

Parental Leave Rights – Know the Laws of your Province



Parental leave is required by the employment standards laws of every jurisdiction. But specific eligibility, pay, notification and verification requirements vary from place to place. Here's a look at the requirements in each jurisdiction.

Parental Leave Rights Across Canada

FEDERAL

- **Minimum employment for eligibility:** None
- **Length of leave:** Up to 63 weeks
- **Leave must be taken** during 78-week period beginning on day: (a) newborn child is born or comes into employee's care; and (b) adopted child comes into employee's care
- **Combined parental leave** by more than one employee for same birth or adoption may not exceed 71 weeks
- **Combined parental and maternity leave** by more than one employee for same birth may not exceed 86 weeks
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date and duration unless there's a valid reason for not doing so
- **Verification:** Employer can require certification of need for extensions, interruptions and changes to leave date

(Canada Labour Code, Division VII)

ALBERTA

- **Minimum employment for eligibility:** At least 90 days with same employer
- **Length of leave:** Up to 62 weeks
- **Leave must be taken** starting any time after child is born or adopted child comes into employee's care and ending by 78 weeks of the date newborn child is born or

adopted child comes into employee's care

- **Combined parental leave** of employees who are parents of same child may be taken either by one of the employees or shared between them—up to 62 weeks aggregate—but employer doesn't have to grant parental leave to more than one employee at a time
- **Notice:** Employee must give at least 6 weeks' written notice of leave start date and duration unless that's impossible due to predict the birth due to medical reasons or adoption placement date due to administrative reasons, in which case employee must provide notice at earliest possible time
- **Verification:** Employer can require employee to submit a medical certificate from a doctor or nurse practitioner confirming pregnancy and estimated delivery date

(*Emp. Standards Code*, Secs. 50 to 51)

BRITISH COLUMBIA

- **Minimum employment for eligibility:** None
- **Length of leave:** Up to 63 weeks
- **Leave must be taken** during 78-week period beginning on day newborn child is born or adopted child comes into employee's care
- **Shared parental leave:** Parents of same child employed by same employer can share parental leave. Option 1: Standard parental leave up to 40 weeks but for which no parent can take more than 35 weeks, with EI benefits at 55%; Option 2: Extended parental leave up to 69 weeks but for which no parent can take more than 61 weeks, with EI benefits at 33%
- **Notice:** Employee must provide leave request in writing at least 4 weeks before proposed start date
- **Verification:** Employer can require employee to submit a medical certificate from a doctor or nurse practitioner confirming need for leave

(*Emp. Standards Act*, Sec. 51)

MANITOBA

- **Minimum employment for eligibility:** At least 7 months of employment with same employer
- **Length of leave:** Up to 63 weeks
- **Leave must be taken** in one continuous period starting no later than 18 months after the date on which the child is born or is adopted or comes into the employee's care and custody
- **Combined maternity and parental leave:** Employees who take maternity leave who also want to take parental leave must do so immediately after maternity leave, unless the employer agrees to a different arrangement
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date—if not, leave can be shortened by amount of notice not given, e.g., by 2 weeks where an employee provides only 2 weeks' notice
- **Verification:** ESC doesn't say whether employer can require verification of need for parental leave the way it can for maternity leave

(*Emp. Standards Code*, Secs. 58 to 59)

NEW BRUNSWICK

- **Minimum employment for eligibility:** None
- **Length of leave:** Up to 62 consecutive weeks
- **Leave must be taken** during 78-week period beginning on day newborn child is born or adopted child comes into employee's care
- **Shared parental leave:** Parents of same child employed by same employer can share parental (which is called "child care" leave in New Brunswick), as long as: i. they do it one at a time; ii. the leaves are consecutive; and iii. total shared leave between them doesn't exceed 62 weeks
- **Combined parental and maternity leave:** Up to 78 weeks
- **Notice:** Absent an emergency, employee must give 4 weeks' written notice of leave start date and duration
- **Verification:** Employer can require employee to submit a medical doctor's certificate specifying the probable delivery date or proof that with proof that an adopted child has been or will be placed with the employee

