

Maternity leave 101

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Confused about maternity leave benefits? We've got everything you need to know to make the most of your time away from work

So your baby is on his or her way, and it's time to start arranging your maternity leave. In Canada maternity leave is made up of two segments, maternity leave and parental leave. Pregnancy leave can only be taken by the mother, and paternity leave can be taken by the mother, father, adoptive parent or common-law spouse. Read on to unravel the basics of maternity leave.

Qualifying

Do you qualify for maternity or parental leave?

In order to qualify for maternity or parental leave you need to have worked a minimum of 600 hours in the last year (or since your last Employment Insurance (EI) claim). For maternity leave you must have logged 13 consecutive weeks with one employer, and for parental leave you need to have been working for 17 weeks with one employer. You're also required to provide your manager with written notice of when you plan to begin your leave.

Where does the money come from?

Part of the money comes from the government and part may come from your employer. The government portion is covered by EI, where you are eligible for 55 percent of your weekly earnings to a maximum of \$447 per week. Some employers may offer a supplementary unemployment benefit plan as part of your compensation package, which can help top up the money you receive from EI.

Time

How much time off are you entitled to?

Depending on the province you live in, you are entitled to 11 to 17 weeks of maternity leave and 35 to 37 weeks of parental leave, which is commonly taken back-to-back but there are some exceptions.

In the case of a miscarriage you can receive up to six weeks of maternity leave if it occurs within 17 weeks of the due date, says Sheryl Johnson, a labour lawyer with the Toronto-based Grosman, Grosman and Gale firm.

Can you take any extra time off?

Your maternity leave can be taken 17 weeks before the due date and then once your baby is born your parental leave can begin. However, if complications arise with the pregnancy, Johnson says you may be eligible for sick leave or short-term disability, but you will need to provide medical documentation of the illness or complications related to the pregnancy.

Also, if you've been squirreling away any unused vacation time, you can request to take it at the end of your parental leave to extend the amount of time you have with your new baby.

5 Maternity Leave Surprises

By Karan Smith

1. What do you mean I don't qualify?

Paid baby leave is basically an Employment Insurance (EI) gig, so you have to qualify before you get a cent. You need to have worked at least 600 insured hours in the last 12 months (or since your last mat leave or unemployment claim). Generally, mothers can take 17 weeks of maternity leave, and either parent can take 37 weeks of parental leave. If you're self-employed, you don't qualify for benefits, although (fingers crossed) the federal government might change that.

2. All babymoos are not created equal

Provincial law dictates how much time off your employer has to grant you, and this varies depending on which province you live in. EI bene-fits are federal except in Quebec and they don't always match up with leave. In some provinces and territories, adoptive parents qualify for only 37 weeks of parental leave, but in others, such as PEI and Quebec, adoptive parents are eligible for 52 weeks.

3. Your job is only sort of protected

You can't be laid off simply because you're home changing diapers. Nor can your boss reassign your duties and call it a termination. But being on maternity or parental leave doesn't protect you from pink slips prompted by the downturn. If you suspect your name made the chopping list because you took time off to care for your child, get some legal advice, says Christine Thomlinson, an employment lawyer in Toronto.

What if your position disappears while you're away? Workplace law says you can return to a comparable position, with similar wages and benefits. What's an

equivalent job? That depends on your line of work, says Leonard Polsky, a Calgary employment lawyer. But employers have to make a “reasonable effort” to accommodate you.

4. Pink slips now can wreck your mat leave plans in the future

So what happens to your EI-funded maternity leave if you lose your job? You can continue the benefits you’ve qualified for, but you’ll be out of luck, employment insurance-wise, later if you don’t have a chance to log those qualifying hours before your next baby comes along.

5. Moonlighting while you’re off isn’t always a great idea

It could mean a cessation of benefits while the government figures out your claim, not to mention a lot of headaches. The good news is that in a pilot project, the federal government increased the amount you can earn while on parental leave — up to \$75 a week or 40 percent of weekly earnings — without benefits being reduced. If you work during the initial 17-week mat leave, however, any income is deducted dollar for dollar.

Did you know?

Employment Insurance (EI) pays 55 percent of your salary, but that maxes out at around \$22,000 a year. And you have to pay taxes on that.

- If you don’t file your EI paperwork within a month of leaving work, you may have a little less cash for diaper runs. Claims are supposed to be rolled out within 28 days, but complaints have surfaced about much longer wait times as the federal government struggles to deal with the recession-sparked volume.
- Don’t use vacation days just before your baby is born. Vacation paid out during the two-week EI waiting period is deducted as earnings from your mat leave income.