

# Parental – Know The Laws Of Your Province



Parental leave regulations are vital for supporting employees in balancing work and family responsibilities. These regulations require **employers** to provide eligible employees with unpaid leave following the birth or adoption of a child. Requirements include notice periods, leave duration limits, and protections against termination or loss of benefits. Employees **must** meet eligibility criteria, such as length of service, and may be **required** to provide documentation. While general parental leave principles are consistent across Canada, specific regulations vary by province and territory to accommodate local employment standards. Compliance with these regulations ensures job protection, promotes work-life balance, and supports the wellbeing of families.

## **FEDERAL**

Under the [\*\*Canada Labour Code\*\*](#), **Part III**, **Sections 206.1-206.2**, **employers must** provide employees with parental leave to care for a newborn or newly adopted child. This leave **must** be taken within a set period following the child's birth or adoption, with possible extensions if the child is hospitalized. If both parents are employees, the combined leave has a maximum limit, and when combined with maternity leave, there is an overall cap on the total leave an individual can take. **Employers must** ensure compliance and support employees during parental leave.

## **PART III – Standard Hours, Wages, Vacations, and Holidays**

### **Parental Leave**

#### **Entitlement to Leave**

(1) Subject to subsections (2) and (3), every employee is entitled to and **shall** be granted a leave of absence from employment of up to 63 weeks to care for a newborn child of the employee or a child who is in the care of the employee for the purpose of adoption under the laws governing adoption in the province in which the employee resides.

#### **Period when Leave may be Taken**

(2) The leave of absence granted under this section may only be taken during the 78-

week period beginning:

- (a) in the case of a new-born child of the employee, at the option of the employee, on the day the child is born or comes into the actual care of the employee; and
- (b) in the case of an adoption, on the day the child comes into the actual care of the employee.

#### **Extension of Period**

(2.1) The period referred to in subsection (2) is extended by the number of weeks during which the employee is on leave under any of sections 206.3 to 206.5 and 206.9, is absent due to a reason referred to in subsection 239(1) or 239.1(1) or is on leave under any of paragraphs 247.5(1)(a), (b) and (d) to (g).

#### **Extension of Period – Child in Hospital**

(2.2) If the child referred to in subsection (1) is hospitalized during the period referred to in subsection (2), the period is extended by the number of weeks during which the child is hospitalized.

#### **Limitation**

(2.3) An extension under subsection (2.1) or (2.2) **must** not result in the period being longer than 104 weeks.

#### **Interruption**

(2.4) The employee may interrupt the leave referred to in subsection (1) in order to permit the employee to take leave under any of sections 206.3 to 206.5 and 206.9, to be absent due to a reason referred to in subsection 239(1) or 239.1(1) or to take leave under any of paragraphs 247.5(1)(a), (b) and (d) to (g).

#### **Resumption**

(2.5) The leave referred to in subsection (1) resumes immediately after the interruption ends.

#### **Aggregate Leave – Employees**

(3) The aggregate amount of leave that may be taken by more than one employee under this section in respect of the same birth or adoption **shall** not exceed 71 weeks, but the amount of leave that may be taken by one employee under this section in respect of the same birth or adoption **shall** not exceed 63 weeks.

#### **Exception – Medical Leave**

(4) Except to the extent that it is inconsistent with subsection 239(7), section 209.1 applies to an employee who interrupted the leave referred to in subsection (1) in order to be absent due to a reason referred to in subsection 239(1).

(4.1) [Repealed, 2021, c. 26, s. 22].

#### **Exception – Work-Related Illness or Injury**

(5) Except to the extent that it is inconsistent with subsections 239.1(3) and (4), section 209.1 applies to an employee who interrupted the leave referred to in subsection (1) in order to be absent due to a reason referred to in subsection 239.1(1).

## Exception – Member of Reserve Force

(6) Despite section 209.1, sections 247.93 to 247.95 apply to an employee who interrupted the leave referred to in subsection (1) in order to take leave under any of paragraphs 247.5(1)(a), (b) and (d) to (g). **Section 206.1 (1) to (6)**.

## Aggregate Leave – Maternity and Parental

The aggregate amount of leave that may be taken by more than one employee under sections 206 and 206.1 in respect of the same birth **shall** not exceed 86 weeks, but the aggregate amount of leave that may be taken by one employee under those sections in respect of the same birth **shall** not exceed 78 weeks. **Section 206.2**.

Further details on the Canada Labour Code can be found at [justice.gc.ca](http://justice.gc.ca).

## ALBERTA

Under the **Employment Standards Code, Part 2, Sections 50-52**, **employers** in Alberta **must** provide parental leave to eligible employees, including birth and adoptive parents. This leave **must** be taken within a set period after the child's birth or adoption and may be shared between parents if both are eligible. Employees **must** provide written notice before starting leave, with exceptions for unforeseen medical or adoption circumstances. **Employers** cannot terminate or lay off employees because they are on maternity or parental leave, ensuring job protection.

## Employment Standards Code – Part 2 Standards

### Parental Leave

(1) Subject to subsection (2), an **employer** **must** grant parental leave to an employee as follows:

(a) in the case of an employee entitled to maternity leave under this Division other than an employee described in section.

