

MATERNITY AND PARENTAL LEAVE

Effective Date: April 22, 2002

Originating Office: Human Resources

Supersedes /Amends: B-23

Policy Number: HR-23

SCOPE

This policy applies to all employees of the University unless specific provisions of a Collective Labour Agreement or Protocol apply. For part-time employees, the benefits outlined in this policy are pro-rated to the regularly scheduled hours of work of the part-time position or assignment.

POLICY

1. The University grants a leave of absence to any employee who is pregnant, who adopts a child, or who is entrusted with the care and custody of a child.

Maternity Leave

Provisions

2. An employee may take a maternity leave of up to twenty (20) consecutive weeks. The earliest date upon which maternity leave may commence shall be eighteen (18) weeks prior to the expected date of delivery. The maternity leave ends two (2) weeks after the actual delivery or when twenty (20) weeks of total maternity leave have elapsed, whichever is the later.
3. Medical leave required as a result of legal or spontaneous abortion occurring before the twentieth (20th) week prior to the date of delivery is treated as Disability Leave. See the policy *Disability Leave - Short Term* ([HR-21](#)).
4. In the event of a stillbirth in or after the twentieth (20th) week prior to the expected date of delivery, the employee's maternity leave commences immediately and ends when twenty (20) weeks in total of maternity leave have elapsed.
5. Medical leave required before the eighth (8th) week prior to the expected date of delivery because of complications of pregnancy, or due to danger of interruption of the pregnancy is treated in the same manner as Disability Leave until the beginning of the

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eighth (8th) week prior to the expected date of delivery, at which time maternity leave commences.

6. If an employee presents a certificate from a qualified medical practitioner stating that the working conditions of her job contain physical danger or risks of infectious disease for her or the unborn child, the University attempts to temporarily relocate the employee to another position while continuing all the rights and privileges of her regular position. If the University is unable to transfer the employee to a suitable position, the employee is immediately granted a special paid leave - in accordance with the provisions of temporary work assignment contained in policy *Worker's Compensation (CSST) Reporting, Return to Work and Temporary Work Assignment (VPS-43)* until a suitable position becomes available or until the eighth (8th) week prior to the expected date of delivery, if earlier, at which time the regular maternity leave commences. All benefits plans are continued for the duration of such special paid leave.
7. An employee whose newborn child is hospitalized, is entitled to interrupt her maternity leave and return to work. When the state of health of her child is such that hospitalization is no longer required, the employee must inform her immediate supervisor and the maternity leave can then be resumed.
8. A permanent employee or a temporary employee with a contract of twelve (12) months or more is considered to be on paid leave during any absence resulting from medical appointments related to her pregnancy and supported by a satisfactory medical certificate. A temporary employee with a contract of less than twelve (12) months or a casual employee is granted leave without pay.

Indemnities

9. A permanent employee or a temporary employee with a contract of more than twelve (12) months who has accumulated twenty (20) weeks of service or more prior to the beginning of her maternity leave, and who is eligible for Employment Insurance (EI) benefits, is entitled to receive an indemnity payable until the end of the twentieth (20th) week of maternity leave. Such indemnity is determined for each pay period and is equal to 93% of the employee's regular salary, reduced by the following amounts:

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- Any Employment Insurance benefits which she is receiving or could be receiving. For the purposes of this section, any amounts subtracted from EI benefits by reason of reimbursement of benefits, interest, penalties and other amounts recoverable under the terms of the EI plan shall not be taken into account.
 - Any maternity leave allowance which she is receiving or could be receiving from the Quebec *Ministère de l'Emploi et de la Solidarité*.
 - All of the normal payroll deductions which must be made or would have been made had it not been for the maternity leave.
10. A permanent employee or a temporary employee with a contract of more than twelve (12) months who has acquired twenty (20) weeks of service prior to the beginning of her maternity leave, and who is not eligible to receive Employment Insurance benefits, is entitled to receive an indemnity of 93% of her regular salary payable until the end of the tenth (10th) week of maternity leave. Such indemnity is equal to her regular salary reduced by all of the deductions which must be made or would have been made had it not been for the maternity leave, including any maternity leave allowance which she is receiving or could be receiving from the Quebec *Ministère de l'Emploi et de la Solidarité*.
11. A permanent employee who has accumulated less than twenty (20) weeks of service prior to the beginning of her maternity leave or a temporary employee, may be eligible to benefits from the Quebec *Ministère de l'Emploi et de la Solidarité* and from *Employment Insurance* but does not receive compensation from the University.
12. All contributory benefit plans are continued while the employee is receiving an indemnity under the terms of clauses a) and b) above.
13. In the case of maternity leave or portions of maternity leave for which there is no indemnity payable, the University continues to pay its share of the costs of those benefit plans which the employee chooses to continue during the unpaid leave. The employee's contribution for all such benefits is deducted from her final paycheque before unpaid maternity leave commences. If the employee does not wish to pay the contributions, all employee-paid and shared-cost benefit plans are discontinued for the duration of the unpaid maternity leave.

