

A pregnant woman is shown from the chest down to the waist, wearing a white tank top and blue jeans. Several hands of different ages and skin tones are gently resting on her pregnant belly, symbolizing family and support. The background is plain white.

Soon-to-be parents?

Commission des normes, de l'équité,
de la santé et de la sécurité du travail
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You are in the work market and you are soon-to-be parents. You wonder about what parental leaves, both with and without pay, you are entitled to.

These leaves are stipulated in the *Act respecting labour standards*. This Act protects the majority of Québec employees; however, some employees are totally or partially excluded from it. If you are unionized, you should check the provisions found in your collective agreement on the subject of leaves.



Leaves for examinations related to pregnancy

You can be absent from work, without pay, for examinations related to your pregnancy. You must notify your employer as soon as possible of when you will be absent.

Maternity leave

In general, if you are a female employee and you are pregnant, you are entitled to the maternity leave stipulated in the *Act respecting labour standards* for a maximum period of 18 continuous weeks, without pay. However, you can receive a sum of money under the Québec Parental Insurance Plan.

The maternity leave shall not begin before the 16th week preceding the expected date of delivery and shall not end later than 18 weeks thereafter. It is up to you to decide how you will spread your weeks before and after the expected date of delivery. At your request, the employer can grant a longer maternity leave.

There are other provisions stipulating that you can be absent in certain cases, notably:

- where there is a risk of termination of pregnancy or a risk to your health or that of the unborn child caused by the pregnancy;
- where there is a termination of pregnancy before the beginning of the 20th week preceding the expected date of delivery;
- where a termination of pregnancy occurs in or after the 20th week;
- where your state of health or that of the child requires it.

Not less than three weeks before leaving, unless your state of health requires that you leave earlier, you must give your employer a written notice indicating the date on which you will go on maternity leave and the expected date of your return to work. If you do not return to work on the date indicated in the notice, your employer could presume that you quit your job.

The notice must always be accompanied with a medical certificate attesting to your pregnancy and specifying the expected date of delivery. The medical certificate may be replaced by a written report signed by a midwife.

At the end of your maternity leave, your employer must reinstate you in your former position and give you the same wage and the same benefits to which you would have been entitled if you had remained at work.

Leave for a spouse (birth or adoption)

You can be absent from work for five days at the time of the birth of your child, the adoption of a child or your spouse's child or where a termination of pregnancy occurs in or after the 20th week of pregnancy.

The first two days of absence are with pay if you have been working for your employer for at least 60 days. You must notify him of your absence as soon as possible.

This leave can be divided into days at your request. You cannot take the leave after the expiry of the 15 days following the arrival of your child at home or, where such is the case, the termination of pregnancy.

Paternity leave

You are entitled to a paternity leave, without pay, of not more than five continuous weeks at the birth of your child. However, you can receive a sum of money under the Québec Parental Insurance Plan. You cannot transfer this leave to the mother and you cannot share it between her and you. This leave is in addition to the five-day leave mentioned in the previous section. This leave can be taken at any time, but cannot begin before the week of the birth of your child and must end not later than 52 weeks after your child's birth.

Not less than three weeks before leaving, unless the birth of your child occurs before the expected date, you must give your employer a written notice indicating the date on which you will go on paternity leave and the date of your return to work. If you do not return to work on the date indicated in the notice, your employer could presume that you quit your job.



Parental leave

If you are the father or the mother of a newborn or if you adopt a child or your spouse's child, you are entitled to a parental leave, without pay, of not more than 52 continuous weeks. This leave is in addition to the maternity leave of a maximum duration of 18 weeks or the five-week paternity leave. The parental leave can be with pay according to the conditions of the Québec Parental Insurance Plan and can be shared between the father and the mother.

The parental leave cannot begin before the week of the birth of your child or, in the case of an adoption, before the week in which the child is entrusted to you. It can also begin in the week in which you leave your work to travel outside Québec in order for the child to be entrusted to you. This leave ends not later than 70 weeks after the birth of your child or, in the case of adoption, 70 weeks after the child has been entrusted to you.

You can take your parental leave after having notified your employer at least three weeks ahead of time, indicating to him the date on which your leave begins and the date of your return to work. This notice can be shorter in some cases. If you do not return to work on the date indicated in the notice, your employer could presume that you quit your job.

At the end of a parental leave, your employer must reinstate you in your former position and give you the same wage and the same benefits to which you would have been entitled if you had remained at work. If the position no longer exists, you are entitled to the same rights and privileges that you would have enjoyed if you had remained at work.

However, these provisions must not grant you a benefit that you would not have enjoyed if you had remained at work. Moreover, your participation in group insurance and pension plans must not be compromised by your absence, provided that you regularly pay the applicable contributions and that your employer does likewise.

Particular events

If particular events (for example, your child is sick or hospitalized, you are sick or have an accident) arise during your maternity leave, parental leave or paternity leave, these leaves can be divided or suspended under certain conditions. In these exceptional cases, contact the Commission des normes, de l'équité, de la santé et de la sécurité du travail to learn about your rights.

Leaves for parental obligations

Provisions of the *Act respecting labour standards* allow you to be absent to fulfill obligations related to the care, health or education of your child due to circumstances that are unforeseeable or beyond your control.

In addition, you can be absent from work, without pay, for 10 days per year to fulfill obligations related to the care, health or education of your child or of the child of your spouse, or due to the state of health of your spouse, your father, your mother, your brother, your sister or one of your grandparents.

If you have been working for an employer for at least three months, you can also be absent from work, without pay, for a period of not more than 12 weeks over a period of 12 months when your presence is required with your child, your spouse, the child of your spouse, your father, your mother, your brother, your sister or one of your grandparents due to a serious illness or a serious accident. Finally, you can be absent if your presence is required with the spouse of your father or of your mother for the same reasons.

In all cases, you must notify your employer of your absence as soon as possible and take reasonable steps within your power to limit the leave and its duration.



Recourse

The *Act respecting labour standards* protects you against dismissal, suspension, transfer, discriminatory measures and reprisals. In these situations, you can exercise a recourse for a prohibited practice.

In addition, under certain conditions, the same protection applies if you refuse to work beyond your regular hours to fulfill obligations related to the care, health or education of your child.



Learn about the **Québec Parental Insurance Plan**, as some leaves without pay stipulated in the *Act respecting labour standards* are paid in full or in part under the provisions of this plan.

Québec Parental Insurance Plan
Centre de service à la clientèle

Toll free : 1-888-610-7727

rqap.gouv.qc.ca

Original text in French.

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