(1.1), a period of not more than 37 consecutive weeks immediately following the last day of maternity leave;

(b) in the case of a parent who has been employed by the same **employer** for at least 90 days, a period of not more than 37 consecutive weeks within 53 weeks after the child's birth;

(c) in the case of an adoptive parent who has been employed by the same **employer** for at least 90 days, a period of not more than 37 consecutive weeks within 53 weeks after the child is placed with the adoptive parent for the purpose of adoption.

(2) If employees described in this section are parents of the same child, the parental leave granted under subsection (1) may:

(a) be taken wholly by one of the employees, or

(b) be shared by the employees.

(3) If employees described in this section are parents of the same child and are employed by the same **employer**, the **employer** is not **required** to grant parental leave to more than one employee at a time. **Section 50 (1) to (3)**.

## **Notice of Parental Leave**

(1) An employee **must** give the **employer** at least 6 weeks' written notice of the date the employee will start parental leave unless:

- (a) the medical condition of the birth mother or child makes it impossible to comply with this requirement;
- (b) the date of the child's placement with the adoptive parent was not foreseeable.

(2) If the employee cannot comply with the written notice requirement for any of the reasons stated in subsection (1)(a) or (b), the employee **must** give the **employer** written notice at the earliest possible time of the date the employee will start or has started parental leave.

(3) An employee is entitled to start parental leave on the date specified in the written notice given to the **employer** under subsection (1) or (2).

(4) Written notice under section 47(1) is deemed to be notice of parental leave under this section unless the notice specifically provides that it is not notice of parental leave, in which case this section applies.

(5) Employees who intend to share parental leave **must** advise their respective **employers** of their intention to share parental leave. **Section 51 (1) to (5).**

## **Termination of Employment Prohibited During Maternity Leave and Parental Leave**

(1) No **employer** may terminate the employment of, or lay off,

- (a) an employee who has started maternity or parental leave, or
- (b) an employee because the employee is entitled to maternity or parental leave.

(2) Subsection (1) does not apply if an **employer** suspends or discontinues in whole or in part the business, undertaking or other activity in which the employee is employed, but the obligation of the **employer** to reinstate the employee or provide the employee with alternative work in accordance with section 53.1 continues to apply. **Section 52 (1)(2).**

Further details on the Employment Standards Code can be found at [alberta.ca](http://alberta.ca).

## **BRITISH COLUMBIA**

Under the **Employment Standards Act, Part 6, Section 51, employers** in British Columbia **must** provide parental leave to eligible birth and adoptive parents. The leave **must** begin within a set period after the child's birth or adoption and may be extended if the child has a medical condition requiring additional care. Employees **must** provide written notice before starting leave, and **employers** may require supporting documentation. Parental leave may be combined with maternity leave but is subject to a maximum total leave period. **Employers must** ensure compliance and job protection.

## **Part 6 – Leaves and Jury Duty**

### **Parental Leave**

(1) An employee who requests leave under paragraph (a), (b) or (d) of this subsection is entitled to,

- (a) for a parent who takes leave under section 50 in relation to the birth of the child or children with respect to whom the parental leave is to be taken, up to 61 consecutive weeks of unpaid leave, which **must** begin, unless the **employer** and employee agree otherwise, immediately after the end of the leave taken under section 50,
- (b) for a parent, other than an adopting parent, who does not take leave under section 50 in relation to the birth of the child or children with respect to whom the parental leave is to be taken, up to 62 consecutive weeks of unpaid leave, which **must** begin within 78 weeks after the birth of the child or children, and
- (c) for an adopting parent, up to 62 consecutive weeks of unpaid leave, which **must** begin within 78 weeks after the child or children are placed with the parent.

(2) If the child has a physical, psychological or emotional condition requiring an additional period of parental care, an employee who requests leave under this subsection is entitled to up to an additional 5 consecutive weeks of unpaid leave, beginning immediately after the end of the leave taken under subsection (1).

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

- (a) be given in writing to the **employer**,
- (b) if the request is for leave under subsection (1) (a) or (b), be given to the **employer** at least 4 weeks before 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 or other evidence of the employee's entitlement to leave.

(4) An employee's combined entitlement to leave under section 50 and this section is limited to 78 weeks plus any additional leave the employee is entitled to under section 50 (3) or subsection (2) of this section. **Section 51 (1) to (4)**.

Further details on the Employment Standards Act can be found at [gov.bc.ca](http://gov.bc.ca).

## **MANITOBA**

Under [\*\*The Employment Standards Code, Part 2, Sections 58-59.1\*\*](#), **employers** in Manitoba **must** provide parental leave to eligible birth and adoptive parents. Employees **must** have worked for at least seven consecutive months and provide written notice before starting leave. Parental leave **must** begin within a set period after the child's birth or adoption and **must** be taken continuously if combined with maternity leave unless otherwise agreed. Employees may choose to return to work earlier by providing advance notice.

## **PART 2 – MINIMUM STANDARDS**

### **PARENTAL LEAVE**

#### **Employee Entitled to Parental Leave**

(1) An employee who adopts or becomes a parent of a child is entitled to unpaid parental leave to a maximum of 63 continuous weeks if:

- (a) the employee has been employed by the **employer** for at least seven consecutive months;
- (b) the employee gives written notice to the **employer** at least four weeks before the

day specified in the notice as the day on which the employee intends to begin the leave; and

(c) in the case of an adoption, the adoption occurs or is recognized under Manitoba law.

