SOON-TO-BE PARENT?
You are on the job market and you will soon be a parent. You are wondering what the parental leave is, paid and unpaid by the employer, to which you have a right.

This document presents the leaves provided by the Act Respecting Labour Standards. If you are a member of a union, you must also check the provisions provided in your collective bargaining agreement as they pertain to leave.

The Act Respecting Labour Standards has been modified in 2018. This publication presents the rules in effect as of January 1, 2019. To find out the provisions that applied before the Act was modified, consult the CNESST site at cnesst.gouv.qc.ca/normes.
Leaves for pregnancy-related exams

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

Maternity leave

In general, if you are salaried and pregnant, you have a right to the maternity leave provided by the Act Respecting Labour Standards of a maximum period of 18 consecutive weeks, without pay. However, you can receive an amount of money under the Québec Parental Insurance Plan.

The maternity leave begins at the earliest on the 16th week preceding the planned birth date and ends at the latest 18 weeks after. You get to decide how the weeks are distributed before and after the planned birth date. Upon your request, the employer can consent to a longer maternity leave.

Other provisions exist that allow you to be absent in certain cases, specifically:

• when there is a danger of pregnancy termination or a danger for your health or the health of your unborn child related to the progression of the pregnancy (different from the preventive withdrawal related to the work environment);

• when a pregnancy termination occurs before the beginning of the 20th week preceding the planned birth date;

• when a termination of pregnancy occurs from the 20th week of pregnancy;

• when your state of health or the health of your child requires it.

At least 3 weeks before your departure, or less if your state of health requires you to leave earlier, you must give your employer a written notice mentioning the departure date of your maternity leave as well as the date you plan to return to work. If you do not return to work on the date indicated in the notice, your employer could presume that you have resigned your employment.

The notice must always include a medical certificate attesting your pregnancy and specifying the planned birth date. The medical certificate can be replaced by a written report signed by a midwife.
At the end of the parental leave, your employer must reinstate you in your usual position and grant you the wages and the benefits that you would have been entitled to had you remained at work.

**Leave for birth or adoption**

You can be absent from work for 5 days on the occasion of the birth of your child, the adoption of a child or the child of your spouse or when the termination of a pregnancy occurs from the 20th week of pregnancy.

This leave may be divided into days upon your request. You may not take leave after 15 days have passed after the arrival of your child at your home or after the pregnancy termination, as the case may be. The first 2 days of absence are paid. You must notify your employer of your absence as soon as possible. If the mother is already on maternity leave, she may not benefit from this leave.

**Paternity leave**

You have the right to a paternity leave, without pay, up to a maximum 5 consecutive weeks on the occasion of the birth of your child. However, you can receive an amount of money under the Québec Parental Insurance Plan. You cannot transfer this leave to the mother and you may not share it between the two of you. It is added to the 5-day leave mentioned in the previous section. It can be taken at any time, but it cannot begin before the week of the birth of your child and it must end at the latest 52 weeks after the birth.

At least 3 weeks before your departure, or less if the birth of your child occurs before the planned date, you must provide your employer with a written notice mentioning the date you take your leave and the date you will return to work. If you do not return to work on the date indicated in the notice, your employer could presume that you have resigned your employment.
At the end of the parental leave, your employer must reinstate you in your usual position and grant you the wages and the benefits that you would have been entitled to had you remained at work.

Leave for birth or adoption
You can be absent from work for 5 days on the occasion of the birth of your child, the adoption of a child or the child of your spouse or when the termination of a pregnancy occurs from the 20th week of pregnancy.

This leave may be divided into days upon your request. You may not take leave after 15 days have passed after the arrival of your child at your home or after the pregnancy termination, as the case may be. The first 2 days of absence are paid. You must notify your employer of your absence as soon as possible. If the mother is already on maternity leave, she may not benefit from this leave.

Paternity leave
You have the right to a paternity leave, without pay, up to a maximum 5 consecutive weeks on the occasion of the birth of your child. However, you can receive an amount of money under the Québec Parental Insurance Plan. You cannot transfer this leave to the mother and you may not share it between the two of you. It is added to the 5-day leave mentioned in the previous section. It can be taken at any time, but it cannot begin before the week of the birth of your child and it must end at the latest 52 weeks after the birth.

At least 3 weeks before your departure, or less if the birth of your child occurs before the planned date, you must provide your employer with a written notice mentioning the date you take your leave and the date you will return to work. If you do not return to work on the date indicated in the notice, your employer could presume that you have resigned your employment.
Parental leave

If you are the father or the mother of a newborn or if you are adopting a child or the child of your spouse, you have the right to a parental leave, without pay, of a maximum of 52 consecutive weeks. This leave is added to the maternity leave of a maximum of 18 weeks or to the paternity leave of 5 weeks. The parental leave can be paid according to the terms 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 adoption, before the week the child is entrusted to you. It can also begin the week when you take your leave from your employment to leave the province of Québec to have the child be entrusted to you. The leave ends at the latest 70 weeks after the birth of your child or, in the case of adoption, 70 weeks after your child has been entrusted to you.

You can take your parental leave after having notified your employer at least 3 weeks prior, by specifying the date of the beginning of your leave and the date of your return to work. This amount of time can be shorter if your presence is required to care for the child or to care for the mother due to her state of health, as the case may be. If you do not return to work on the date indicated in the notice, your employer could presume that you have resigned your employment.

At the end of the parental leave, your employer must reinstate you in your usual position and grant you the wages and the benefits that you would have been entitled to had you remained at work. If your position has been abolished, you retain the rights and privileges that you would have benefited from if you had remained at work.

However, these provisions must not give you an advantage that you would not have enjoyed had you remained at work. Moreover, your participation in group insurance and retirement plans must not be compromised by your absence, as long as you pay into them regularly and that your employer does the same.

Special events

If special events (for example, your child is ill or hospitalized, you are ill or have had an accident) occur during your maternity leave, your parental leave or paternity leave, these leaves can be fractioned or suspended.

In these exceptional cases, contact the CNESST to get information on the conditions that apply to your situation.
Leave for family obligations

The provisions of the Act Respecting Labour Standards allow you to be absent to fulfil obligations related to the care, health or education of your child due to unforeseeable circumstances or circumstances out of your control.

You can also be absent from work for 10 days per year to fulfil obligations related to the care, health or education of your child or the child of your spouse. If you are working for an employer for at least 3 months, the Act provides for a maximum of days paid if:

- you must be absent to care for a child, a parent or a person for whom you act as caregiver; or
- you are ill, victim of an accident, conjugal violence, sexual violence or a criminal act, or if you are donating an organ or organs or tissue.

You can also be absent from work, without pay, up to 36 weeks over a period of 12 months when your presence is required to care for a minor child due to a serious illness or accident. This absence can be extended up to 104 weeks if your minor child has a serious illness that is potentially fatal, certified by a medical certificate.

In any case, you must notify your employer as soon as possible of your absence and its motive.
Recourse

In keeping with your work, the Act Respecting Labour Standards protects you against termination, suspension, transfer, discriminatory measures and reprisals. In these situations, you can exercise a recourse for prohibited practices.

Moreover, under certain conditions, the same protection applies if you refuse to work beyond the usual hours to fulfil obligations related to the care, health or education of your child.

Go to Québec Parental Insurance Plan for more information, because certain leaves without pay provided for in the Act Respecting Labour Standards are paid, in total 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