

Article 35: Maternity, Paternity and Parental Leave

35.01 The following arrangements are provided for parents to enable members to combine successfully an academic career and family responsibilities without significant financial and career disadvantage, and to recognize the role of both parents in childbirth and child rearing.

35.02 The provisions of this article apply differently to the three (3) following categories of members:

- a) Members eligible for benefits under the Quebec Parental Insurance Plan (QPIP);
- b) Members eligible for benefits under Employment Insurance (EI);
- c) Members eligible for neither QPIP nor EI benefits.

35.03 MATERNITY LEAVE

- a) The appropriate Dean shall, upon the request of a pregnant member and upon receipt of a medical certificate indicating the expected birth date, grant the member eighteen (18) consecutive weeks of maternity leave.
- b) A member may begin maternity leave no earlier than sixteen (16) weeks before the expected birth date and no later than the day of the birth.
- c) If the birth occurs after the due date, the member is entitled to extend her maternity leave for the length of time the birth is overdue, unless she has at least two (2) weeks of maternity leave left after the birth.
- d) A member is also entitled to a maternity leave of eighteen (18) consecutive weeks, where there is a termination of pregnancy in or after the beginning of the twentieth week preceding the due date.
- e) Where there is a termination of pregnancy before the beginning of the twentieth week preceding the expected date of delivery, the member is entitled to a maternity leave of six (6) consecutive weeks from the date the pregnancy is terminated, unless a medical certificate attests that the member needs an extended leave.

35.04 MATERNITY LEAVE WITH QPIP SUPPLEMENTAL BENEFITS

- a) During the period of maternity leave as specified in Article 35.03, a member who is entitled to QPIP benefits is entitled to supplementary benefits as follows:
 - i) for up to a maximum of eighteen (18) weeks, she shall receive an amount equal to the difference between the QPIP benefits received and 95% of her nominal salary;
 - ii) payment shall begin at the start of the maternity leave;

- iii) members who are entitled to maternity leave shall be entitled to a further two (2) weeks of supplemental maternity leave which shall be taken at the conclusion of the period covered by QPIP; such leave shall not be deemed included in the Parental leave; during such leave the member shall receive an amount equal to 95% of her nominal salary.
- b) To receive the supplementary benefit defined in Article 35.04 a), the member shall supply the Employer with a copy of the claim for benefits filed under QPIP:
 - i) the Employer shall estimate the amount of QPIP benefits and provide supplementary payments to the member on the usual salary payment schedule, and these supplementary payments shall be regarded as an advance;
 - ii) the member shall provide the Employer with evidence of the actual QPIP payments received, and the Employer shall adjust subsequent payments to the member, up or down, to achieve the top-up described in Article 35.04 a) above.

35.05 MATERNITY LEAVE WITH EI SUPPLEMENTAL BENEFITS

- a) Members who reside outside Quebec and who are for that reason not entitled to benefit from the QPIP, but are entitled to receive EI maternity benefits, shall receive the supplementary benefits as follows:
 - i) for the first two (2) weeks (the waiting period), she shall receive 100% of her nominal salary;
 - ii) for up to a maximum of fifteen (15) additional weeks, she shall receive an amount equal to the difference between the EI benefits received and 95% of her nominal salary;
 - iii) in the event of a miscarriage or a stillbirth, payment is limited to six (6) weeks from the date of the loss.
 - iv) payments shall begin no earlier than eight (8) weeks before the expected birth date and end no later than seventeen (17) weeks after the birth date unless the child is confined to hospital.
- b) To receive the supplementary benefit defined in Article 35.04 a) ii), the member shall supply the Employer with proof of application to the Employment Insurance Commission. The payment of the supplementary employment benefit shall be as follows:
 - i) the Employer shall estimate the amount of EI payment and provide supplementary payments to the member on the usual salary payment schedule and these supplementary payments shall be regarded as an advance;

- ii) the member shall provide the Employer with evidence of the actual EI payments received;
- iii) the Employer shall adjust subsequent payments to the member, up or down, to achieve the top-up described in Article 35.04 a) above, based on the actual EI payment received by the member.

35.06 MATERNITY LEAVE WITH SUPPLEMENTAL BENEFITS WHEN ELIGIBLE FOR NEITHER QPIP NOR EI BENEFITS

A member who is eligible for neither QPIP nor EI benefits shall be entitled to compensation equal to 95% of her nominal salary for a ten (10) week period.

