



Policy

Pregnancy and Parental Leave – Employee Policy POL.COR.18.06

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Policy Statement

The Town of The Blue Mountains (“the Town”) recognizes that life events such as pregnancy, childbirth and when a child joins a family are significant periods of time for all persons involved. The Town supports employees through these events with the provision of pregnancy and parental leaves in accordance with Ontario’s Employment Standards Act (ESA). The Town is fully committed to maintaining an inclusive and respectful work environment consistent with the Ontario Human Rights Code (OHRC). New parents and pregnant employees who require additional supports that are not covered under this policy should seek advice from their Manager or the Human Resources Department for more information pertaining to their specific needs.

Purpose

The purpose of this policy is to provide employees with an overview of pregnancy and parental leaves available under the ESA, outline the roles and responsibilities of employees and supervisors in the accommodation of pregnancy-related needs, and implementing pregnancy and parental leaves of absence.

Application

This policy applies to employees who are eligible to take pregnancy and parental leave as permitted under applicable employment standards legislation. Unionized employees should also refer to their applicable collective agreement for any related provisions.

Definitions

Parent: As per the Ontario Employment Standards Act, a “parent” includes:

- a birth parent (biological)
- an adoptive parent (whether or not the adoption has been legally finalized)
- a person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as his or her own. This includes same-sex, trans and gender diverse partnerships

Parent Who Has Given Birth: The parent who carried and delivered a child, including through caesarean section.

Pregnancy: The process of having a baby from conception up to the period following childbirth.

Pregnancy Leave: The leave provided under Ontario’s Employment Standards Act to the parent who has given birth, for the purpose of recovering from the physical demands of child birth.

Parental Leave: The leave provided under Ontario’s Employment Standard’s Act to parents for the purpose of providing care to any child that has come under the care, custody, and control of the parent for the first time. Applies to the parent who has given birth following the end of the pregnancy leave. Leave for the purpose of adoption is considered parental leave.

Procedures

Pregnancy Leave:

A pregnant employee who has at least thirteen (13) weeks of employment before the expected date of birth is entitled to and must be granted a pregnancy leave of absence without pay, not exceeding seventeen (17) weeks in duration provided they:

- submit a note in writing to their direct Supervisor and the Human Resources department for pregnancy leave at least four (4) weeks before the date on which the leave is to commence; and

Parental Leave:

Parental Leave is the leave provided under Ontario’s Employment Standard’s Act to parents for the purpose of providing care to any child that has come under the care, custody, and control of the parent for the first time. Applies to the parent who has given birth following the end of the pregnancy leave. Leave for the purpose of adoption is considered parental leave.

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A parent who has given birth is entitled to 61 weeks of parental leave beyond the 17 weeks of pregnancy leave. The child's other parent is entitled to a maximum of 63 weeks of parental leave. If the child's other parent chooses to take parental leave, they must begin their leave no later than 78 weeks after the birth or after the child first comes into their care, custody or control. Employees may take a shorter leave if desired; however once commencing the leave it must be taken all together. For instance, employees cannot begin the leave, return to work, and then decide to take the remainder of the leave at a later date.

Notice Period

Employees are encouraged to provide as much notice as possible before taking pregnancy or parental leave so that the Town can plan accordingly. Employees must give the Town written notice at least four (4) weeks before the start of the leave. Where an employee must begin their leave immediately due to unforeseen circumstances such as illness or complications caused by pregnancy, and cannot provide four weeks' notice, the employee will inform their supervisor as soon as possible. Employees must give the Town four weeks' written notice of when they plan to end the leave or if they wish to change the return date to an earlier or later time. Employees who decide not to return to work at the end of the leave are requested to give the Town at least four weeks written notice of his/her intention to terminate employment.

Right to Reinstatement

Upon their return, an employee who has taken pregnancy leave, parental leave, or both is entitled to return to the same job that they had before the leave. In the event that the job that the employee held before taking a leave no longer exists upon their return, the employee will be placed in a comparable job.

Employment Insurance

The Federal Employment Insurance Act provides eligible employees with pregnancy leave and/or parental leave benefits that are payable over the period that the employee is off on such leaves. Employment insurance is paid to one parent or the other, or can be split between both parents.

Health & Wellness Benefits

For employees who are eligible for benefits, continued coverage will be offered during pregnancy leaves and parental leaves as follows:

- Benefit coverage includes extended health and dental coverage, group life insurance and accidental death and dismemberment insurance benefits and the employee assistance plan (EAP).

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- Employees enrolled in optional life insurance will have the option to continue coverage during their leave. If an employee chooses to cease coverage during leave and wishes to continue coverage upon their return, the employee will have to reapply. This will require an employee to medically qualify for this coverage with the Insurer.
 - Unionized employees are advised to review their respective Collective Agreements where applicable for specific details on their benefits during pregnancy and parental leave.

Performance Appraisal

When it is known that an employee will be taking pregnancy or parental leave, their supervisor is advised to complete a Performance Appraisal (PA) before the individual commences their leave.

Pay Increases During Leave

An employee who is away from the workplace due to a pregnancy or parental leave is entitled to any annual pay increase they normally would receive during that time.

- An employee who was due for a step increase during their leave, and did not have a PA completed prior to commencing their leave, may be required to work for an assessment period before the step increase will be initiated.
- Pay or step increases will take effect upon the employee's effective date of return.

Seniority, Service and Vacation

Seniority and service will continue to accrue for employees who are on pregnancy and parental leave. Vacation **pay** does not accrue while an employee is on leave. Vacation time is earned while on leave and may be taken prior to the employees return.

OMERS Pension

If an employee wishes to maintain pension service credits he/she must pay the employee's contributions for the duration of the leave. The Town will match these contributions if the contributions are completed prior to the end of December 31st of the year following the leave end.

Return of Town Property for Duration of Leave

Employees who will be away from the workplace on a pregnancy or parental leave must leave all Town property (such as laptops, pagers, cell phones, etc.) with their direct supervisor at the end of their last scheduled work day before the leave. If an employee has to start their leave earlier than was anticipated, the employee must make arrangements with their supervisor to return the property as soon as it is possible to do so.

Exclusions

This policy does not apply to Members of Council.

References and Related Policies

POL.COR.17.05 Vacation Policy

Employment Standards Act of Ontario Guide to Pregnancy and Parental Leave:
<https://www.ontario.ca/document/your-guide-employment-standards-act-0/pregnancy-and-parental-leave>

EI Maternity and Parental Benefits Overview:
<https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html>

Consequences of Non-Compliance

Compliance with this policy shall be interpreted in a manner consistent with the Ontario Human Rights Code. Failure to comply with this Policy will result in the appropriate disciplinary action up to and including termination of employment.

Review Cycle

This policy will be reviewed once per term of council or as required due to legislative change.