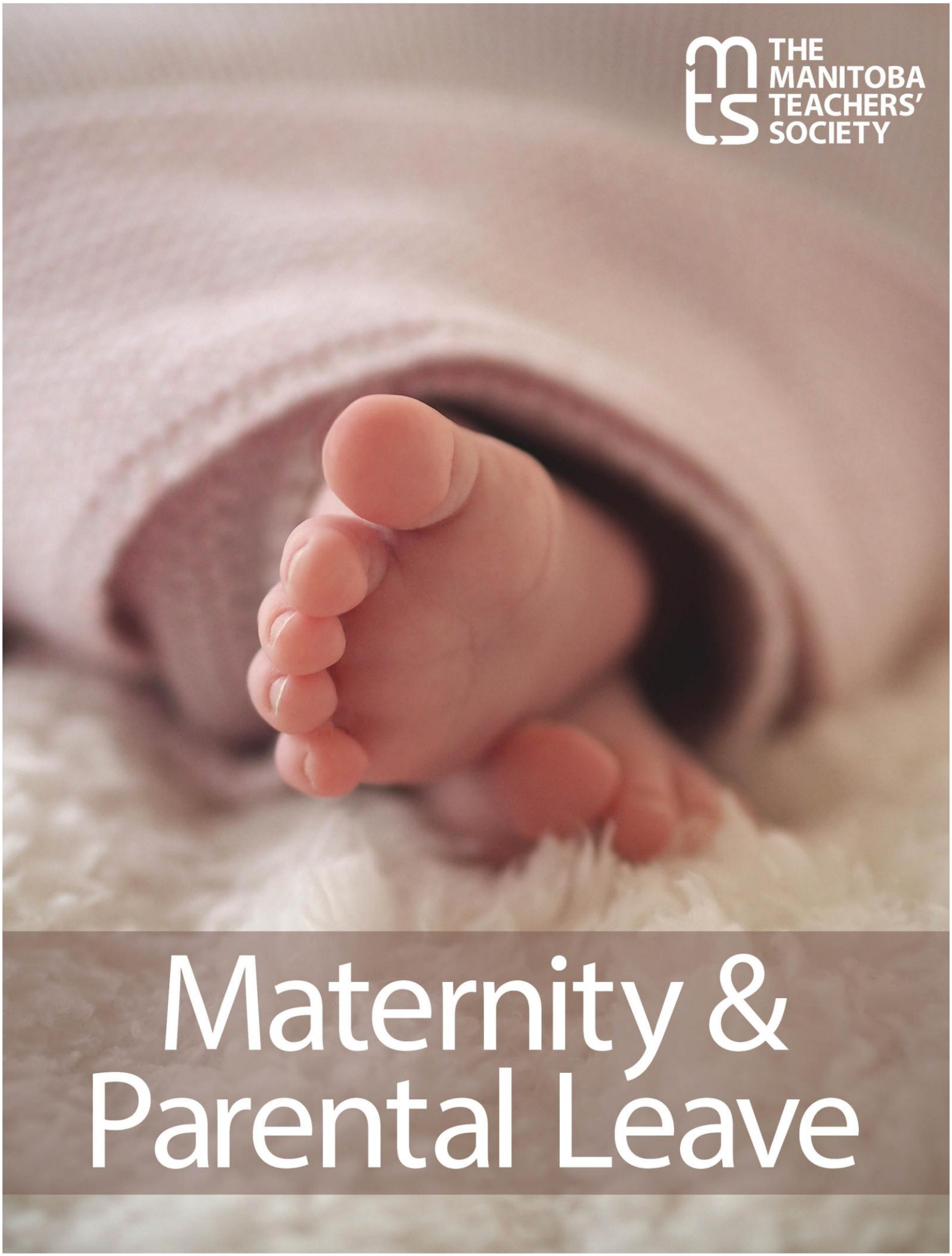


THE MANITOBA TEACHERS' SOCIETY

Maternity & Parental Leave

TABLE OF CONTENTS

Introduction 3

Part 1 Provisions for Maternity and Parental Leave 4

Part 2 Employment Insurance Benefits 10

Part 3 Top-Up Benefits Plan 14

Part 4 Experience Credit for Maternity and Parental Leave 17

Part 5 Participation in Benefit Plans 18

Appendices 20

Checklist on Timelines 21

Checklist on Documentation 22

Sample Letter Requesting Maternity Leave 23

Sample Letter Requesting Parental Leave 24

Sample Letter Requesting Sick Leave During Maternity Leave 25

Excerpts from Employment Standards Code 26

Any questions, please contact:

The Manitoba Teachers' Society
Teacher Welfare Department
191 Harcourt Street
Winnipeg MB R3J 3H2

Phone: 204-831-3055
Email: mat-leave-questions@mbteach.org

www.mbteach.org
facebook.com/manitobateachers

Revised October 2026

INTRODUCTION

This booklet is designed to familiarize teachers with their rights and responsibilities regarding maternity and/or parental leave.

