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Name:	Pregnancy & Parental Leave Policy – Administrative, Professional and Confidential Staff
Policy Number:	6-2012
Approving Authority:	Vice President, Finance & Administration
Approved:	January 3, 2006
Responsible Office:	Human Resources
Responsibility:	Senior Director, Human Resources
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Supersedes:	Not applicable
Next Required Review:	January, 2024

1. Purpose

- 1.1 Saint Mary's University supports employee parents in taking time away from our workplace to care for their newly born or newly adopted children.

2. Scope

- 2.1 This Policy applies to regular full-time, regular part-time and regular full-time sessional Administrative, Professional and Confidential Staff.

3. Policy

3.1 PREGNANCY (MATERNITY) LEAVE:

- a. Pregnancy leave is available for pregnant employees.
- b. An eligible employee may take pregnancy leave of up to seventeen (17) weeks.
- c. An employee can start the leave up to sixteen (16) weeks before the expected date of delivery. The employee must also take at least one (1) week after the date of delivery.
- d. At least four (4) weeks in advance of the leave, the employee is required to make written application to the Department Head/Director, or designate (copy to Human Resources) indicating the start date of leave, as well as the return to work date. The length of notice may be shorter if there is a certificate from a legally qualified physician stating the employee must leave their position sooner than expected due to medical reasons.
- e. Prior to the commencement of leave, the employee shall provide Human Resources with a medical certificate indicating the expected date of delivery.

- f. Employment Insurance (EI) maternity leave benefits may be initiated by the employee within twelve (12) weeks of the expected due date. Eligibility for EI benefits is determined based on eligibility in the Employment Insurance Act.
- g. In the event that the pregnancy terminates in or after the 20th week prior to the expected date of delivery, the employee is eligible for pregnancy leave. The leave will commence immediately and will end when seventeen (17) weeks have elapsed. A medical certificate from a legally qualified practitioner is required to be provided to Human Resources.
- h. In the event that the pregnancy terminates within the first nineteen (19) weeks prior to the expected date of delivery, the employee is eligible for sick leave. The Sick Leave policy for Administrative, Professional & Confidential employees would apply.

3.2 **PARENTAL LEAVE:**

- a. An Employee who has been employed with the Employer for at least thirteen (13) weeks, who becomes a parent for one or more children through the birth of the child or children, is entitled to an unpaid leave of absence of up to sixty-one (61) weeks.
- b. Parental leave can be claimed by one parent or shared between the two parents.
- c. At least four (4) weeks in advance of the parental leave, the employee is required to make written application to the Department Head/Director, or designate (copy to Human Resources) indicating the start date of leave, as well as the return to work date. When an employee qualifies for parental leave as a result of adoption, the employee shall provide as much notice as possible.
- d. Where an employee takes pregnancy leave, the employee is eligible to take parental leave of up to sixty-one (61) weeks. The leave shall commence immediately upon completion of the pregnancy leave and without the employee returning to work.
- e. Where the birth parent does not take pregnancy leave, the employee (i.e. if not the birth parent) is eligible to take parental leave of up to seventy-eight (78) weeks. The leave begins on such date, coinciding with or after the birth of the child or children or the child or children first arriving in the employee's home.
- f. Where an employee is not eligible for pregnancy leave as a result of adoption, the employee is eligible to take parental leave of up to seventy-eight (78) weeks. The leave begins on such date of the child or children first arriving in the employee's home, or at any other time agreed with the University.
- g. Eligibility for EI benefits is determined based on eligibility in the Employment Insurance Act.

3.3 **SUPPLEMENTAL BENEFITS:**

3.3.1 Pregnancy Leave

- a. Pregnancy leave supplemental benefits are available for regular full-time, regular part-time and regular full-time sessional employees with more than one year of continuous permanent service at the University.
- b. An employee with more than one year of continuous service but less than three years service at the University will be maintained at 80% of their regular annual salary for a period not to exceed seventeen (17) weeks.

- c. An employee who has three years continuous service or more at the University will be maintained at 95% of their regular annual salary for a period not to exceed seventeen (17) weeks.
- d. To be eligible for pregnancy supplemental benefits, the employee must provide the University with proof of EI maternity leave benefits. If the employee is not eligible for EI maternity leave benefits, they will not be eligible to receive pregnancy supplemental benefits.
- e. The pregnancy supplemental benefits will be implemented as follows:
 - For the first week of pregnancy leave the employee shall receive 80%/95% of their regular salary.
 - For up to a maximum of fifteen (15) additional weeks, the employee shall receive an amount equal to the difference between the EI benefits and 80%/95% of their regular salary.
 - For the seventeenth (17) week of the pregnancy leave the employee shall receive 80%/95% of their regular salary
 - Supplemental payments shall begin no earlier than twelve (12) weeks before the expected due date.

