

Maternity Leave

Maternity leave gives expectant mothers the opportunity to take unpaid leave from work, without the fear of job loss.

What is the difference between maternity leave and parental leave?

Maternity Leave is an unpaid leave, taken by mothers near the end of a pregnancy or immediately afterwards.

Parental Leave is taken by fathers and mothers to care for a child after birth or adoption.

Who qualifies for maternity leave?

Employees who have worked with the same employer for at least seven consecutive months and are expecting to give birth to a child are entitled to take maternity leave.

How long is maternity leave?

The leave is up to 17 weeks long.

Does the employer need to pay during the leave?

No. Employers are only required to provide the time off and allow employees to return to their job when the leave has ended. Employers are not required to pay wages during the leave, but can and often do give greater benefits than those provided for in the legislation.

Are there programs to pay employees while on leave?

The federal government has income support programs to cover certain types of leave. To learn more, call Service Canada toll-free at 1 800 O-Canada (1-800-622-6232).

When can an employee start her maternity leave?

Maternity leave can begin up to 17 weeks before the expected date of the birth.

When must employees end maternity leave?

Generally, the leave will end 17 weeks after it began. The latest that a leave can last is 17 weeks after the birth.

What if employees have started their leave and the birth is after the expected due date?

Employees are entitled to more maternity leave equal to the number of days between the expected date and the birth. For example, if the birth is 14 days after the estimated date of delivery, the mother would receive an additional 14 days of maternity leave.

How do employees start the maternity leave?

Employees requesting maternity leave must give their employers at least four weeks' written notice before the leave. They must also provide a medical certificate indicating the estimated date of delivery.

What if employees do not give the required notice?

Expectant mothers are still entitled to maternity leave if they fail to give four weeks written notice. Within two weeks of stopping work, employers must receive a medical certificate stating the expected date of delivery and noting any dates employees were unable to work because of the pregnancy in the 17 weeks before the expected date of birth. This time missed from work can be included in the maternity leave.

Who decides what type of leave an employee is taking?

Employees must tell their employer what type of leave they are taking. The employer will need enough detail to show the time off work meets the requirements for the leave.

When employees request time off, the employer should ask whether they are advising of a leave available under *The Employment Standards Code* or requesting permission for unpaid time off. Employers do not control when employees can take a leave provided by law, but they do control other types of time off work.

What happens when maternity leave ends?

Employees, who have taken maternity leave and also wish to take parental leave, must do so immediately following the maternity leave, unless the employer agrees to a different arrangement.

How do employees start parental leave after maternity leave?

Employees wanting to take parental leave must give employers notice in writing at least four weeks before the leave. More information can be found on the [Parental Leave](#) fact sheet.

What if employees want to end their Maternity or Parental Leave early?

Employees who want to return to work before their leave has ended must give their employers notice in writing, at least two weeks or one pay period, whichever is longer, before returning to work.

What if the employee's job is no longer available?

Employees must be given a position that is comparable with the same pay and benefits if the job they were doing prior to the leave is no longer available. There may be some circumstances where employers do not have a position available for reasons completely unrelated to the leave. For example, employees who are on unpaid leave would not necessarily be protected from losing their jobs if the employer shut down part of their operations and reduced their workforce based on a seniority system.

Employers must show the leave has no impact on the decision to lay-off or terminate the employment.

What if the employer refuses to bring the employee back to work?

Employees must be allowed to return to their previous job, or a comparable one, with no loss in pay or responsibilities. Employees who believe they were demoted or terminated because they took or requested a leave can file a claim with Employment Standards.

Employers who do not allow an employee to return to work after a leave, may be ordered to pay compensation and in some cases, ordered to return the employee to their job.

How does an unpaid leave affect...

- Termination?

When it comes to how much notice an employer or an employee has to give upon termination, the amount of time spent on the leave has to be included in determining the length of service.

- Vacation?

The leave does not affect the amount of vacation time an employee is entitled to, as the time spent on leave is included in the employees length of service. However, since vacation pay is a percentage of wages earned, the leave will affect the vacation pay. See the [Vacations & Vacation Pay](#) fact sheet for more details.

What happens to pension and other benefits while an employee is on leave?

While employees are on unpaid leave the employment is deemed to be continuous. When employees return from the leave, they are still entitled to any benefits they had before the leave and their years of service include the time away on the leave.

What is a period of employment?

The length of time from when an employee starts working for an employer until the day the employment ends.

The period of employment also includes periods of temporary interruption in employment (a layoff, an unpaid leave) seasonal employment, and when an employee returns to work for the same employer after a break of less than two months. Employees who work in a seasonal industry and return to work with the same employer each season have continuous service. Each consecutive season they return adds one more year of service to their total period of employment.

For more information contact Employment Standards:

Phone: 204-945-3352 or toll free in Canada 1-800-821-4307

Fax: 204-948-3046

E-mail: employmentstandards@gov.mb.ca

Website: www.manitoba.ca/labour/standards

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including *The Employment Standards Code*, *The Construction Industry Wages Act*, *The Worker Recruitment and Protection Act*, or contact Employment Standards.

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