Although care has been taken to include as much information as is possible, individual situations may arise which are not covered by this booklet.

Any teachers having questions regarding any provisions of maternity and/or parental leave are asked to contact their local Association or The Manitoba Teachers' Society Teacher Welfare Department at 204-831-3055.

PART 1 PROVISIONS FOR MATERNITY AND PARENTAL LEAVE

RIGHTS UNDER LAW

There are two sources that define a teacher's right to maternity and/or parental leave --- the Employment Standards Code and the collective agreement. The Code provides for minimum standards applicable to all employees, while the collective agreement may provide for enhanced rights.

A. EMPLOYMENT STANDARDS CODE

The following are the provisions of the Employment Standards Code (see Appendix for exact wording). Teachers are advised that these are minimum provisions only.

1. Maternity Leave

a) Entitlement

Any female teacher is entitled to maternity leave if she has worked for the same employer for 7 consecutive months, if her leave is due to pregnancy. For the purposes of maternity and/or parental leave, July and August do not constitute a break in service. If a teacher has less than 7 consecutive months of service, she may be granted leave but there may not be any job protection unless it is provided for in the collective agreement.

b) Method of Obtaining Leave

The teacher must apply to the school board, ***in writing***, at least four weeks prior to the date leave is to commence. The letter should state both the expected date of commencement of leave and the expected date of return to work, and a medical certificate indicating the expected date of confinement should be attached. A sample application letter is included in the Appendix.

Note: The Code requires the employer to grant the applicant leave. The period of leave may commence any time up to the 17th week before expected date of delivery. If the commencement date is earlier, the Board's permission must be obtained. However, if early commencement is due to medical reasons, access to sick leave should be requested.

c) **Duration of Leave**

The maximum maternity leave provided in the Code is 17 weeks plus any additional time by which the actual delivery date is later than the expected delivery date. Leave is to be taken during the period beginning 17 weeks before the expected date of delivery and ending 17 weeks after the actual date of delivery.

A female teacher is also eligible for a parental leave of up to 63 weeks. This parental leave must follow immediately after her maternity leave is completed unless she and her employer have agreed to a different arrangement.

d) **Reinstatement**

i) Full reinstatement is guaranteed at the expiration of the leave granted in accordance with the above terms. Reinstatement means a guarantee of the same ***or*** a comparable position with at least the same pay and benefits.

ii) Leave of a greater duration must be by agreement between the teacher and the Board. Additional rights may be granted under the collective agreement.

iii) Employment is deemed continuous for purposes of service.

In view of the above restrictions, especially section d (ii), it is recommended that the teacher seek mutual agreement with the board regarding the length of leave. Such agreement should be in writing. This becomes essential if the terms of the leave extend the deadlines provided in the Employment Standards Code and/or the collective agreement.

When making an agreement to extend a leave, the teacher should contact The Manitoba Teachers' Society regarding the agreement to ensure they are not signing away any of their rights.

2. **Parental Leave**

a) **Entitlement**

Any teacher is entitled to parental leave if they have worked for the same employer for 7 consecutive months and has become a parent as a result of the birth or adoption of a child.

b) **Method of Obtaining Leave**

The teacher must apply to the school board, ***in writing***, at least four weeks prior to the day leave is to commence. The letter should state both the date of commencement of leave and the date of return to work. Where an employee intends to take parental leave in addition to maternity leave, the parental leave must follow immediately after maternity leave is completed unless the teacher and employer have agreed to a different arrangement. The partner's parental leave can be taken at the same time, a different time, or overlap the birthing parent's maternity or parental leave.

c) **Duration of Leave**

The maximum leave provided in the Code is 63 weeks, for babies born, adopted or coming into care of the parent after June 4, 2018. The leave must begin no later than 18 months after the date on which the child is born or adopted or the date on which the child comes into the actual care and custody of the employee.

d) **Reinstatement**

The same provisions that apply to maternity leave apply to parental leave. (see p. 5).