(Employment Standards Act, Sec. 44.02)

NEWFOUNDLAND

- **Minimum employment for eligibility:** At least 20 weeks of employment under an employment contract with same employer
- **Length of leave:** Ends upon whichever comes first: i. 61 weeks; or ii. 96 weeks after the day the child is born or comes into the care and custody of the parent for the first time—employee can shorten leave and return early upon 4 weeks' notice
- **Combined pregnancy and (adoption or) parental leave:** Up to 78 weeks, with adoption or parental leave starting immediately after pregnancy leave ends
- **Notice:** Employee must give at least 2 weeks' written notice of leave start date
- **Verification:** LSA doesn't say whether employer can require verification of need for parental or adoption leave the way it can with pregnancy leave

(Labour Standards Act, Sec. 43)

NOVA SCOTIA

- **Minimum employment for eligibility:** One day
- **Length of leave:** Up to 61 weeks
- **Leave must be taken** during 78-week period beginning on day newborn child is born or adopted child comes into employee's care
- **Shared parental leave:** Parents of same child employed by same employer can share parental (which is called "child care" leave in New Brunswick), as long as: i. they do it one at a time; ii. the leaves are consecutive; and iii. total shared leave between them doesn't exceed 62 weeks
- **Combined parental and pregnancy leave:** Up to 77 weeks, with parental leave starting immediately after pregnancy leave ends
- **Notice:** Absent an emergency, employee must give 4 weeks' written notice of leave start date and return date (if latter is anticipated to be sooner than the maximum potential leave duration), unless employee can't provide such notice because they've been employed less than 4 weeks, the baby is born early, there's a medical condition, or an unexpected adoption placement, in which case employee must give as much notice as possible

- **Verification:** Employer can require employee to provide a certificate from a doctor or adoption worker or other proof of entitlement to leave

(Labour Standards Code, Secs. 59B to 59E)

ONTARIO

- **Minimum employment for eligibility:** At least 13 weeks of employment with same employer
- **Length of leave:** Up to 63 weeks (61 weeks for birth mothers who also take pregnancy leave)
- **Leave must begin** no later than 78 weeks after date the baby is born, or the child first comes into employee's care, custody and control
- **Combined pregnancy and parental leave:** Employees who take pregnancy leave who also want to take parental leave must do so immediately after pregnancy leave, unless child isn't yet in her control (e.g., the baby is still in the hospital), in which case the employee can return to work and start parental leave when the baby does come into her control for the first time
- **Notice:** Employee must give at least 2 weeks' written notice of leave start date and number of weeks leave will last—if employee doesn't give notice of duration, employer can assume employee will take the full 63 or 61 weeks, in which case employee must give 4 weeks' written notice to return before then
- **Verification:** ESA doesn't say whether employer can require verification of need for parental leave the way it can for pregnancy leave

(Employment Standards Act, Sec. 48)

PRINCE EDWARD ISLAND

- **Minimum employment for eligibility:** At least 20 weeks of employment with same employer in past 52 weeks, which need not be consecutive or immediately precede leave start date
- **Length of leave:** Up to 62 weeks
- **Leave must begin,** in the case of adoption leave, no sooner than the date the child is placed in the employee's custody and care
- **Combined maternity and parental leave** for a mother can't exceed 78 weeks and must be taken consecutively, unless the employer and employee agree otherwise
- **Leave can be extended** 5 consecutive weeks if child has a physical, psychological or emotional condition that requires additional parental care, with additional leave to begin immediately after the end of maternity, parental or adoption leave
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date and date of return
- **Verification:** ESA doesn't say whether employer can require verification of need for parental or adoption leave

(Employment Standards Act, Sec. 22)