35.07 LEAVE FOR NON-BIRTH PARENT

A member whose spouse gives birth or who adopts a child shall be entitled to a leave with full nominal salary and benefits of up to five (5) days, to be taken at the discretion of the member within fifteen (15) days after the child arrives at the residence. A member taking such leave shall so advise the Dean.

35.08 PATERNITY LEAVE

- a) A member whose spouse gives birth is entitled to a paternity leave of a maximum duration of five (5) continuous weeks. The paternity leave begins at the earliest the week of the child's birth and ends at the latest fifty-two (52) weeks after the child's birth.
- b) The member whose spouse dies receives the balance of her twenty (20) weeks of maternity leave, and benefits from any related rights and benefits pertaining to such leave.

35.09 PATERNITY LEAVE WITH SUPPLEMENTAL QPIP BENEFITS

A member who is eligible for QPIP shall receive a supplementary indemnity equal to the difference between 95% of his nominal salary and the benefit received, and this, for a maximum duration of five (5) weeks;

35.10 PARENTAL LEAVE

A member is entitled to a parental leave of a maximum period of two (2) consecutive years subsequent to the maternity or paternity leave, or when a child is adopted.

35.11 PARENTAL LEAVE WITH QPIP SUPPLEMENTAL BENEFITS

During the period of parental leave as specified in Article 35.10, a member who is eligible for QPIP benefits shall be entitled to supplementary benefits as follows:

- a) A supplementary indemnity equal to the difference between 95% of her or his nominal salary and the benefit received, and this, for a maximum duration of

thirty-two (32) weeks, or in the case of an adoption, for a maximum duration of thirty-seven (37) weeks;

- b) Parental benefits may be claimed by one parent or shared between the two partners. The total duration of the shared parental leave shall not exceed thirty-two (32) weeks and it shall be taken within a year from the birth of a child. In the case of an adoption, the total duration of the shared parental leave shall not exceed thirty-seven (37) weeks and it shall be taken within a year from the day the child first comes into the custody, care and control of the parents.

35.12 PARENTAL LEAVE WITH EI SUPPLEMENTAL BENEFITS

Members who reside outside Quebec and who are for that reason not entitled to benefit from the QPIP, but are entitled to receive EI parental leave, shall receive the supplementary benefits as follows:

- a) for the first two (2) weeks the member shall receive one hundred percent (100%) of her or his nominal salary if the member has not taken maternity leave;
- b) for the next thirty-five (35) weeks of the parental leave, or such portion thereof as the member applies to take pursuant to the relevant government regulations, the member shall receive an amount equal to the difference between the EI benefits received and ninety-five percent (95%) of the member's nominal salary.
- c) parental benefits may be claimed by one parent or shared between the two partners. If shared, only one waiting period shall be served by one parent per birth or adoption.

35.13 NOTICES

- a) The member shall give written notice to the appropriate Dean of their intention to take a maternity, paternity or parental leave at least three (3) weeks prior to the leave. Such notice shall stipulate the date the leave is to begin and the expected date of return to work. However, in the case of faculty members, if the leave is to begin during a term in which the member would normally have been assigned teaching duties, it is preferable that the notice be given at least one (1) month before the first day of scheduled classes for that term. In the case of a librarian member, it is preferable that the notice be given at least two (2) months prior to the date of the leave.
- b) In the case of maternity leave, the notice period in Article 35.13 a) shall not apply if the member stops working because of complications caused by her pregnancy or because of a birth, stillbirth or miscarriage that happens earlier than the member was expected to give birth. In such circumstance, the member shall, within two (2) weeks of stopping work, give the Employer:
 - i) written notice of the date the maternity leave began or is to begin; and
 - ii) a medical certificate that,

- 1) in the case of a member who stops working because of complications caused by her pregnancy, states that she is unable to perform her duties for such reasons and states the expected birth date; or
 - 2) in any other case, states the date of the termination of pregnancy and the date the member was expected to give birth.
- c) A member on maternity, paternity or parental leave who wishes to return to work earlier than specified in the notice provided in Article 35.13 a) shall give written notice to the Dean at least three (3) weeks prior to her or his return.

However, in the case of faculty members, it is preferable for the return to occur at the beginning of a term and that notice be given at least one (1) month prior to the return.

- d) A member on parental leave of less than two (2) years who wishes to extend her or his leave beyond the date specified in the notice provided in Article 35.13 a) shall give written notice to the Dean at least one (1) month prior to the originally specified date of return.