### **Effect of Late Notice on Parental Leave**

(2) An employee who gives less notice than is **required** under clause (1)(b) is entitled to the 63 weeks of parental leave less the number of days by which the notice given is less than four weeks.

### **Commencement of Parental Leave**

(3) A parental leave **must** commence not later than 18 months after the date on which the child is born or adopted or comes into the care and custody of the employee.

#### **Section 58 (1) to (3).**

### **Maternity and Parental Leaves must be Continuous**

An employee who takes maternity leave and parental leave **shall** take them in one continuous period, unless the employee and the **employer** otherwise agree or a collective agreement otherwise provides. **Section 59.**

### **End of Parental Leave**

(1) An employee's parental leave ends:

(a) 63 weeks after it began; or

(b) if subsection 58(2) applies, 63 weeks after it began less the number of days provided for in that subsection. **Section 59.1(1).**

### **Transitional**

(1.1) Despite subsection (1), if the child for whom the employee takes parental leave was born or adopted or came into the employee's care and custody before the day this section came into force, the employee's parental leave ends:

(a) 37 weeks after it began; or

(b) if subsection 58(2) applies, 37 weeks after it began less the number of days provided for in that subsection. **Section 59.1(1.1).**

### **Ending Leave Early**

(2) An employee may end his or her parental leave earlier than the day set out in subsection (1) by giving the **employer** written notice at least two weeks or one pay period, whichever is longer, before the day the employee wishes to end the leave. **Section 59.1(2).**

Further details on the Employment Standards Code can be found at [canlii.org](http://canlii.org).

### **NEW BRUNSWICK**

Under the Employment Standards Act, Section 44.02, employers in New Brunswick **must** provide unpaid child care leave to eligible birth and adoptive parents. This leave

**must** begin when the child comes into the employee's care and **must** be taken within a set period. Employees **must** provide written notice and, if **required**, supporting medical or adoption documentation. If both parents are employees, they may share the leave within the allowed maximum duration. When combined with maternity leave, the total leave period has an overall limit.

## CHILD CARE

(1) In this section:

"**child**" means a person under the age of nineteen. (*enfant*)

(2) Subject to subsections (3), (4) and (8), an **employer shall**, upon the request of an employee,

(a) who is the natural parent of a newborn or unborn child, or

(b) who is adopting or has adopted a child, grant the employee a leave of absence without pay of sixty-two consecutive weeks or such shorter period as the employee requests so as to enable the employee to care for the child.

(3) An employee intending to take a leave of absence under paragraph (2)(a) **shall**:

(a) provide the **employer** with a certificate of a medical practitioner, nurse practitioner or midwife specifying the date upon which delivery will, in the medical practitioner's, nurse practitioner's or midwife's opinion, occur or the date upon which the birth has occurred, and

(b) in the absence of an emergency, give four weeks written notice to the **employer** of the commencement date and duration of the leave.

(4) An employee intending to take a leave of absence under paragraph (2)(b) **shall**:

(a) on being approved in accordance with the *Child and Youth Well-Being Act* as a prospective adoptive parent or, in the case of a private adoption, four months before, or in the event of an emergency as soon as possible before, the anticipated day on which the child will be placed with the employee for adoption, give written notice to the **employer** of the employee's intention to take leave,

(b) provide the **employer** with proof that a child has been or will be placed with the employee for the purposes of adoption, and

(c) notify the **employer** of the commencement date and duration of the leave on being made aware of the date on which the child will be placed with the employee for adoption or at the time the child is placed with the employee for adoption, whichever occurs first.

(8) A leave of absence granted under subsection (2) **shall** commence not earlier than the date on which the newborn or adopted child came into the employee's care and custody and end not later than seventy-eight weeks after that date.

(9) Repealed: 2000, c.55, s.4.

(10) Where an employee intends to take a leave of absence under paragraph (2)(a) in addition to a leave of absence under section 43, the employee **must** commence the leave of absence under paragraph (2)(a) immediately on the expiry of the leave of absence taken under section 43 unless the **employer** and employee agree otherwise.

(11) Subsection (10) does not apply where a newborn child is hospitalized at the time

the leave of absence under section 43 expires.

(12) If both parents are employees, the leave of absence granted under subsection (2) may:

- (a) be taken wholly by one of the employees, or
- (b) be shared by the employees.

(12.1) The aggregate amount of leave that may be taken by two employees under this section with respect to the same birth or adoption **shall** not exceed sixty-two weeks.

(12.2) The aggregate amount of leave that may be taken by one or two employees under this section and section 43 with respect to the same birth **shall** not exceed seventy-eight weeks.

(13) Subsection 44(1) applies with the necessary modifications with respect to a leave of absence granted under this section. **Section 44.02 (1) to (13)**.

