

Head, Clara & Maria Policies and Procedures			
DEPARTMENT: Human Resources			POLICY #: HR-09
POLICY NAME: Pregnancy and Parental Leave			
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POLICY STATEMENT:

Every municipal employee who has at least thirteen (13) consecutive weeks of continuous service is entitled to take Pregnancy and/or Parental Leave.

PROCEDURE:

1. The following provisions of the *Employment Standards Act, 2000* apply:

- a) Concerning Pregnancy Leave

- (i) Employees who are pregnant, and who have been employed with the Employer for at least thirteen (13) weeks prior to the expected date of birth are entitled to take pregnancy leave without pay and without loss of service/seniority or benefits. The pregnancy leave is for a seventeen (17) week period commencing on the date requested by the mother to commence leave, or the date of birth (whichever is first).
 - (ii) Employees taking pregnancy leave must provide at least two (2) weeks written notice to the Employer advising of the date that the leave will begin. The date chosen for commencing leave must be no more than fifteen (15) weeks prior to the expected date of birth and must be no more than seventeen (17) weeks after the actual date of birth, as confirmed by a physician or qualified medical practitioner.
 - (iii) In the event of complications with the pregnancy or because of a birth that occurs earlier than the expected date of delivery of the child, the employee must, within two (2) weeks of stopping work, provide written notice to the Employer of the date the pregnancy leave will begin or has begun. The employee must provide the Employer with a certificate from her physician or qualified medical practitioner, stating the expected birth date of the child.
 - (iv) In the event of a stillbirth or miscarriage that occurs more than seventeen (17) weeks before the due date, an employee is not entitled to pregnancy leave. In the event of a stillbirth or miscarriage that occurs within the seventeen (17) week period before the due date, an employee is entitled to pregnancy leave. The date for commencing the leave is the date of the stillbirth or miscarriage. If the employee has commenced pregnancy leave prior to the stillbirth or miscarriage, the leave is extended to the latter of seventeen (17) weeks after

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the pregnancy leave began, or twelve (12) weeks after the still birth or miscarriage. The employee is required to provide the Employer with a certificate from a physician or qualified medical practitioner, confirming the date of said matter.

- (v) The pregnancy leave of an employee ends seventeen (17) weeks after the pregnancy leave began. If the employee wishes to return to work earlier, the employee is required to provide the Employer with a least four (4) weeks' written notice of the date of return.

b) Concerning Parental Leave

- (i) Employees who have been employed for at least thirteen (13) weeks are entitled to take an unpaid parental leave, without loss of service/seniority or benefits.
- (ii) Prior to commencing parental leave, employees must declare whether standard or extended parental leave option will be taken, and must provide at least two (2) weeks' written notice of the date the leave is to begin.

Standard Parental Leave

- i. Employees are entitled to thirty-seven (37), or thirty-five (35) weeks for those taking pregnancy leave following the birth of a child, or the coming of a child into the employee's custody, care, and control.
- ii. Employees taking standard parental leave shall commence the leave no more than fifty-two (52) weeks after the day the child is born or comes into the employee's custody, care and control for the first time.
- iii. Employees who have also taken a pregnancy leave shall commence parental leave immediately when the pregnancy leave ends. In the event that the child has not yet come into the custody, care and control of a parent, the employee may either commence leave when the pregnancy leave ends, or opt to return to work and commence parental leave at a later date. If the employee opts to return to work, she must start the parental leave within the fifty-two (52) weeks since the birth, or the date in which the child was placed into their custody, care, and control for the first time.
- iv. Standard parental leave ends thirty-seven (37) weeks after it began. For employees who took pregnancy leave, parental leave ends thirty-five (35)

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weeks after it began. If an employee opts to return to work earlier than the thirty-five (35) or thirty-seven (37) weeks, the employee must provide the employer with at least four (4) weeks' written notice of the day they will be returning.

Extended Parental Leave

- i. Employees are entitled to sixty-three (63), or sixty-one (61) weeks for those also taking pregnancy leave following the birth of a child, or the coming of a child into the employee's custody, care and control for the first time.
- ii. Employees taking extended parental leave shall commence the leave no more than seventy-eight (78) weeks after the date that the child is born, or the date the child first came into their care, custody and control.
- iii. Employees who have also taken pregnancy leave shall commence parental leave immediately when the pregnancy leave ends. In the event that the child has not yet come into the custody, care, and control of a parent, the employee may either commence leave when the pregnancy leave ends, or opt to return to work and commence parental leave at a later date. If the employee opts to return to work, she must commence the parental leave with the seventy-eight (78) week period after the birth, or the date in which the child was placed into their custody, care, and control for the first time.
- iv. Extended parental leave ends sixty-three (63) weeks after it began. For employees taking pregnancy leave, parental leave ends sixty-one (61) weeks after it began. If an employee opts to return to work earlier than the sixty-three (63) or sixty-one (61) weeks, the employee must provide the Employer with at least four (4) weeks' written notice of the day they will be returning.

General Provisions Concerning Parental Leave

- i. The term "parent" includes a person with whom a child is placed for adoption, and a person who is in a relationship of some permanence with a parent of a child and who intends to treat the child as his or her own.
- ii. Adoptive parents may commence parental leave when the child comes into the custody and control of the parent.

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- iii. An employee who has suffered a stillbirth or miscarriage, or whose spouse has suffered a stillbirth or miscarriage is not eligible for parental leave.
- iv. In the event that an employee who is a parent stops working due to a child coming into their custody for the first time sooner than expected, the employee, within two (2) weeks of stopping work, must provide the Employer with written notice of the date the parental leave began, and identify which parental leave option is being taken. The parental leave begins on the date that the employee stopped working.

General Provisions of Pregnancy and Parental Leave:

- i. An employee who has given notice to begin pregnancy or parental leave may change the notice to begin leave upon providing the Employer at least two (2) weeks' written notice.
- ii. An employee who has given notice to end leave may change the notice to an earlier date upon giving the Employer at least four (4) weeks' written notice before the earlier date.
- iii. Employees are entitled, during pregnancy and parental leave, to continue participation in the benefit plans that they participated in prior to taking the leave. The Employer continues to make the Employer's contributions during the period of the leave.
- iv. While on pregnancy and parental leave, employees continue to accumulate service for the purposes of determining salary increment and vacation. Sick leave incentive and merit pay will not be accumulated during pregnancy and/or parental leave.
- v. Employees are reinstated following return from pregnancy or parental leave in the position that the employee held prior to commencing leave, if it still exists, or a comparable position at the rate equal to the wages most recently paid by the Employer.
- vi. Extensions to Pregnancy and Parental Leave are handled under Policy HR-11 – General Unpaid Leave of Absence (non-statutory leave of absence).

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Pregnancy and Parental Leave – Reference Guide		
Leave Title	Eligibility Requirements	Leave Entitlement
Pregnancy Leave	Biological mothers, including surrogate mothers who have 13 weeks of continuous service	17 weeks
Miscarriage & Stillbirth Leave	Biological mothers, including surrogate mothers who have 13 weeks of continuous service, with the event occurring within the 17-week period before the due date	12 weeks Employee also entitled to pregnancy leave. If the employee has commenced pregnancy leave prior to the event, the leave is extended to the latter of the 17 weeks after the pregnancy leave began, of 12 weeks after the event.
Standard Parental Leave	Biological, adoptive or legally recognized parents caring for newborn or newly adopted children who have 13 weeks of continuous service.	35 weeks when taken with Pregnancy Leave
		37 weeks
Extended Parental Leave		61 weeks when taken with Pregnancy Leave
		63 weeks