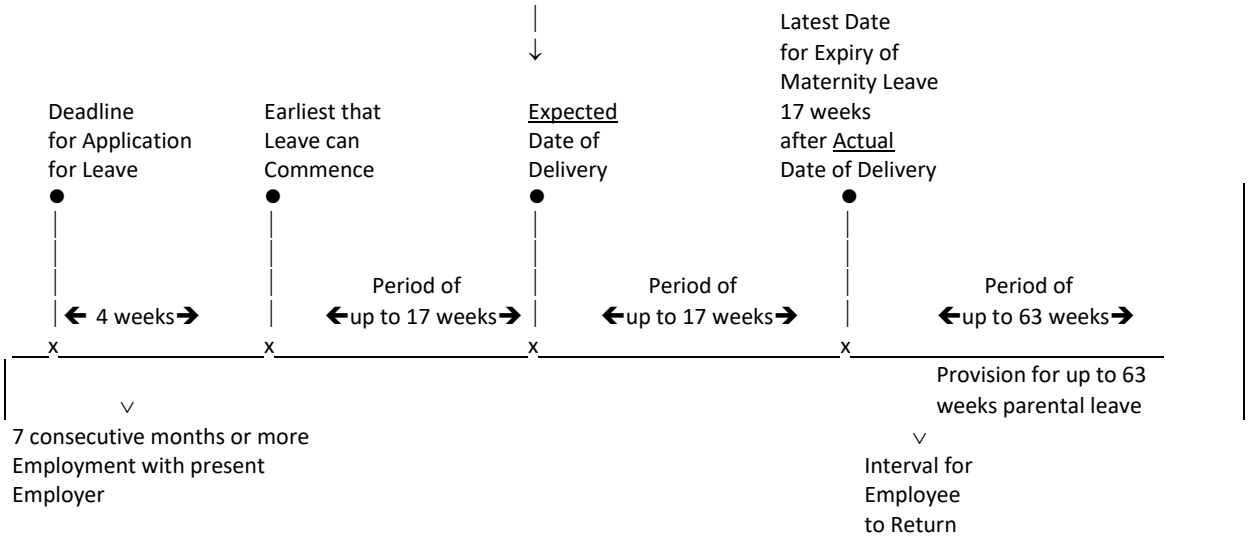
C. SCHOOL DIVISION POLICIES

School boards may have policy regarding leaves for maternity and/or parenting purposes. These policies are legal ***only if they do not contravene*** the Employment Standards Code or the provisions of the collective agreement. Where a teacher believes that the board policy is not legal, that teacher should contact the local Association or The Manitoba Teachers' Society for advice.

D. **TIME LINE FOR EMPLOYMENT STANDARDS CODE**

There are various time limits and deadlines in the Employment Standards Code that must be observed. In order to avoid some confusion, these are shown graphically below.

TIME LINE
MATERNITY/PARENTAL LEAVE PROVISIONS UNDER
EMPLOYMENT STANDARDS CODE



(a) Total duration of maternity leave may not exceed 17 weeks plus the period by which the actual delivery date is later than the expected delivery date.

(b) Total duration of parental leave may not exceed 63 weeks. If parental leave follows maternity leave, the leave must be continuous unless mutually agreed.

(c) Maximum leave (maternity plus parental) equals 80 weeks.

(d) By mutual agreement periods of leave of greater duration may be arranged but the employer's promise of reinstatement with no loss of benefits should be obtained in writing.

PROVISIONS FOR MATERNITY AND PARENTAL LEAVE

QUESTIONS AND ANSWERS

The following section is offered in order to answer some of the frequently asked questions regarding leave for parenting (includes maternity and parental leave). These questions are by no means comprehensive and teachers are urged to refer unanswered questions to their local Association or to The Manitoba Teachers' Society (204-888-7961 / 1-800-262-8803).

1. **Q: Must the Board grant maternity or parental leave?**

   A: Yes, if a teacher has been in its employ for 7 consecutive months.

2. **Q: Can the Board force me to start my maternity leave at a specific time?**

   A: No. The commencement of leave is entirely at the teacher's discretion within the parameters established by the Employment Standards Code.

3. **Q: Can the Board force me to take a leave to the beginning of the next semester or the next school year?**

   A: The Board cannot enforce a leave not desired by the teacher. A teacher, however, may consider it advantageous to wait a longer period. But, if this leave is longer than 17 weeks for maternity leave or 80 weeks for a combined maternity/parental leave, the extension must be by mutual consent and should be in writing.

4. **Q: Do I accumulate experience for maternity leave *and* parental leave?**

   A: Yes. Teachers accumulate credit for experience.

5. **Q. My spouse and I are both teachers. Can we be off at the same time?**

   A. Yes, you can take leave at the same time or at different times.

6. **Q: Can the Board force me to return to work at a specified time?**

A: Inside the 80 weeks allowed by legislation – no – the teacher is free to choose the date of returning to work, usually at the conclusion of either maternity leave (17 weeks) or parental leave (80 weeks). If a teacher wishes to return to work *later* than 63 weeks in the case of parental leave or 80 weeks in the case of a combined maternity/parental leave, it must be by agreement with the Board, preferably in writing. At the expiry of the leave the teacher is under the legal obligations imposed by the individual teacher contract. Leaves beyond 80 weeks lose the protection of the ESC.

The ESC {see Appendix} does allow a teacher to return to work earlier than the expiry date of the leave by giving notice of two weeks or one pay period, whichever is longer.

7. **Q: Can any provisions of the Employment Standards Code be broken or amended by either the teacher or the Board?**

A: Not unilaterally. However, conditions may be altered if both the teacher and the Board agree. In such cases, it is imperative that the teacher obtains a written agreement, and it is highly recommended that the teacher consult with the local Association or a Staff Officer at The Manitoba Teachers' Society prior to making any such agreement.