**Further details on the Employment Standards Act can be found at [gnb.ca](http://gnb.ca).**

## NEWFOUNDLAND & LABRADOR

Under the **Labour Standards Act**, **Sections 43.3-43.9**, employers in Newfoundland and Labrador **must** provide unpaid parental leave to employees who have worked for at least 20 consecutive weeks and become parents through birth or adoption. Parental leave generally follows maternity leave but may start later if the child is not yet in the parent's care. Employees **must** provide written notice before starting or ending leave, with flexibility for unexpected circumstances. **Employers must** reinstate employees to their previous or equivalent position and cannot dismiss them for taking leave.

### **Parental Leave**

(1) An employee who has been employed under a contract of service with the same **employer** for at least 20 consecutive weeks and who is the parent of a child is entitled to a leave of absence without pay following:

- (a) the birth of the child; or
- (b) the coming of the child into the care and custody of the parent for the 1st time

(2) [Rep. by 2019 c21 s1].

(3) The parental leave of an employee who takes pregnancy leave **shall** begin when the pregnancy leave ends unless the child has not yet come into the care and custody of the parent for the 1st time.

(4) An employee **shall** give the employee's **employer** at least 2 weeks written notice of the date the leave is to begin. **Section 43.3 (1) to (4)**.

### **Special Circumstances**

(1) Subsection 43.3(4) does not apply in the case of an employee who is the parent of a child and who stops working because the child comes into the custody, care and control of a parent for the 1st time sooner than expected.

(2) The parental leave of an employee referred to in subsection (1) begins on the day

the employee stops working.

(3) An employee referred to in subsection (1) **shall** give the employee's **employer** written notice that the employee wishes to take leave within 2 weeks after the employee stops working. **Section 43.4 (1) to (3).**

### **End of Parental Leave**

(1) Parental leave ends on the earlier of:

- (a) 61 weeks after it began; or
- (b) 96 weeks after the day the child is born or comes into the care and custody of the parent for the first time.

(2) Notwithstanding subsection (1), parental leave may end on an earlier day if the employee gives the **employer** at least 4 weeks' written notice of that day. **Section 43.5 (1)(2).**

### **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 (1)(2).**

### **Employee's Rights After Leave**

Upon the ending of pregnancy, adoption or parental leave of an employee, the terms of the contract of service subsisting at the time pregnancy, adoption or parental leave began **shall** be so resumed that the wages, duties, benefits and position of the employee are not less beneficial than those that subsisted before the pregnancy, adoption or parental leave began. **Section 43.7.**

### **Effect of Leave on Benefits**

Unless an **employer** and employee otherwise agree, the period of pregnancy, adoption or parental leave does not count towards the application of the rights, benefits and privileges conferred by this Act upon an employee, but the period worked upon resumption of employment after pregnancy, adoption or parental leave **shall** be considered for the purpose of this Act, to be continuous with the period worked before the pregnancy, adoption or parental leave. **Section 43.8.**

### **Employee may not be Dismissed**

(1) An **employer** **shall** not dismiss an employee or give notice of dismissal to an

employee:

- (a) for the reason only that the employee informs the **employer** that she is pregnant or the employee intends to take pregnancy, adoption or parental leave; or
- (b) because of absence by reason of pregnancy, adoption or parental leave permitted by this Part.

(2) Where an employee is dismissed contrary to subsection (1), the onus of proving that the reason for dismissal is unrelated to pregnancy, adoption or parental leave rests with the **employer**. **Section 43.9 (1)(2)**.

Further details on the Labour Standards Act can be found at [assembly.nl.ca](http://assembly.nl.ca).

## NOVA SCOTIA

Under the **Labour Standards Code**, **Sections 59B-59E**, **employers** in Nova Scotia **must** provide unpaid parental leave to employees who have worked for at least one year and become parents through birth or adoption. Parental leave typically follows maternity leave but may also be taken separately. Employees **must** provide written notice before starting leave, with flexibility for unexpected circumstances. If the child is hospitalized, the leave may be interrupted and resumed later. **Employers** may request proof of entitlement and **must** reinstate employees to their previous or equivalent position after leave.

### **Parental Leave**

(1) An employee, who has been employed by an **employer** for at least one year, or such shorter period as may be prescribed by the regulations, and who becomes, before or after this Section comes into force, a parent of one or more children through:

- (a) the birth of the child or children; or
- (b) the placement of the child or children in the care of the employee for the purpose of adoption of the child or children pursuant to the law of the Province, is entitled to an unpaid leave of absence of, subject to subsection (4), up to seventy seven weeks upon giving the **employer** notice of the date that the employee will begin the leave and the date that the employee will return to work, as **required** by Section 59D.

(2) Where an employee takes pregnancy leave pursuant to Section 59 and the employee's new-born child or children arrive in the employee's home during the pregnancy leave, parental leave pursuant to this Section:

- (a) begins immediately upon completion of the pregnancy leave and without the employee returning to work; and
- (b) ends not later than sixty-one weeks after the parental leave began pursuant to this Section, as determined by the employee.

(3) Where subsection (2) does not apply, parental leave pursuant to this Section:

- (a) begins on such date, coinciding with or after the birth of the child or children or the child or children first arriving in the employee's home; and
- (b) ends not later than eighteen months after the child or children first arrive in the employee's home, as determined by the employee.

