments do not apply to employers that only fall under Part I (Industrial Relations) of the *Code*.

The New Leaves

- **New Leave for Pregnancy Loss**

The amendments establish a new statutory leave to support employees affected by pregnancy loss. An employee may access this leave where:

- the employee's own pregnancy, or the pregnancy of the employee's spouse or common-law partner, ends without a live birth; or
- the employee intended to become the legal parent of a child through another person's pregnancy, including through a surrogacy arrangement, and no live birth occurs.

The length and pay of the leave vary based on the circumstances. Where a pregnancy loss involves a stillbirth, employees may take up to eight weeks of leave. In all other cases of pregnancy loss, employees are entitled to a shorter leave of up to three days.

For employees with at least three months of continuous service, the first three days of pregnancy loss leave are paid. Employers may require a medical certificate to substantiate the leave. This entitlement may be taken once in respect of each pregnancy.

- **Bereavement Leave Following the Death of a Child**

Bereavement leave under the *Canada Labour Code* is being increased in cases involving the death of a child. Prior to these amendments, federally regulated employees were entitled to a maximum of 10 days of bereavement leave following the death of an immediate family member, with pay provided for up to three of those days, where the employee had completed at least three months of continuous employment. Employees may take up to eight weeks of unpaid bereavement leave following the death of their own child or the child of a spouse or common-law partner.

In addition to replacing the former 10-day bereavement entitlement with a leave of up to eight weeks, the amendments enhance employee protections by preserving benefit coverage, guaranteeing reinstatement to the same or a comparable role, and requiring employers to continue providing information about training and employment opportunities during the leave.

• Upcoming Leave Entitlement for Adoption and Surrogacy Placements

In addition to the leave entitlements already in force, further changes to the *Canada Labour Code* are expected in 2026. These include the introduction of a new leave entitlement of up to 16 weeks of unpaid leave for employees who welcome a child through adoption or surrogacy.

This forthcoming leave is intended to align with anticipated amendments to the Employment Insurance regime and is expected to be brought into force through a separate Order in Council.

Record Keeping and Compliance

The *Canada Labour Code* amendments also broaden the administrative responsibilities of federally regulated employers across all statutory leaves.

Employers are now required to maintain adequate records in support of leave requests, ensure that paid leave is not improperly included in wage-based calculations such as overtime, and revise workplace policies, postings, and internal materials to align with the updated leave structure and terminology.

The amendments also establish specific contraventions and corresponding administrative monetary penalties for employers who fail to comply with the new leave obligations.

Non-compliance with these requirements, including failing to provide paid pregnancy loss leave or to continue benefit contributions during bereavement leave, may result in monetary penalties of up to \$100,000.

The amount of any penalty will vary based on the seriousness of the contravention and whether the employer is an individual or an incorporated entity.

What These Changes Mean for Employers

For employers, the first and determinative question is whether these amendments apply to them at all. While Part I of the *Canada Labour Code* applies to most unionized employers in Nunavut and the Northwest Territories, Part III of the *Code* does not.

For employers that fall under Part III of the *Code*, the amendments require a review of workplace policies, systems, and leave administration practices. Employers must ensure that the expanded leave entitlements are properly applied and that record-keeping and wage calculations comply with the updated requirements.

Management should also be informed of employee rights under the revised framework to

help reduce compliance risk and potential penalties.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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