8. **Q: Must parental leave be taken in a continuous block?**

A: Yes, unless the teacher is able to negotiate a different arrangement with the employer. Any such arrangement should be obtained in writing.

9. **Q: Once I have taken a maternity and/or parental leave, do I have to return to work for seven months before I can take another maternity and/or parental leave?**

A: No. The seven month requirement only has to be served once. However, if the teacher changes employers, they must work seven consecutive months for the new employer before a maternity and/or parental leave must be granted.

PART 2 EMPLOYMENT INSURANCE BENEFITS (EI)

PROVISIONS OF THE EMPLOYMENT INSURANCE ACT

Teachers who are on maternity or parental leave may collect employment insurance benefits subject to the qualifying provisions noted below.

Benefits are 55% of the teacher's weekly salary up to a maximum if they choose the standard leave option (12 months). Benefits are 33% of the teacher's weekly salary up to a maximum if they choose the extended leave option (18 months).

As of January 2026, the maximum insured salary for calculation of benefits is $68,900 (i.e. maximum benefit is 55% x $68,900 divided by 52 or approximately $729 weekly for the 12 month leave option). The extended leave option (18 months) would be approximately $437 weekly (33% x $68,900 divided by 52). Benefits cease either 52 weeks (standard leave) or 78 weeks (extended leave) after the birth date of the child or commencement of the leave, whichever comes earlier.

A. **PERSONS WHO QUALIFY**

a) **Maternity Benefits**

Any teacher who is taking leave due to pregnancy who has accumulated at least 600 insurable hours during the year prior to taking a leave.

b) **For Parental Benefits**

Both biological and adoptive parents can collect parental benefits while they are caring for a newborn or adopted child. The minimum qualifying period for this benefit is 600 hours in the year prior for each parent who is applying for benefits.

Note: Employment Insurance parental benefits are payable only from the child's birth date or from the date the child is placed in the full time care and custody of the parents in the case of adoption.

B. **DURATION OF EMPLOYMENT BENEFITS**

a) **For Maternity**

Maternity benefits are available only to birthing parents. The first week of leave is a waiting period for which no benefits are received. Following the waiting period, benefits are payable for 16 consecutive weeks. The benefit period can begin up to 13 weeks (including the waiting period) before the expected week of confinement and must end no later than 16 weeks after the actual week of confinement or the original due date. The total combined weeks may not exceed 16 weeks.

b) **For Parenting**

For children born or placed for adoption, parents have two options for taking parental leave benefits, which can be taken by one parent or shared between both parents if both are eligible:

(i) up to 35 weeks of benefits at 55% of average weekly earnings subject to the maximum, which must be taken within 52 weeks or 12 months of the birth of the child or placement of the child for adoption; or

(ii) up to 61 weeks at 33% of average weekly earnings subject to the maximum, which must be taken within 78 weeks or 18 months of the birth or placement of the child for adoption. Once this option is chosen, it is irrevocable and benefits will be lost if the employee returns to work early. If one partner has already served the waiting period, there is no further waiting period required for the other partner.

iii) Parental Sharing Benefit

This benefit allows for parents to receive extra weeks of El parental benefits so that both parents can be on leave at the same time. When parents agree to apply for and share benefits, they are eligible for either 5 extra weeks of benefits if taking the standard leave option (12 months) or 8 weeks if they have chosen the extended leave option (18 months).

Therefore, parents can now share up to 40 weeks of parental benefits with the standard leave option or up to 69 weeks of parental leave if they choose the extended leave option. Please note that one parent cannot receive more than 35 weeks or 61 weeks of parental benefits.

C. **APPLICATION FOR BENEFITS**

For both maternity and parental benefits**,** the application should be made the week the benefit period is to begin.

EMPLOYMENT INSURANCE BENEFITS

QUESTIONS AND ANSWERS

The following section is offered in order to answer some of the frequently asked questions regarding Employment Insurance benefits. These questions are by no means comprehensive and teachers are urged to refer unanswered questions to their Local Association or to The Manitoba Teachers' Society (204-888-7961 or 1-800-262-8803).

1. **Q: Can I start my EI benefits before my due date?**

   A: Yes. You can start receiving maternity benefits as early as 12 weeks before your due date.

2. **Q: Can a teacher claim parental benefits after the maternity benefit period is ended?**

   A: Yes. Both biological and adoptive parents can collect parental benefits while they are caring for` a newborn or adopted child. The benefits can be received by one parent or split between the two if both parents are eligible.

3. **Q: Can a teacher on a term contract or in the first year of a regular contract receive benefits?**

   A: Yes, as long as the 600-hour requirement has been met, unless the teacher is in their first year of a term contract.

4. **Q: Is a teacher entitled to receive Employment Insurance maternity or parental benefits during July and August?**

   A: Yes. EI Regulations provide that teachers can be eligible to receive employment insurance maternity or parental benefits during July and August.