(4) The maximum combined pregnancy leave and parental leave to which an employee is entitled is seventy-seven weeks. **Section 59B (1) to (4).**

#### **Interruption of Leave by Hospitalization of Child**

(1) Notwithstanding Section 59B, where an employee has begun parental leave pursuant to that Section and the child to whom the parental leave relates is hospitalized for a period exceeding or likely to exceed one week, the employee is entitled to return to and resume work in accordance with Section 59G and defer the unused portion of the parental leave until the child is discharged from the hospital, upon giving the **employer** notice in accordance with Section 59D.

(2) An employee is entitled pursuant to subsection (1) to only one interruption and deferral of each parental leave. **Section 59C (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 (4).**

#### **For more information:**

- Proof of entitlement. **Sections 59E.**

Further details on the Labour Standards Code can be found at [nslegislature.ca](http://nslegislature.ca).

### **NORTHWEST TERRITORIES**

Under the [\*\*Employment Standards Act\*\*](#), **Section 28**, **employers** in Northwest Territories **must** provide unpaid parental leave to eligible employees for the care of a newborn or newly adopted child. Employees **must** provide written notice before starting leave, which **must** be taken within a set period after birth or adoption. If both parents are employees, they may share the leave within the allowed maximum duration. Employees taking both maternity and parental leave **must** take them consecutively unless otherwise agreed. **Employers must** ensure compliance and job protection.

#### **Entitlement to Parental Leave**

(1) Subject to subsection (1.1), an eligible employee is entitled to parental leave of 61 consecutive weeks, without pay, to remain at home to care for:

- (a) a newborn child of the employee;
- (b) a child recently adopted by the employee; or
- (c) a child with respect to whom the employee has commenced adoption proceedings.

#### **Shared Parental Leave**

(1.1) The aggregate amount of leave that may be taken by more than one employee under this section in respect of the same birth or adoption **shall** not exceed 69 weeks, and the amount of leave that may be taken by one employee under this section in respect of the same birth or adoption **shall** not exceed 61 weeks.

#### **Period of Parental Leave**

(2) Parental leave **must** be taken during the period beginning on the day of the birth of the newborn child of the employee or the day on which the child arrives at the employee's home for the purpose of adoption, as the case may be, and ending:

- (a) 78 weeks after that time, if parental leave is taken by one employee under this section; or
- (b) 86 weeks after that time, if parental leave is taken by more than one employee under this section.

#### **Multiple Adoptions**

(3) Notwithstanding subsection (2), if the employee plans to adopt more than one child and they arrive at the employee's home at substantially the same time, the employee may take the parental leave to which he or she is entitled during the period beginning on the day the first child arrives and ending one year after the day on which the last child arrives.

## **Period if More than One Child**

(4) An employee is entitled to only one period of parental leave regardless of the number of newborn or adopted children who are born or arrive at substantially the same time.

## **Application for Leave**

(5) To be eligible for parental leave, the employee **must**:

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

(b) submit to the **employer** a written request for parental leave at least four weeks before the day on which he or she intends to commence the leave.

## **Leave without Four Weeks' Notice**

(6) An otherwise eligible employee is entitled to parental leave of six consecutive weeks, without pay, if he or she is unable to submit the request within the time **required** under paragraph (5)(b) because the child adopted by the employee, or with respect to whom the employee has commenced adoption proceedings, arrives at the employee's home sooner than expected.

## **Parental Leave Following Pregnancy Leave**

(7) Unless the employee and **employer** otherwise agree, an employee who takes parental leave in addition to pregnancy leave **must** commence the parental leave immediately after the later of:

(a) the day the pregnancy leave expires; or

(b) the day the child arrives at the employee's home.

## **Shortening Leave**

(8) An employee who has requested parental leave may, with the consent of his or her **employer**, resume employment before the leave expires. **Section 28 (1) to (8)**.

**Further details on the Employment Standards Act can be found at [gov.nt.ca](http://gov.nt.ca).**

## **NUNAVUT**

In Nunavut, Parental leave are governed by **Part V** of the [\*\*Official Consolidation of Labour Standards Act\*\*](#), specifically **Sections 34 to 37, 38(2), and 39**. These provisions allow eligible employees—regardless of gender—to take unpaid, job-protected leave to care for a newborn or newly adopted child. The Act defines the duration of the leave, conditions for eligibility, notice requirements, and the right to return to the same or a comparable position.

## **Part V**

### **Pregnancy and Parental Leave**

#### **Entitlement to Parental Leave**

(1) An employee is entitled to parental leave of 37 consecutive weeks, without pay,

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 parental leave at least four weeks before the day on which the employee intends to commence the leave; and
- (c) will remain at home to care for a newborn child of the employee or a child who the employee has recently adopted or with respect to whom the employee has commenced adoption proceedings.

#### **More than One Child**

(2) Where an employee has recently adopted more than one child or has commenced adoption proceedings with respect to more than one child and the children arrived at the employee's home at the same time or substantially the same time, the children are deemed to be a single child for the purposes of this section.

(3) Repealed,

#### **Period During Which Leave Must be Taken**

(4) Parental leave **must** be taken within the period commencing on the day of birth of the newborn child or the day on which the child arrives at the employee's home, as the case may be, and ending one year after that day.

