

HEALTH-RELATED MATERNITY LEAVE:

REFERENCE GUIDE FOR ALBERTAN HEALTHCARE PROVIDERS

“Health-related maternity leave” is the period of time during which a woman is considered unable to work, or is advised not to work, for maternity-related health reasons at any time during pregnancy, childbirth or postpartum.

The issue of health-related maternity leave was identified through legal judgments, namely a 1989 ruling by the Supreme Court of Canada (Brooks v. Canada Safeway Ltd.)¹ and a subsequent court case in Alberta (Alberta Hospital Association v. Parcels)² which held that some portion of every woman’s maternity leave is health related, and that for this period, the employee must be compensated by her employer as generously as she would be if she were sick or disabled. She is entitled to have her absence reclassified from a voluntary leave to a health-related leave for the period of time in which she is deemed unfit to work due to pregnancy, childbirth and recovery postpartum.

Alberta physicians and healthcare providers are often tasked to determine the lengths of health-related maternity leave for expectant moms. Unfortunately there are no evidence-based guidelines or standards governing the timing or duration of health-related maternity leave in Alberta, or nationally, particularly for uncomplicated pregnancy and childbirth. In order to assist healthcare providers with their decision making, the health-related maternity leave working group of the Alberta Perinatal Health Program recently conducted an environmental scan which included a survey of Alberta physicians and midwives. This scan disclosed that recommendations for length of health-related maternity leave varies provincially, nationally and internationally. In response the working group developed the Health-Related Maternity Leave Reference Guide. Its goal is to inform Albertan practitioners about the medical, social and legal context in Alberta for determining health-related maternity leave in uncomplicated pregnancies, and to enhance clinical decision-making and communication with women throughout pregnancy and postpartum care.

The reference guide is available on the Alberta Perinatal Health Program website, www.aphp.ca. Hard copies of this resource are available by contacting the Alberta Perinatal Health Program by Fax 780.735-1024 or email vida.boyewousa@capitalhealth.ca.

¹ Brooks v. Canada Safeway Ltd. (1989) 59 DLR 321 (S.C.C.)

² Alberta Hospital Association v. Parcels (1992) 17 C.H.R.R. D/167 (Alta. Q.B.) Alberta Hospital Association et al v. Parcels (1992), 1 Alta. L.R. (2d) 332 (Q.B.)