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14. All non-contributory benefit plans are automatically continued for the duration of the maternity leave whether paid or not.
15. For the purposes of the Employment Security procedure and the Vacation Leave policy, an employee is given credit for service while on maternity leave.

Return to work

16. Prior to the expiration of an employee's maternity leave, the Compensation and Benefits Unit sends the employee a written notification of the date upon which her maternity leave expires and informs her of the obligation to advise the University of her return to work under the terms of clause b) below.
17. The employee must give the University written notice of her intention to return to work not less than two (2) weeks prior to the date of her return.
18. If the employee fails to present herself for work at the date of return, she is deemed to have resigned and is terminated accordingly.
19. An employee who wishes to return to work earlier than two (2) weeks following the date of delivery must first provide the University with a statement from a qualified medical practitioner attesting to her good health and ability to perform the work required.
20. Upon her return to work at the end of her maternity leave, the employee is reinstated in the position she held when maternity leave commenced. If her position no longer exists, she is granted all of the rights and privileges she would have been accorded at the time her position was abolished had she then been at work.
21. The salary which the employee receives upon return to work, is the salary she was receiving when the leave commenced, increased by the amount of any general scale increase implemented during the course of the leave.

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Procedure

22. An employee obtains a maternity leave by written application to her immediate supervisor. A copy of this request is sent by the Department Head or designate to the Compensation and Benefits Unit and must be supported by a certificate from a legally qualified medical practitioner stating the fact of pregnancy and the expected date of delivery. The employee must also provide proof of her eligibility to receive Employment Insurance benefits by submitting the form *Employment Insurance - Notice Regarding Maternity Benefits*.
23. The employee must specify in her application the dates of her intended maternity leave at least four (4) weeks prior to the date of commencement of the leave. The length of prior notice may be shorter if there is a certificate from a legally qualified medical practitioner stating that the employee must leave her position sooner than expected.
24. The date of commencement of maternity leave is at the discretion of the employee concerned. However, if the employee has not commenced her maternity leave at least six (6) weeks prior to the expected date of delivery, the University may request medical certification of the employee's ability to continue working. If the employee fails to provide such certification within eight (8) days from receipt of the written request, the University may immediately initiate the maternity leave.

Adoption Leave

Provisions

25. A permanent employee who legally adopts a child is entitled to a paid leave of a maximum duration of ten (10) consecutive weeks during which he/she receives full salary. If both parents are employees of the University, a total of ten (10) weeks applies for both parents.
26. A permanent employee, who is the spouse of another employee, who legally adopts a child, is entitled to a paid leave of absence of a maximum duration of four (4) working days, provided he/she is not benefiting from the Adoption Leave available under clause a) above.

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27. All benefits are continued in the case of a permanent employee for the duration of the Adoption Leave.
28. A temporary employee may be absent from work for up to five (5) days at the time of the adoption of his/her child. The first two (2) days of absence are with pay if the employee is credited with sixty (60) calendar days of uninterrupted service, in accordance with the provisions of the Act respecting Labour Standards.
29. The Adoption Leave must be taken after the date of assuming responsibility for the child and before the end of the second month following the adoption order.
30. For the purpose of the *Employment Security procedure* and the *Vacation Leave policy*, an employee is given credit for service while on Adoption Leave.
31. Adoption leave does not apply when the legally adopted child is that of the employee's spouse; in this situation, the employee may be absent from work for up to five (5) working days and is granted two days of these days as leave with pay, in accordance with the provisions of the Act respecting Labour Standards.