5. **Q: Does my employer have to grant leave to the amount of the extended parental leave benefit period of 61 weeks?**

   A: Yes. the Employment Standards Code was amended to allow for an extended parental leave of up to 63 weeks for babies born on or after June 4, 2018.

6. **Q: What happens in the case of a miscarriage?**

A: If a miscarriage occurs up to the 19th week of gestation, sick leave benefits can be accessed. After the 19th week of gestation, Employment Insurance maternity benefits can be accessed.

7. **Q: If I am adopting a child from another country, can I claim EI benefits for my travel time?**

A: No. EI parental benefits are only payable from the date the child is placed with you.

8. **Q: I would like to take parental leave prior to my partner giving birth. Is that possible?**

A: No. EI parental benefits are only payable from the date the child is born.

9. **Q. Does my parental leave have to follow immediately after my maternity leave?**

A: No. From an Employment Insurance point of view, you can take parental leave benefits any time during the eighteen months following the birth of the child or the date the child is placed with you for the purpose of adoption.

10. **Q: My partner doesn't qualify for EI maternity or parental leave benefits. Can I, as the other parent, access those benefits?**

A: Only birthing parents can access EI maternity benefits, but the other parent can access the full parental leave benefit period.

11. **Q: Service Canada has offered to waive my waiting period. Should I accept this offer?**

A: Under no circumstances should you ever waive the waiting period.

PART 3 TOP-UP BENEFITS PLAN

INTRODUCTION

Top-Up benefits provides for employers to make payments to employees during a temporary period of unemployment, as a supplement to the Employment Insurance Benefits being received by the employee. These plans exist most commonly to provide for paid maternity and/or parental leaves.

PROVISIONS OF THE COLLECTIVE AGREEMENT

A. **PERSONS WHO QUALIFY**

In the case of birth of a child, SUB plans provide for topping up of the 17-week maternity portion of any leave taken, meaning that the birthing parent will qualify, but not their partner. All plans also provide for topping up of a portion of leave for the purposes of parenting which means that either parent will qualify.

B. **DURATION OF BENEFITS**

In the vast majority of cases, maternity leave Employment Insurance Benefits are topped up for a maximum of 85 days. Parental leave benefits are generally topped up for a maximum of 50 days.

C. **CALCULATION OF BENEFITS PAYABLE**

a) **One-Week Waiting Period**

The employer pays the percentage of gross salary outlined in the collective agreement, generally 90% to 95%. Income tax and Canada Pension Plan (C.P.P.) premiums are deducted from this amount.

b) **Remainder of Paid Leave Period**

The employer pays the difference between Employment Insurance Benefits and gross salary, up to the percentage of gross salary payable, as outlined in the collective agreement. The amount payable is calculated as follows:

1. Salary is calculated on a daily rate by taking the gross salary and dividing by the number of days in the school year.
2. Employment Insurance Benefits are calculated on a daily rate by taking the weekly benefit and dividing by 5 days.
3. The employer pays the difference between the percentage of gross salary payable and the Employment Insurance benefits. Income tax and C.P.P. premiums are deducted from this amount.

D. **APPLICATION FOR BENEFITS**

Application for benefits is made to the payroll department of the employing division. Proof of acceptance for EI benefits must be provided to the employer. This can be printed from your My Service Canada account.

TOP-UP BENEFITS PLAN

QUESTIONS AND ANSWERS

The following section is offered in order to answer some of the frequently asked questions regarding Employment Insurance benefits. These questions are by no means comprehensive and teachers are urged to refer unanswered questions to their local Association or to The Manitoba Teachers' Society (204-888-7961 or 1-800-262-8803).

1. **Q: Why don't I receive Top-Up payments over the summer even though I am eligible for Employment Insurance benefits?**

   A: Currently, Top-Up payments are made only for those periods during which you would have been teaching had you not been on a maternity/parental leave. At this time, benefits are paused during the summer, Winter, Spring breaks, and statutory holidays, as these are non-teaching periods for which you would not normally receive pay. Top-Up payments will continue when the teaching period resumes.

2. **Q: My division has offered to pay my Top-Up benefits in a lump sum. Should I accept this?**

   A: No, particularly if your benefits will extend from one calendar year to the next. Your tax situation may change from one year to the next, depending on the length of any parental leave you may take, so it is in your best interests not to accept a lump sum payment. You may also adversely affect your right to Employment Insurance benefits.

3. **Q: I would like my Division to deduct my other benefit plan premiums from the SUB payments. Can this be done?**

   A: No. Contributions for T.R.A.F. and premiums for other benefit plans cannot be deducted at source because the teacher is on a leave of absence. However, arrangements to make regular payments to maintain benefit plans may be negotiated with the payroll department of your division. For further information, contact your division or The Manitoba Teachers' Society. Teachers planning on purchasing pensionable service for periods of maternity leave should contact T.R.A.F. for further information regarding payment options.

