

New Federal Leaves In Force December 12, 2025

December 2025

Effective **December 12, 2025**, under the [Canada Labour Code](#) (“CLC”), an employee is entitled to a new pregnancy loss leave and an expanded bereavement leave. An additional leave for the placement of a child is expected to come into effect in 2026. These changes **apply only to a federally regulated employer governed by the CLC** – such as a bank, airline, telecommunication company, or cross-border transportation company.

Leave related to pregnancy loss

Who is eligible for the leave?

An employee is eligible if their own pregnancy, the pregnancy of their spouse or common-law partner, or the pregnancy of their surrogate does not result in a live birth. The leave can be used once *per* pregnancy; there is no annual limit. An employer can request a certificate from a healthcare practitioner to verify the need for leave.

How long is the leave?

If the pregnancy results in a still birth,¹ the employee will be eligible for a leave of up to eight weeks. In any other case of pregnancy loss, leave is available for up to three days.

Is the leave paid?

If the employee has completed at least three consecutive months of employment, the first three days of the leave are paid. If the employee is entitled to a longer leave, the remainder of the leave is unpaid.

Bereavement leave

Who is eligible for the leave?

Even before this amendment, an employee was eligible for bereavement leave in the event of the death of a member of their family.² Now, an employee is eligible for an extended bereavement leave in the event of the death of their child or the child of their spouse or common-law partner.

¹ Loss of a pregnancy on or after the 20th week of pregnancy or after the foetus attained at least 50g.

² As defined in section 210(1) of the CLC and section 33(1) of the [Canada Labour Standards Regulations](#).

How long is the leave?

Generally, an employee is entitled to 10 days of bereavement leave. This is now extended to up to eight weeks in the event of the death of a child or the child of a spouse or common-law partner.

Is the leave paid?

If the employee has completed at least three consecutive months of employment, the first three days of the leave are paid. The remainder of the bereavement leave is unpaid.

Leave for placement of a child

The “leave for placement of a child” is **expected to come into force some time in 2026 (not on December 12, 2025)**.

Who is eligible for the leave?

An employee is eligible if:

- A child is placed into the actual care of the employee for the purposes of adoption, or
- A new-born child arrives into the employee’s care where the person who gave birth to the child is not, nor is intended to be, a parent of the child (*i.e.*, a surrogate).

How long is the leave?

The leave is up to 16 weeks. An employee may commence the leave up to six weeks before the week of the estimated date of the placement, and no later than 17 weeks following the week of the actual date of the placement. The CLC will address circumstances regarding a delayed placement and/or hospitalization of the child while the employee is on leave.

Is the leave paid?

This leave is unpaid. However, it is intended to coordinate with a new 15-week Employment Insurance (“EI”) wage replacement benefit.

Employee protections during leave

During a leave under the CLC,³ an employee has the right to:

- Resume employment in the same position or in a similar position after the leave
- Receive notice of employment opportunities while on leave
- Continuation of benefits while on leave; and
- Adjust the length of the leave (provided adequate notice is given to the employer).

³ A leave under Division VII (including the new leaves related to pregnancy loss or placement of a child) or Bereavement Leave under Division VIII.

An employer is prohibited from taking an employee's leave into account in decisions related to promotion or training.

Next steps for employers

- Maintain records of related to an employee's leave (e.g., amounts paid, any request to take leave or change duration of leave, etc.)
- Update labour standard notices posted in the workplace to include new and amended leave entitlements.

For more information and/or for assistance, contact your Sherrard Kuzz LLP lawyer or info@sherrardkuzz.com.

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