35.14 GENERAL CONSIDERATIONS

- a) Provisions of the maternity, paternity or parental leave for a member shall be no less than those provided for in the relevant government legislation.
- b) During the maternity, paternity or parental leave, the member is entitled, insofar as she or he would normally be entitled to them and providing she or he assumes her or his part of the premiums or cost, to the following benefits:

- Life insurance;
- Supplementary life insurance;
- Dental and vision care;
- Health insurance;
- Pension plan and retirement benefits;
- Accumulation of vacation;
- Accumulation of years of service.

- c) During the maternity, paternity or parental leave, the University will assume its part of the premiums or cost, as the case may be, for the pension and group insurance plans for up to seventy (70) weeks. A member may subsequently continue to benefit from the pension and insurance plans should these plans so permit, on condition that she or he pays the entire premium or cost, as the case may be.
- d) The grid salary of a member on maternity, paternity or parental leave shall be adjusted in accordance with Article 39. A member on maternity, paternity or parental leave is also eligible for step/CDI increases according to the provisions of Article 14 or Article 15, and Article 39, based on an assessment of her or his

performance during the period that the member was not on leave and, if applicable, based on relevant activities voluntarily undertaken while on leave.

- e) Upon return to work from the maternity, paternity or parental leave, members shall resume their former position, with full nominal salary and benefits as provided for under this Collective Agreement.
- f) Upon request to the appropriate Dean, a pregnant member or a member who is breast feeding shall benefit from an adjustment of duties when complications related to the pregnancy justify it, or when working conditions expose her, the unborn child or the child she is breast feeding to physical dangers to infectious diseases or danger of miscarriage.
- g) When there is a complication in the pregnancy or a risk of miscarriage or a risk to the health of the mother or child and her duties cannot be adjusted as provided above, then the member is entitled to a special leave for the duration specified in the medical certificate that attests to the existence of a risk and to the expected delivery date. During such leave; the member is eligible to sick leave as provided for in Article 33, up to the beginning of the fourth week preceding the expected date of delivery, at which time the member is deemed to be on maternity leave.
- h) In cases where a portion of the Parental Leave coincides with a period of paid vacation, the member shall not receive compensation under this Article for the duration of the overlap.
- i) A member who travels outside of Quebec to adopt a child is entitled, upon written request to the University, to a leave with pay for the time required for travel. The member shall give, if possible, two (2) weeks advance notice to the University.
- j) **Rearrangement of Assigned Teaching Duties**
 - i) A faculty member whose maternity, paternity, or parental leave begins and ends during two (2) different academic terms in which the member would normally have been assigned teaching duties, in such a way that it is not possible to assign teaching in either of the two (2) terms, may be required to rearrange the teaching in subsequent terms under the provisions of Article 16.
 - ii) Faculty members who return from maternity, paternity or parental leave are normally eligible to rearrange their assigned teaching duties for the next two (2) year period as per Article 16.04 1). The member should request reassignment as early as possible to facilitate appropriate arrangements.
- k) The member may apply to prolong parental leave through a reduced-time appointment of a maximum period of thirty (30) months. Such reduced-time appointments shall not count under the limits imposed by Article 25.02 and Article 25.03. Members must inform their Dean of the intention to avail

themselves of a reduced-time appointment at least six (6) months before the end of their parental leave. The prolongation of parental leave through a reduced-time appointment is governed by the relevant provisions of Article 25. For the purpose of this provision the requirement that the member be tenured shall be waived.

- l) A librarian member on maternity leave or parental leave will normally be replaced.
- m) A member who is unable to return to work on the expected date following a maternity, paternity or parental leave due to illness or injury is eligible to sick leave benefits as of the expected date of return.

35.15 DIVISION, INTERRUPTION, OR EXTENSION OF MATERNITY, PATERNITY OR PARENTAL LEAVE

A member is entitled to divide into weeks, interrupt or extend a maternity, paternity or parental leave in all cases specified in applicable legislation.

The member shall resume her or his maternity, paternity or parental leave when the event giving rise to the division or interruption of the leave is terminated. When such leave is resumed, the University shall recommence the payment of the supplementary benefits to which the member would have been entitled, had it not been for the division or interruption of the leave.

35.16 An member who, before the expiry date of the maternity, paternity or parental leave, sends the appropriate Dean a written notice accompanied by a medical certificate attesting that the state of health of the child or, in the case of a maternity leave, that her own state of health requires it, is entitled to an extension of the leave for the duration indicated in the medical certificate.

35.17 The provisions of articles 35.15 and 35.16 do not have the effect of extending a parental leave beyond one hundred and four (104) weeks following the birth or the date on which the adopted child was entrusted to the member.

Agreed October 12, 2012