4. **Q: My baby is due during the summer. When is the best time for me to start my maternity benefits?**

   A: As all divisions now pay the full amount of Supplementary Employment Benefits (SEB)/or top-up, you can start your benefit period whenever you want.

5. **Q: My waiting period was waived and now I am losing SEB. Can this be changed?**

   A: You should never waive your waiting period. If Service Canada does waive it without your permission, you need to call and insist that you serve the waiting period. This must be done as soon as possible after you notice that the waiting period was waived.

RETURN TO WORK *****

Effective the 2024/2025 School Year, any Teacher receiving Top-Up benefits from the School Division, as outlined above, must enter into a written agreement with the School Division providing that:

a) subject to extenuating personal circumstances, they will return to work and remain in the employ of the School Division for at least the equivalent of one (1) full School Year (ten (10) consecutive teaching months) following their return to work; and

b) should they fail to return to work as provided above, they are subject to extenuating personal circumstances, indebted to the Division for the full amount received from the Division as a top-up during the entire period of leave; or

c) should they return to work as provided above, but fail to complete their work commitment, they are subject to extenuating personal circumstances, indebted to the School Division for a pro-rated amount based on the number of teaching days they have remaining on their return-to-work commitment

* Note - Teachers from DSFM are not subject to this article.

PART 4 EXPERIENCE CREDIT FOR MATERNITY/PARENTAL LEAVE

The Education Administration Act, Regulation 2/2016 states:

In determining recognized experience, a person who is on maternity or parental leave in a school year, as provided for under *The Employment Standards Code*, is to be credited with the same recognized experience in the school year that he or she would have been credited with had the leave not been taken.

This change was effective January 15, 2016 and applies to any teacher commencing maternity and/or parental leave as of this date.

PART 5 PARTICIPATION IN BENEFIT PLANS – DISABILITY, LIFE INSURANCE, DENTAL AND EXTENDED HEALTH PLANS, AND T.R.A.F.

INTRODUCTION

Many of the benefit plans available to teachers in active service are also available to teachers on maternity and/or parental leave. Some plans have provisions for mandatory participation while on leave, while others offer optional participation. For further information, teachers should contact their divisional payroll office first, the local Association or The Manitoba Teachers' Society (204-888-7961 or 1-800-262-8803).

BENEFIT PLANS

A. **TEACHERS' RETIREMENT ALLOWANCES FUND**

Amendments to The Teachers' Pensions Act have made it possible for teachers to purchase pensionable service for periods of service missed due to maternity and/or parental leaves. Such service must be purchased within 18 months of returning to work. The length of service that can be purchased and the contributions required will vary depending on the type of leave and the terms of the collective agreement.

Teachers wishing to purchase pensionable service for periods of maternity and/or parental leave should contact T.R.A.F. at 204-949-0048/1-800-782-0714 or info@traf.mb.ca for further information ***prior to commencing the leave***.

B. **DISABILITY PLAN**

Participation in the plan and payment of premiums is ***mandatory*** for the first two years of a leave of absence.

C. **MSBA/MTS DENTAL PLAN**

Coverage continues for the duration of the leave, at the employee's option, provided that:

(a) premiums are paid by the employee in a manner mutually agreed between the employee and the employer; and

(b) the employee elects coverage ***prior*** to the commencement of the leave.

D. **MANITOBA PUBLIC SCHOOL EMPLOYEES GROUP LIFE INSURANCE PLAN**

Participation in the plan and payment of premiums is ***mandatory*** for the first two years of a leave of absence.

E. **BLUE CROSS EXTENDED HEALTH PLAN**

Coverage will continue indefinitely, at the ***employee's option***, provided premiums are paid.

PARTICIPATION IN BENEFIT PLANS

QUESTIONS AND ANSWERS

The following section is offered in order to answer some of the frequently asked questions regarding participation in benefit plans. These questions are by no means comprehensive and teachers are urged to refer unanswered questions to their local Association or to The Manitoba Teachers' Society (204-888-7961 or 1-800-262-8803).

Q: Must premiums for benefit plans be paid as a lump sum taken from my last regular pay cheque?

A: No. Arrangements can be made with your payroll department for a series of post-dated cheques or an automated withdrawal form to be submitted for the payment of most benefit premiums. Teachers planning on purchasing pensionable service for periods of maternity leave should contact T.R.A.F. for further information regarding payment options.

APPENDICES

Checklist on Timelines 21
Checklist on Documentation 22
Sample Letter Requesting Maternity Leave 23
Sample Letter Requesting Parental Leave 24
Sample Letter Requesting Sick Leave During Maternity Leave 25
Excerpts from Employment Standards Code 26

CHECKLIST ON TIMELINES

The provisions which are most likely to affect teachers on maternity or parental leave are those contained in the Employment Insurance Act and the Employment Standards Code. Both include various time limitations.

For purposes of clarification, this section will review all time limitations mentioned previously; a provision of the Employment Insurance Act is marked EI, while a provision of the Employment Standards Code is marked ESC.

