

# A Retailer's Guide to Labour Standards in Saskatchewan

## Maternity, Adoption and Parental Leaves for New Parents

### Did You Know?

Employers and employees can agree to longer maternity, adoption and parental leaves than what is provided for by Labour Standards. To prevent misunderstanding, these agreements should be in writing.

### 1. Quick Reference to leaves of absence for new parents

Leave Type	Maternity	Adoption	Parental
<b>Eligibility</b>	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period before the leave is to start.	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period before the leave is to start.	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period before the leave is to start.
<b>Entitlement</b>	18 unpaid weeks; For information about the rules for collecting employment insurance while on these leaves contact Service Canada at 1-800-206-7218 (employees) or 1-800-367-5693 (employers) or visit <a href="http://www.servicecanada.gc.ca">www.servicecanada.gc.ca</a> .	18 unpaid weeks; For information about the rules for collecting employment insurance while on these leaves contact Service Canada at 1-800-206-7218 (employees) or 1-800-367-5693 (employers) or visit <a href="http://www.servicecanada.gc.ca">www.servicecanada.gc.ca</a> .	34 unpaid weeks; 37 weeks for the parent who did not take maternity or adoption leave; For information about the rules for collecting employment insurance while on these leaves contact Service Canada at 1-800-206-7218 (employees) or 1-800-367-5693 (employers) or visit <a href="http://www.servicecanada.gc.ca">www.servicecanada.gc.ca</a> .
<b>Employee</b>	Female parent.	Either parent, whoever is designated as primary caregiver.	Either or both parents.
<b>Timing</b>	Can start any time during the 12 weeks prior to the estimated date of birth.	Adoption leave starts at least on the day the child is available for adoption.	If parental leave is not taken with maternity leave, it must be taken between the period 12 weeks before the estimated date of birth or the estimated date on which the child will come into the employee's care and 52 weeks after the actual date the child was born or the adopted child came into the employee's care.

This publication is part of a series developed in cooperation by Retail Council of Canada and the Saskatchewan Ministry of Labour Relations and Workplace Safety. For more information, visit [www.retailcouncil.org](http://www.retailcouncil.org) or [www.lrws.gov.sk.ca/labour-standards](http://www.lrws.gov.sk.ca/labour-standards).

Leave Type	Maternity	Adoption	Parental
<b>Notice of leave</b>	Four weeks written notice before the leave is to begin. The notice must identify the date the leave is to begin and include a medical certificate with estimated date of birth.  The notice should include the estimated date of return to work.	Four weeks written notice if possible.  If not, notice must be whatever is given by Community Resources or the adoption agency or birth parents. The notice should include an estimated date of return to work.	If taken after maternity or adoption leave, four weeks written notice before the end of the maternity or adoption leave. If taken separately, the notice should be given four weeks before the leave is to begin.
<b>Return to work</b>	Four weeks notice before the employee returns to work.	Four weeks notice before the employee returns to work.	Four weeks notice before the employee returns to work.
<b>Reinstatement</b>	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave.  Seniority and the right of recall continue to accrue while the employee is on leave.	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave.  Seniority and the right of recall continue to accrue while the employee is on leave.	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave.  Seniority and the right of recall continue to accrue while the employee is on leave.
<b>Protection</b>	Employer shall not dismiss, lay-off, suspend or otherwise discriminate against an employee because she is pregnant, is temporarily disabled because of pregnancy, or has applied for maternity leave. This protection applies even during the first three months of employment.	Employers may not discharge or discipline employees who take adoption leave.	Employers may not discharge or discipline employees who take parental leave.

## 2. Modification of duties

A woman must be given modified duties if her pregnancy would unreasonably interfere with the performance of her duties. Where duties are modified, there must be no reduction in wages or benefits.

If there is no opportunity to assign modified duties to pregnant employees, the employee may be required to commence leave 13 weeks before the estimated date of birth.

Note: This publication is not a legal document. The original Act and Regulations should be consulted for all purposes of interpretation and application of the law. See the Queen's Printer website at [www.qp.gov.sk.ca](http://www.qp.gov.sk.ca).

### **3. Illness resulting from pregnancy**

If a pregnant employee must stop work as a result of a pregnancy-related illness, she may leave work immediately. She is not required to start her maternity leave at this time and can delay the start of her maternity leave up to the estimated date of birth.

Employers who provide sick benefits to employees must make sure that pregnant employees get these benefits when they are unable to work because of a pregnancy-related illness. Employees must also get these benefits for the period of time after the birth of the child during which the employee is unable to work for reasons related to the birth of the child. Sick benefits may also be available through Employment Insurance.

### **4. Annual holidays upon return from leave**

After returning from leave, an employee gets the same annual holiday time the employee would have received if the leave had not been taken. Since holiday pay is a percentage of the employee's wages, annual holiday pay could be affected.

### **5. Company benefit plans**

Employees on maternity, adoption and parental leave can continue participating in certain company benefit plans. An employer may require the employee to pay the contributions required to maintain the benefits. Benefit plans that an employee is entitled to continue participating in while on leave include medical, dental, disability or life insurance, accidental death or dismemberment, registered retirement savings plan, and other pension plans.