#### **Period Where More than One Child**

(5) Where an employee plans to adopt more than one child and the children arrive at the employee's home at substantially the same time, the employee is entitled to parental leave for the period commencing on the day the first child arrives and ending one year after the day on which the last child so arrives.

#### **Parental Leave Following Pregnancy Leave**

(6) Where an employee takes parental leave in addition to pregnancy leave, the employee **must** commence the parental leave immediately on the expiration of the pregnancy leave or on the day the child arrives at the employee's home, unless the employee and **employer** otherwise agree.

#### **Leave may be Shortened**

(7) An employee who is on parental leave may, with the consent of his or her **employer**, resume employment before the expiration of the leave. **Section 34(1) to (7).**

#### **Leave Without Notice when Required Suddenly**

(1) An employee who does not request parental leave in accordance with paragraph 34(1)(b) but who is otherwise entitled to parental leave is entitled to parental leave under section 34 where:

- (a) the child who the employee has adopted or with respect to whom the employee has commenced adoption proceedings arrives at the employee's home sooner than expected; and
- (b) the employee requests parental leave.

#### **Leave Without Notice**

(2) An employee who does not request parental leave in accordance with paragraph 34(1)(b) and to whom subsection (1) does not apply but who is otherwise entitled to parental leave is entitled to parental leave of six consecutive weeks, without pay, where the employee requests parental leave.

Subsections 34(4) to (7) apply (3) Subsections 34(4) to (7) apply to an employee referred to in subsection (2). **Section 35(1)(2).**

### **Maximum Combined Leave**

Notwithstanding any other provision in this Part, the maximum period of combined pregnancy and parental leave to which an employee is entitled is 52 weeks. **Section 35.1.**

### **Application of Section**

(1) This section applies to an employee:

(a) who, on the day on which this section comes into force, is on pregnancy or parental leave or whose parental leave has expired in respect of a child who:

(i) is to be, is being or was cared for by the employee, and

(ii) is or will be a newborn child of the employee born, or has been placed with the employee for the purposes of adoption, after December 31, 2000; or

(b) who, before the day on which this section comes into force, has given his or her **employer** a written request for leave in accordance with paragraph 31(1)(b) or paragraph 34(1)(b) in respect of a child who:

(i) is to be cared for by the employee, and

(ii) is or will be a newborn child of the employee born, or has been or will be placed with the employee for the purposes of adoption, after December 31, 2000.

### **Entitlement to Extension of Parental Leave**

(2) An employee is entitled to extend parental leave up to 37 consecutive weeks if the employee submits to the **employer** a written request for extended parental leave at least four weeks before the day on which the employee's parental leave would otherwise expire.

### **Entitlement to Further Parental Leave**

(3) If an employee's parental leave has expired on the day on which this section comes into force or will expire less than eight weeks after the day on which this section comes into force, the employee is entitled to further parental leave up to 25 consecutive weeks if the employee submits to the **employer** a written request for further parental leave no later than four weeks after this section comes into force and at least four weeks before the day on which the employee intends to re-commence the leave, unless the employee and **employer** otherwise agree.

Subsections 34(2) and (4) to (7) apply (4) Subsections 34(2) and (4) to (7) apply to an employee referred to in this section.

### **Period During Which Leave must be Taken**

(5) For greater certainty, this section does not entitle an employee to continue parental leave after the expiry of one year after the day of birth of the newborn

child or the day on which the child is placed with the employee for the purposes of adoption, as the case may be. **Section 35.2(1) to (5).**

#### **For more information:**

- Resumption of Benefits. **Section 36.**
- Suspension of Operations. **Section 37.**
- Prohibition Respecting Parental Leave. **Section 38(2).**
- Onus on Employer. **Section 39.**

**Further details on the [Official Consolidation of Labour Standards Act](#).**

## **ONTARIO**

Under the [Employment Standards Act](#), Sections 48-49, employers in Ontario **must** provide unpaid parental leave to employees who have worked for at least 13 weeks and become parents through birth or adoption. Leave **must** begin within a set period after the child is born or comes into the employee's care. Employees taking both pregnancy and parental leave **must** take them consecutively unless the child is not yet in their care. Employees **must** provide written notice before starting or ending leave, with flexibility for unexpected circumstances.

### **Parental Leave**

(1) An employee who has been employed by his or her **employer** for at least 13 weeks and who is the parent of a child is entitled to a leave of absence without pay following the birth of the child or the coming of the child into the employee's custody, care, and control for the first time.

### **When Leave may Begin**

(2) An employee may begin parental leave no later than 78 weeks after the day the child is born or comes into the employee's custody, care and control for the first time.

### **Transition**

(2.1) Despite subsection (2), an employee may begin parental leave no later than 52 weeks after the day the child is born or comes into the employee's custody, care and control for the first time if that day was before the day subsection 32 (2) of Schedule 1 to the *Fair Workplaces, Better Jobs Act, 2017* came into force.

### **Restriction if Pregnancy Leave Taken**

(3) An employee who has taken pregnancy leave **must** begin her parental leave when her pregnancy leave ends unless the child has not yet come into her custody, care and control for the first time.