Return to work

32. Prior to the date of expiration of an employee's Adoption Leave, the Compensation and Benefits Unit sends the employee notification of the date upon which his/her Adoption Leave expires.
33. An employee who does not present himself/herself for work at the date of return to work is deemed to have resigned and is terminated accordingly.
34. Upon return to work from the Adoption Leave, the University reinstates the employee to the position which he/she occupied before the Adoption Leave commenced. If the employee's position no longer exists, he/she is granted all the rights and privileges that would have been accorded at the time the job was abolished had he/she then been at work.

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35. The salary which the employee receives upon return to work is the salary he/she was receiving when the leave commenced, increased by the amount of any general scale increase implemented during the course of the leave.

Procedure

36. An employee obtains an Adoption Leave by written application to his immediate supervisor. A copy of this request must be sent by the Department Head or designate to the Compensation and Benefits Unit and must be supported by documentation evidencing the fact of adoption.

Paternity Leave

Provisions

37. A permanent employee or a temporary employee with a contract of twelve (12) months or more whose spouse gives birth is entitled to a paid leave of absence of a maximum duration of five (5) working days. This leave may be interrupted but must take place between the beginning of the delivery process and the seventh (7th) day following the return home of the mother or the child.
38. A temporary employee may be absent from work for up to five (5) working days at the time of the birth of his child. The first two (2) days of absence are with pay if the employee is credited with sixty (60) calendar days of uninterrupted service, in accordance with the provisions of the Act respecting Labour Standards.

Extended Parental Leave

39. An unpaid leave of a maximum duration of one hundred and four (104) consecutive weeks is granted to a permanent employee as an extension of Maternity or Adoption Leave. For a temporary employee, the maximum duration is one hundred and four (104) consecutive weeks or the expiry date of the contract, whichever comes first.
40. In the event that the spouse of an employee applying for Extended Parental Leave is also an employee of the University, the leave is granted only if the spouse is not benefiting from a similar leave. Similarly, such an employee may benefit from part of the unpaid

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leave which his/her spouse did not use. In such a case, the shared leave must take place over two (2) consecutive periods of time.

41. All benefit plans are discontinued for the duration of the extended leave unless the employee has agreed in writing before commencing the leave to pay the total cost of any benefits to be continued.
42. An employee does not receive credit for service while on Extended Parental Leave for the purposes of the Employment Security Procedure and the Vacation Policy.

Return to work

43. Prior to the date of expiration of an employee's Extended Parental Leave, the Compensation and Benefits Unit sends the employee notification of the date upon which his/her leave will expire.
44. The employee must give the University written notice of his/her intention to return to work not less than three (3) weeks prior to the end of the Extended Parental Leave. Should the employee fail to present himself/herself for work at the date of expiration of the Extended Parental Leave, he/she is deemed to have resigned and is terminated accordingly.
45. An employee may elect to return to work prior to the anticipated date of expiration of the Extended Parental Leave upon presentation of prior written notice of at least three (3) weeks to the immediate supervisor.
46. Upon return to work from the Extended Parental Leave, the University reinstates the permanent employee in the position which he/she occupied before the original Maternity or Adoption Leave commenced. If the employee's position no longer exists, he/she is granted all the rights and privileges that would have been accorded at the time the job was abolished had he/she been at work.
47. Upon return to work from an Extended Parental Leave not exceeding twelve (12) weeks, the University reinstates the temporary employee in the position which he/she occupied before the original Adoption Leave commenced. If the leave lasts more than twelve (12) weeks and if the employee's position no longer exists, he/she is granted all the rights and

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privileges that would have been accorded at the time the job was abolished had he/she been at work.

48. The salary which the employee receives upon return to work is the salary he/she was receiving when the leave commenced, increased by the amount of any general scale increase implemented during the course of the leave.

Procedure

49. A permanent employee may obtain an Extended Parental Leave by written application to her/his immediate supervisor at least four (4) weeks prior to the expiration of the Maternity or Adoption Leave. A copy of this request must be sent to the Compensation and Benefits Unit by the Department Head or designate.
50. A temporary employee may obtain an Extended Parental Leave by written application to his/her immediate supervisor at least four (4) weeks prior to the expiration of the Maternity Leave or date of adoption. A copy of this request must be sent to the Compensation and Benefits Unit by the Department Head or designate.