

LONDON FOR ALL

A ROADMAP TO END POVERTY



Early Learning & Education

6.9 Advocate for improved quality of parental leave benefits, including exploration of flexible leave times

On November 27, 2017, the *Fair Workplaces, Better Jobs Act* became law, resulting in a number of changes to the *Employments Standards Act (ESA)*.

Pregnant employees have the right to take pregnancy leave of up to 17 weeks of unpaid time off work. In some cases the leave may be longer. Employers do not have to pay wages to someone who is on pregnancy leave.

New parents have the right to take parental leave – unpaid time off work when a baby or child is born or first comes into their care. Birth mothers who took pregnancy leave are entitled to up to 61 weeks' leave. Birth mothers who do not take pregnancy leave and all other new parents are entitled to up to 63 weeks' parental leave.

Parental leave is not part of pregnancy leave and so a birth mother may take both pregnancy and parental leave. In addition, the right to a parental leave is independent of the right to pregnancy leave. For example, a birth father could be on parental leave at the same time the birth mother is on either her pregnancy leave or parental leave.

Employees on leave have the right to continue participation in certain benefit plans and continue to earn credit for length of employment, length of service, and seniority. In most cases, employees must be given their old job back at the end of their pregnancy or parental leave.

An employer cannot penalize an employee in any way because the employee is or will be eligible to take a pregnancy or parental leave, or for taking or planning to take a pregnancy or parental leave.

New five-week parental sharing – March 2019

The Honourable Jean-Yves Duclos, Minister of Families, Children and Social Development, helped mark the first-ever Gender Equality Week by announcing that the Government of Canada intends to launch the new parental sharing benefit on March 17, 2019 promoting greater gender equality at home and in the workplace.

This new measure will provide an additional five weeks of Employment Insurance parental benefits when parents—including adoptive and same-sex parents—agree to share parental benefits, or an additional eight weeks for those who choose the extended parental benefit option. Parents with children born or placed for adoption on or after March 17, 2019, will be eligible.

As women make 85 percent of all parental claims and take longer leaves from the workplace, the Employment Insurance (EI) parental sharing measure is intended to promote greater gender equality by creating an incentive for all parents to take some leave when welcoming a new child and share the work of raising their children more equally.