### **Notice**

(4) Subject to subsection (6), an employee wishing to take parental leave **shall** give the **employer** written notice at least two weeks before the day the leave is to begin.

### **Notice to Change Date**

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

- (a) 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.

### **If Child Earlier than Expected**

- (6) If an employee stops working because a child comes into the employee's custody, care and control for the first time earlier than expected,
  - (a) the employee's parental leave begins on the day he or she stops working; and
  - (b) the employee **must** give the **employer** written notice that he or she is taking parental leave within two weeks after stopping work. **Section 48 (1) to (6)**.

### **End of Parental Leave**

- (1) An employee's parental leave ends 61 weeks after it began, if the employee also took pregnancy leave and 63 weeks after it began, otherwise.

### **End of Parental Leave**

- (1) An employee's parental leave ends,
  - (a) 61 weeks after it began if the employee also took pregnancy leave;
  - (b) 62 weeks after it began if the employee also took placement of a child leave; or
  - (c) 63 weeks after it began, otherwise.

### **Transition**

- (1.1) Despite subsection (1), if the child in respect of whom the employee takes parental leave was born or came into the employee's custody, care and control for the first time before the day subsection 33 (2) of Schedule 1 to the *Fair Workplaces, Better Jobs Act, 2017* came into force, the employee's parental leave ends,

- (a) 35 weeks after it began, if the employee also took pregnancy leave; and
  - (b) 37 weeks after it began, otherwise.

### **Ending Leave Early**

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

### **Changing End Date**

- (3) An employee who has given notice to end his or her parental 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 parental leave **shall** not terminate his or 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 49 (1) to (5)**.

**Further details on the Employment Standards Act can be found at [ontario.ca](http://ontario.ca).**

### **PRINCE EDWARD ISLAND**

Under the **Employment Standards Act, Section 22 to 22.02**, **employers** in Prince Edward Island **must** provide unpaid parental leave to employees who have worked for at least 20 weeks in the previous year and become parents through birth, adoption, or legal guardianship. Employees **must** provide written notice before starting leave, which **must** be taken as a continuous period. If taken after maternity leave, parental leave **must** begin immediately after maternity leave ends unless otherwise agreed. **Employers must** reinstate employees to their previous or a comparable position with the same wages and benefits.

### **Parental Leave, Persons Entitled**

(1) Every employee:

(a) who has been in the employment of the **employer** for a total of at least 20 weeks of the 52 weeks immediately preceding the day on which the requested leave is to commence;

(b) who,

(i) becomes the natural parent of a child,

(ii) assumes actual care and custody of a child, for the purposes of adoption, or

(iii) adopts or obtains legal guardianship of a child under the law of a province; and

(c) who, at least four weeks before the expected date of commencement of the leave, submits to the **employer**, an application for parental leave, specifying the date of commencement and the date of termination of the leave, is entitled to and **shall** be granted, parental leave without pay for a continuous period of up to 62 weeks.

### **Early Return**

(5) Notwithstanding subsection (1), an **employer** may accept an employee's return to work before the expiry of the parental leave granted provided that the employee gives the **employer** 2 weeks' written notice of proposed return date.

### **Parental Leave with Maternity Leave**

(6) Where an employee intends to take parental leave in addition to maternity leave,

the employee **must** commence the parental leave immediately on expiry of the maternity leave without a return to work after expiry of the maternity leave and before commencement of the parental leave, unless the employee and the **employer** otherwise agree. **Section 22 (1)(5)(6).**

#### **Reinstatement on Expiration of Leave**

(1) An **employer** who has granted maternity, parental or adoption leave to an employee pursuant to section 19 or 22, as the case may be, **shall**, on the expiry of that leave, permit the employee to resume work in the position held by the employee immediately before the leave began or, if that position no longer exists, in a comparable position with not less than the same wages and benefits that the employee would have received if the employee had not been granted the leave and, in either case, with no loss of any seniority or pension benefits that had accrued to the employee up to the commencement of the leave.

#### **Pension Benefits**

(2) For the avoidance of doubt, an **employer** is not obliged to pay pension benefits in respect of any period of maternity, parental or adoption leave granted to an employee. **Section 22.02 (1)(2).**

**Further details on the Employment Standards Act can be found at [princeedwardisland.ca](http://princeedwardisland.ca).**

#### **QUÉBEC**

Under the **Act Respecting Labour Standards, Sections 81.10-81.13**, **employers** in Quebec **must** provide unpaid parental leave to birth parents, adoptive parents, and parents in surrogacy arrangements. Leave **must** begin within a set period following the child's birth or adoption and **must** end within a designated timeframe, with possible extensions in specific cases. Employees **must** provide written notice before starting leave, and shorter notice is allowed in urgent situations. Employees may also return to work earlier with proper notice or, if agreed upon, work part-time during leave.

The father and the mother or the parents of a newborn child, including a child born in the context of a parental project involving surrogacy, and a person who adopts a child, are entitled to parental leave without pay of not more than 65 consecutive weeks. **Section 81.10.**

Parental leave may not begin before,

- (1) in the case of a birth, the week of the newborn's birth or, if the birth occurs in the context of a parental project involving surrogacy, the week the child is entrusted to the employee who is a party to the project or the week the employee leaves work to travel outside Québec to be entrusted with the child; or
- (2) in the case of an adoption, the week the child is entrusted to the employee in accordance with the adoption procedure or the week the employee leaves work to travel outside Québec to be entrusted with the child.