QUÉBEC

- **Minimum employment for eligibility:** None
- **Length of leave:** Up to 65 weeks
- **Parental leave may be taken** during the period that starts in the week of child's

birth and ends no later than 85 weeks later

- **Adoption leave must be taken** starting on week child is entrusted to their adoptive parents or the parents leave work to travel outside Québec to pick up the child
- **Leave can be extended, divided or extended** at parent's request if health conditions of parent or child require it, in which case the leave may be split into weeks
- **Notice:** Employee must give at least 3 weeks' written or verbal notice of leave start and return dates, and new written notice of at least 3 weeks to return early
- **Verification:** LSA doesn't say whether employer can require verification of need for parental leave the way it can for maternity leave
- **Other:** Parental leave is in addition to 5 weeks of paternity leave; employee may also be absent for 5 days, the first 2 of which are paid, for the birth or adoption of a child or the premature end of pregnancy in or after the 20th week of pregnancy

(Labour Standards Act, Sec. 81)

SASKATCHEWAN

- **Minimum employment for eligibility:** More than 13 weeks of consecutive employment with same employer
- **Length of leave:** Up to 71 weeks (59 weeks if employee has also taken maternity or adoption leave)
- **Parental or adoption leave must be taken** by one parent who's not also taking maternity, parental or adoption leave during period that starts 13 weeks before estimated date of birth or adoption, i.e., date child comes into employee's care or custody, and ends 78 weeks after the actual birth or adoption date
- **Combined maternity and parental or adoption leave** must be consecutive and taken during period that starts 13 weeks before estimated date of birth or adoption, and ends 78 weeks after the actual birth or adoption date
- **Combined parental or adoption leave** by 2 employees for the same child must be taken during period that starts 13 weeks before estimated date of birth or adoption, and ends 86 weeks after the actual birth or adoption date
- **Combined maternity and parental leave** for a mother can't exceed 78 weeks and must be taken consecutively, unless the employer and employee agree otherwise
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date and return date
- **Verification:** Employer can request verification of need for leave

(Sask Emp Act, Subdivision 10)

NORTHWEST TERRITORIES

- **Minimum employment for eligibility:** At least 12 months of consecutive employment with same employer
- **Length of leave:** Up to 61 consecutive weeks (69 weeks when taken by 2 employees for same birth or adoption)
- **Parental leave must be taken** within 78-week period that begins on the birth or adoption date
- **Parental leave by more than 1 employee for same birth or adoption must be taken** within 86-week period that begins on the birth or adoption date
- **Combined maternity and parental or adoption leave** must be consecutive and taken

during period that starts 13 weeks before estimated date of birth or adoption, and ends 78 weeks after the actual birth or adoption date

- **Combined parental or adoption leave** by 2 employees for the same child must be taken during period that starts 13 weeks before estimated date of birth or adoption, and ends 86 weeks after the actual birth or adoption date
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date
- **Verification:** ESA doesn't say whether employer can request verification

(Employment Standards Act, Sec. 28)

NUNAVUT

- **Minimum employment for eligibility:** At least 12 months of consecutive employment with same employer
- **Length of leave:** Up to 37 consecutive weeks
- **Parental leave must be taken** within the period that begins on the birth or adoption date, i.e., the date the child arrives at the employee's home, and ends one year after that
- **Combined pregnancy and parental leave** must be consecutive and can last up to 52 weeks
- **Combined parental or adoption leave** by 2 employees for the same child must be taken during period that starts 13 weeks before estimated date of birth or adoption, and ends 86 weeks after the actual birth or adoption date
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date
- **Verification:** ESA doesn't say whether employer can request verification

(Labour Standards Act, Part V)

YUKON

- **Minimum employment for eligibility:** At least 12 months of continuous full- or part-time employment with same employer
- **Length of leave:** Up to 63 weeks
- **Parental leave must be taken** within the period that begins on the birth or adoption date, i.e., the date the child arrives at the employee's home, and ends 78 weeks after that
- **Combined maternity and parental leave** must be consecutive
- **Combined parental or adoption leave** by 2 employees for the same child must be taken during 78-week period that starts on birth or adoption date and can last up to 71 weeks
- **Notice:** Employee must give at least 4 weeks' written notice of leave start date—employee must provide 4 weeks' written notice to return early
- **Verification:** ESA doesn't say whether employer can request verification

(Employment Standards Act, Sec. 38)