One year prior to confinement/adoption or caring for newborn (EI)

A teacher must have been employed at least 600 hours in her/his qualifying period (i.e., during the past year, if no employment benefits were claimed in that period) to qualify for EI benefits for maternity or parenting, including adoption.

17 weeks prior to expected date of confinement (ESC)

The earliest possible date for commencement of maternity leave according to the Employment Standards Code. A teacher may commence leave any time between this time and the expected date of confinement provided that the Board receives notice 4 weeks prior to the intended date of leave.

12 weeks prior to week of confinement (EI)

Employment Insurance benefits could start at this time provided that (a) the teacher has made previous application, (b) the teacher is no longer teaching and (c) the teacher has completed the one-week waiting period for benefits.

4 weeks prior to leave (ESC)

The Board must be notified at least 4 weeks prior to commencement of maternity or parental leave. A medical certificate confirming pregnancy and stating the expected date of delivery must be submitted with notification.

Week of confinement (EI) or week of original due date

The latest time at which Employment Insurance maternity benefits can start.

16 weeks after confinement (EI)

The last week during which employment insurance maternity benefits are payable, subject to a maximum of 15 weeks of benefits received.

51 or 78 weeks after child arrives or is placed in the home (EI)

*The last week during which employment insurance parental benefits are payable, subject to a maximum of 35 or 61 weeks of benefits received.

CHECKLIST ON DOCUMENTATION

There are a number of documents which must be prepared and/or obtained and/or submitted by teachers who are planning to take maternity and/or parental leave, including adoptive leave. This checklist is provided as a reminder of the various documents you may require. ***Be sure to keep copies of all documentation*.**

√

___ Letter requesting maternity and/or parental leave.

___ Medical Certificate confirming pregnancy and stating the expected date of delivery ***OR*** certificate of adoption.

Note: You should keep a copy of the certificate that you give your employer in case it is requested by Service Canada.

___ Letter from school division confirming periods of leave negotiated other than those that are statutory.

___ Medical Certificate stating period of sick leave required, if applying for sick leave prior to delivery.

___ Medical Certificate stating period of sick leave required, if applying for sick leave post-delivery.

___ ESDA (formerly HRSDC) Benefit Statement (to be printed from your My Service Canada account).

SAMPLE LETTER
REQUESTING MATERNITY LEAVE

Date

Name of Superintendent
Address

Dear _____

I am writing to advise you that I will be taking maternity leave and parental leave from approximately due date to return date.

Enclosed please find my doctor's certificate confirming I am pregnant and stating my expected date of delivery.

Thank you for your consideration in this matter.

Sincerely,

Encl. Medical Certificate

Note: You are not compelled to take the entire 17 weeks maternity and 63 weeks parental leave. You may choose to take a shorter parental leave if that fits within your family plan. However, if you are planning to take the 78 weeks, it's a good idea to indicate this in your first letter.

* 80 weeks is allowed by Employment Standards Code but there are no benefits paid for those extra two weeks.

Note: Many divisions also have a maternity/parental leave form that employees are required to fill out. Please inquire with Human Resources.

SAMPLE LETTER

REQUESTING PARENTAL LEAVE

Date

Name of Superintendent
Address

Dear _____

I am writing to advise you that I will be taking _____ weeks of parental leave from date to date.

Thank you for your consideration in this matter.

Sincerely,

Note: Many divisions also have a maternity/parental leave form that employees are required to fill out. Please inquire with Human Resources.

SAMPLE LETTER

REQUESTING SICK LEAVE
DURING MATERNITY LEAVE

Date

Name of Superintendent
Address

Dear

RE: Sick Leave During Maternity Leave

Further to my application for maternity leave dated _____, this letter is to request that I be paid sick leave for the period from _____ to approximately (due date). Enclosed is a certificate from my doctor advising that I not work during that period.

The above-noted period is an estimate at this time based on my doctor's current assessment. My doctor will reassess my medical condition at the end of that period. If additional medical leave is required, I will advise you and forward a medical certificate.

If you require further information in relation to this request, please contact me.

Sincerely,
Name

Encl. – Medical Certificate

c: President, Teacher Association or your staff officer

(*Please note you have the option to decide whether to send a copy of your letter to the local association president or your staff officer. It is imperative that you keep a copy for your own records.*)

DIVISION 9

LEAVES OF ABSENCE

MATERNITY LEAVE

Definitions

52 In this Division,

"date of delivery" means the date when the pregnancy of an employee terminates with the birth of a child; (« date d'accouchement »)

"medical certificate" means the signed statement of a duly qualified medical practitioner. (« certificat médical »)

Eligibility for maternity leave

53 A pregnant employee who has been employed by the same employer for at least seven consecutive months is eligible for unpaid maternity leave.

S.M. 2000, c. 49, s. 2; S.M. 2016, c. 2, s. 3.