3.3.2 Parental Leave

- a. Parental leave supplemental benefits are available for regular full-time, regular part-time and regular full-time sessional employees with more than one year of continuous permanent service at the University and are the non-birth parent or have adopted a child(ren) five years of age or younger will receive supplemental benefits.
- b. An employee with more than one year of continuous service but less than three years service at the University will be maintained at 80% of the employee's regular annual salary for a period not to exceed ten (10) weeks.
- c. An employee who has three years continuous service or more at the University will be maintained at 95% of the employee's regular annual salary for a period not to exceed ten (10) weeks.
- d. To be eligible for parental supplemental benefits, the employee must provide the University with proof of their EI parental leave benefits. If the employee is not eligible for EI parental leave benefits, the employee will not be eligible to receive parental supplemental benefits.
- e. The parental supplemental benefits will be implemented as follows:
 - For the first two (2) weeks of parental leave the Employee shall receive 80%/95% of their regular salary.
 - For a maximum of eight (8) additional weeks, the employee shall receive an amount equal to the difference between the EI benefits and 80%/95% of the employee's regular salary.

3.3.3 Adoption Leave

- a. Adoption leave supplemental benefits are available for regular full-time, regular part-time and regular full-time sessional employees with more than one year of

continuous service at the University and are qualified for parental leave as a result of adoption.

- b. An employee with more than one year of continuation service but less than three years service at the University will be maintained at 80% of the employee's regular salary for a period not to exceed ten (10) weeks.
- c. An employee who has three years of continuous service or more at the University will be maintained at 95% of the employee's regular annual salary for a period not to exceed ten (10) weeks.
- d. To be eligible for parental supplemental, the employee must provide the University with proof of their EI parental leave benefits. If the employee is not eligible for WI parental leave benefit, the employee will not be eligible to receive parental supplemental benefits.
- e. The employee shall provide as much notice as possible of the leave.
- f. The employee is required to make written application to the Department Head/Director, or designate (copy to Human Resources) indicating the start date of leave, as well as the return to work date. The written notice must be supported by documentation evidencing the fact of adoption.
- g. The adoption leave begins the date the child (ren) is placed under the employee's responsibility, or at any other time agreed with the University.

3.4 **POST-NATAL LEAVE**

On the occasion of the birth of a child, the child's parent who is not taking a Pregnancy Leave shall be entitled to a leave with full salary and benefits, and without loss of continuous service credit, of up to five (5) days, to be taken at the discretion of the employee within four (4) weeks of the birth. An employee taking such leave shall give the Employer as much advance written notice as possible.

3.5 **IMPACTS ON VACATION LEAVE**

Employees do not continue to earn vacation while on pregnancy and/or parental leave. Employees will not lose vacation earned prior to leave, and their balance will be carried forward automatically while on leave. However, if balance exceeds the entitlement for the next vacation year the employee will be required to request to carry-over as per the Vacation Leave Policy.

Once an employee returns to work vacation will carry forward as per the Vacation Leave Policy.

3.6 **GENERAL CONSIDERATIONS**

- a. Leave for illness of an employee arising out of or associated with the employee's pregnancy prior to the commencement of pregnancy leave will be granted in accordance with the Sick Leave Policy for Administrative, Professional and Confidential staff.
- b. All insurance coverage and benefits currently in effect, as applicable and as amended from time to time by the University can be maintained during the pregnancy and/or parental leave. Benefit premiums will continue to be cost

shared and pension contributions will continue on the same employee/employer basis. Details are outlined on the Application for Continuation of Benefits Form While on Leave of Absence as amended from time to time.

- c. Salary increases will be processed if an employee is in receipt of supplemental benefits at the time of the increase. In this situation, supplemental benefits will be re-calculated based on the new salary. If an employee is not in receipt of supplemental benefits, the salary increase will be processed upon the employee's return to work.
- d. Upon return to work, the employee is to return to their previous position or comparable position, with no loss of salary level or vacation entitlements. The period of an employee's leave shall be included in the calculation of continuous service.
- e. Employees who commence a leave during their probationary period shall be required upon returning to work and resuming regular duties to complete their probationary period before being eligible for confirmation.
- f. If an employee resigns from the University the employee shall be terminated effective the date of resignation. If an employee fails to return to work at the conclusion of the leave, and no extensions have been granted, the employee shall be terminated effective the expected date of return.

3.7 **RETURNING TO WORK:**

If an employee decides to change their original return to work date (i.e. within the 78 weeks), the employee must provide a minimum of four (4) weeks written notice prior to the expected date of return. Written notice is to be provided to the Department Head/Director, or designate (copy to Human Resources) indicating the revised return to work date.

3.8 **INTERPRETATION:**

The Senior Director, Human Resources is responsible for the interpretation of this Policy. Unusual situations may occur where the normal application of this Policy may be inappropriate. Such special cases will be reviewed by the Senior Director, Human Resources.

4. **RELEVANT LEGISLATION**

Provisions of this Policy related to pregnancy leave and/or parental leave for an employee at a minimum shall be in accordance with the ***Nova Scotia Labour Standards Code***, as amended from time to time. Eligibility for federal Employment Insurance benefits shall be in accordance with the Employment Insurance Act (Canada).