It **shall** end not later than 85 weeks after the week of the birth or, in the case of an adoption or of a parental project involving surrogacy, 85 weeks after the week the child was entrusted to the employee.

However, in the cases and subject to the conditions prescribed by regulation of the

Government, parental leave may end at the latest 104 weeks after the birth or, in the case of an adoption or of a parental project involving surrogacy, 104 weeks after the week the child was entrusted to the employee. [Section 81.11.](#)

Parental leave may be taken after giving 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. However, the notice may be shorter if the employee **must** stay with the newborn child, including a child born in the context of a parental project involving surrogacy if the child has been entrusted to the employee, with the newly adopted child or, if applicable, with the mother or the person who gave birth, because of their state of health. [Section 81.12.](#)

An employee may return to work before the date stated in the notice given pursuant to section 81.2.1, 81.6 or 81.12, provided the employee has given the **employer** written notice of not less than three weeks of the new date on which the employee will return to work.

If the **employer** consents thereto, the employee may return to work on a part-time basis or intermittently during the parental leave. [Section 81.13.](#)

Further details on the Act Respecting Labour Standards can be found at [gouv.qc.ca](http://gouv.qc.ca).

## [SASKATCHEWAN](#)

Under the [Saskatchewan Employment Act](#), Section 2-51, **employers must** provide unpaid parental leave to eligible employees who become parents through birth or adoption. The length of leave depends on whether the employee has taken maternity or adoption leave. Parental leave **must** be taken within a set period before or after the child's birth or adoption. Employees who take maternity or adoption leave **must** take parental leave immediately after unless otherwise agreed.

## **PART II – Employment Standards**

### **Parental Leave**

(1) An employee who is a parent of a newborn child or a newly adopted child is entitled to a parental leave of not more than:

- (a) 59 weeks, if the employee has taken a maternity leave or an adoption leave; or
- (b) 71 weeks, in other cases.

(2) Parental leave **must** be taken during the period of:

(a) 13 weeks preceding the estimated date of birth or the estimated date on which the child is to come into the employee's care, as the case may be; and

(b) either:

(i) if one employee is taking leave pursuant to this section, 78 weeks following the actual date of birth or the actual date on which the child comes into the employee's care; or

(ii) if two employees are taking leave pursuant to this section with respect to the same child, 86 weeks following the actual date of birth or the actual date on which the child comes into the employee's care.

(3) If clause (1)(a) applies, the employee **shall** take the parental leave consecutive to the maternity leave or adoption leave, as the case may be. **Section 2-51 (1) to (3).**

Further details on the Saskatchewan Employment Act can be found at [saskatchewan.ca](http://saskatchewan.ca).

## YUKON TERRITORY

Under the [Employment Standards Act](#), Sections 38-39, employers in Yukon **must** provide unpaid parental leave to employees who have completed 12 months of continuous employment and become parents through birth or adoption. Employees **must** provide written notice before starting leave, with exceptions for unexpected circumstances. Parental leave **must** be taken within a set period after the child's birth or adoption and **must** follow maternity leave immediately unless otherwise agreed. If both parents are employees, they may share the leave, subject to a maximum combined duration.

## PART 6 – MATERNITY AND PARENTAL LEAVE

### Parental Leave

(1) An employee who has completed 12 months of continuous employment with an **employer** is entitled to parental leave without pay for a period of up to 63 weeks when the employee:

(a) becomes the birth mother of a child;

(b) becomes the birth father of a child, or assumes the care and custody of the employee's newborn child, or of their or their spouse's newborn or adoptive child; or

(c) adopts a child under the laws of the Yukon or of a province and submits to the **employer** a written request for leave under this section at least four weeks before the day on which the employee intends to begin the parental leave.

(2) The requirement to submit the request for leave at least four weeks before the leave set out in subsection (1) is to begin does not apply to an employee who is otherwise entitled to leave under this section and who stops working because the child comes into their custody and care for the first time before the employee has been able to give the **employer** four weeks' notice of the leave.

(3) Subject to subsection 39(1), the employee **must** complete the parental leave no later than 78 weeks after the birth or adoption of the child or of the date on which the child comes into the employee's care and custody.

(4) Sections 40 to 42 apply, with any modifications the circumstances require, to parental leave under this section.

(5) 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 their **employer**; or

(b) by giving to their **employer** four weeks notice in writing of the day they intend to return to work.

(6) The aggregate amount of parental leave that may be taken in respect of an event described in paragraphs (1)(a) to (c):

(a) in the case of leave being taken by one employee only, is not to exceed 63 weeks; and

(b) in any other case, is not to exceed 71 weeks.

(7) Despite subsection (6), both employees may take parental leave under subsection (1) at the same time if the employee who is first on parental leave cannot reasonably be expected to care for the child by themselves because of injury, illness, or death, or other hardship in the family. **Section 38 (1) to (7).**

### **39 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 (1)(2).**

Further details on the Employment Standards Act can be found at [canlii.org](http://canlii.org).