Length of maternity leave

54(1) Subject to subsection (3), an employee who is eligible for maternity leave is entitled to the following maternity leave:

(a) if the date of delivery is on or before the date estimated in a medical certificate, a period of not more than 17 weeks; or

(b) if the date of delivery is after the estimated date, 17 weeks and a period of time equal to the time between the estimated date and the date of delivery.

Beginning and end of maternity leave

54(2) A maternity leave must begin not earlier than 17 weeks before the date of delivery estimated in the medical certificate and end not later than 17 weeks after the date of delivery.

Employee to provide certificate and give notice

54(3) An employee who is eligible for maternity leave shall

(a) as soon as practicable, provide the employer with a medical certificate giving the estimated date of delivery; and

(b) give the employer not less than four weeks' written notice of the date she will start her maternity leave.

Maternity leave if notice given after stopping work

55(1) An employee who is eligible for maternity leave but does not give notice under clause 54(3)(b) before leaving the employment is still entitled to maternity leave if, within two weeks after stopping work, she gives notice and provides her employer with a medical certificate

(a) giving the date of delivery or estimated date of delivery; and

(b) stating any period or periods of time within the 17 weeks before the date of delivery or estimated date of delivery that the normal duties of the employment could not be performed because of a medical condition arising from the pregnancy.

Length of maternity leave

55(2) The maternity leave to which the employee is entitled under subsection (1) is

(a) any time, within the time referred to in clause (1)(b), that she does not work; and

(b) the difference between that time and the time she would receive if she were entitled under subsection 54(1).

Maternity leave where notice not given

56 An employee who is eligible for maternity leave but who does not give notice under clause 54(3)(b) or subsection 55(1) is still entitled to maternity leave for a period not exceeding the time she would receive if she were entitled under subsection 54(1).

End of maternity leave where notice not given

57 The maternity leave of an employee referred to in subsection 55(1) or section 56 terminates not later than 17 weeks after the date of delivery.

End of maternity leave

57.1(1) An employee's maternity leave ends

(a) 17 weeks after it began; or

(b) if clause 54(1)(b) applies, 17 weeks after it began plus the additional time provided for in that clause.

Ending leave early

57.1(2) An employee may end her maternity leave earlier than the day set out in subsection (1) by giving her employer written notice at least two weeks or one pay period, whichever is longer, before the day she wishes to end the leave.

S.M. 2000, c. 49, s. 3.

PARENTAL LEAVE

Employee entitled to parental leave

58(1) An employee who adopts or becomes a parent of a child is entitled to unpaid parental leave to a maximum of 63 continuous weeks if

(a) the employee has been employed by the employer for at least seven consecutive months;

(b) the employee gives written notice to the employer at least four weeks before the day specified in the notice as the day on which the employee intends to begin the leave; and

(c) in the case of an adoption, the adoption occurs or is recognized under Manitoba law.

Effect of late notice on parental leave

58(2) An employee who gives less notice than is required under clause (1)(b) is entitled to the 63 weeks of parental leave less the number of days by which the notice given is less than four weeks.

Commencement of parental leave

58(3) A parental leave must commence not later than 18 months after the date on which the child is born or adopted or comes into the care and custody of the employee.

S.M. 2000, c. 49, s. 4; S.M. 2006, c. 26, s. 23; S.M. 2016, c. 2, s. 4; S.M. 2018, c. 15, s. 4.

Maternity and parental leaves must be continuous

59 An employee who takes maternity leave and parental leave shall take them in one continuous period, unless the employee and the employer otherwise agree or a collective agreement otherwise provides.

End of parental leave

59.1(1) An employee's parental leave ends

(a) 63 weeks after it began; or

(b) if subsection 58(2) applies, 63 weeks after it began less the number of days provided for in that subsection.

Transitional

59.1(1.1) Despite subsection (1), if the child for whom the employee takes parental leave was born or adopted or came into the employee's care and custody before the day this section came into force, the employee's parental leave ends

(a) 37 weeks after it began; or

(b) if subsection 58(2) applies, 37 weeks after it began less the number of days provided for in that subsection.

Ending leave early

59.1(2) An employee may end his or her parental leave earlier than the day set out in subsection (1) by giving the employer written notice at least two weeks or one pay period, whichever is longer, before the day the employee wishes to end the leave.

GENERAL

No termination or lay-off

60(1) No employer shall lay off or terminate the employment of an employee entitled to take a leave under this Division because the employee is pregnant or intends to take a leave or takes a leave allowed by this Division.

Reinstatement

60(2) At the end of an employee's leave under this Division, the employer shall reinstate the employee to the position the employee occupied when the leave began or to a comparable position, with not less than the wages and any other benefits earned by the employee immediately before the leave began.

Exception

60(3) Subsections (1) and (2) do not apply if the employer lays off the employee, terminates his or her employment or fails to reinstate for reasons unrelated to the leave.

Employment deemed continuous

60(4) For the purpose of pension and other benefits, the employment of an employee with the same employer before and after a leave under this Division is deemed to be continuous.

NOTES