

 <p>The Corporation of the Town of Oakville</p> <p>PROCEDURE</p> <p>Pregnancy/Parental Leave</p>	Procedure Number HR-MNG-001-010	Page: 1 of 3
	Parent Policy No.: HR-MNG-001 Author: Human Resources Department Authority: CAO	
Section: Human Resources Sub-Section: Manage	Effective Date: 2012 Dec 17 Review by Date: 5 years from CAO approval	Replaces: New <i>Formerly HR-MNG-004-006</i> Last Modified:

Purpose Statement

This procedure defines the conditions for granting pregnancy/parental leave, the application process and applicable benefits.

Scope

This procedure and any financial provisions apply to all non-union employees and union employees subject to terms and conditions in their respective collective agreements.

This Procedure shall be read in conjunction with the *Employment Standards Act, 2000*, (“ESA”) as amended, and the terms and conditions of the applicable collective agreement.

Pregnancy Leave

A pregnant employee hired at least 13 weeks before ~~her~~their due date is entitled to seventeen (17) weeks unpaid pregnancy leave. The period of the leave shall be taken at the discretion of the employee during the weeks immediately preceding and/or immediately following the birth of the child.

Parental Leave (Including Adoption)

New parents will be granted unpaid parental leave in accordance with the Employment Standards Act. A new parent must be hired for at least 13 weeks before commencing a parental leave.

[A birth parent who takes pregnancy leave is entitled to up to sixty-one \(61\) weeks of parental leave. A non-birth parent who does not take pregnancy leave is entitled to up to sixty-three \(63\) weeks' parental leave.](#)

Parental leave is separate from pregnancy leave and a birth parent may take both pregnancy and parental leave. In addition, the right to parental leave is independent of the right to pregnancy leave. For example, a non-birth parent could be on parental leave at the same time the birth parent is on either pregnancy leave or parental leave.

Parental leave must begin no more than seventy-eight weeks after the day the child is born or comes into the custody, care, and control of the employee for the first time.

~~Birth mothers who took pregnancy leave are entitled to up to 35 weeks' leave. Birth mothers who do not take pregnancy leave and all other new parents are entitled to up to 37 weeks' parental leave.~~

~~Parental leave is not part of pregnancy leave and so a birth mother may take both pregnancy and parental leave. In addition, the right to a parental leave is independent of the right to pregnancy leave. For example, a birth father could be on parental leave at the same time the birth mother is on either her pregnancy leave or parental leave. The combined parental leave between both parents must not exceed 37 weeks.~~

~~Parental leave must begin no more than fifty-two weeks after the day the child is born or comes into the custody, care and control of the employee for the first time.~~

Request for Leave

Application for pregnancy/parental leave shall be made, in writing, to the employee's immediate supervisor with a copy to the Manager of Payroll & Benefits to the Person and Benefits Specialist as follows:

- ~~• Application shall normally be made no later than four (4) weeks prior to the leave beginning;~~
- Requests shall normally be made no later than two (2) weeks prior to the leave beginning. From an operational perspective, providing as much notice as possible and preferably a minimum of 4 weeks would be appreciated;
- Requests for pregnancy leave must also be accompanied by certification ~~of a~~ from a Medical ~~Practitioner~~ Doctor or Midwife;
- Requests for parental leave must ~~be accompanied by verification-~~ indicate estimated due date and/or date of the birth of the employee's child or the coming of a child into the employee's custody, care and control for the first time_;;
- Requests for parental leave by the birth ~~mother~~ parent should be made, if possible, prior to the commencement of the pregnancy leave;
- All requests for leave must state the proposed beginning and end date of the leave_;;
- Employees wishing to return from the leave early must provide at least four (4) weeks ~~notice~~ weeks' notice prior to the revised return date.

Return to Work

When an employee returns from pregnancy leave and or parental leave, ~~she they shall be~~ will be reinstated in ~~her~~ their former position, if it continues to exist. If it does not, then the

employee ~~shall be~~ will be reinstated in a vacant comparable position at the current rate of their former job. ~~of the job vacated.~~

Service Date and Vacation

Vacation entitlement and service will continue to accrue in accordance with the town policy or any applicable collective agreement. ~~the normal fashion.~~

OMERS and Benefits

The Town shall continue all applicable extended health benefits during the leave period. Employees have the option to ~~pay~~ purchase ~~the employee's contribution portion to~~ the OMERS leave period in accordance with OMERS regulations. ~~If so, the town will continue the employer's contribution in accordance with OMERS regulations.~~

References and Related Documents

1. Leave of Absence Policy;
2. *Employment Standards Act, 2000*;
3. Pregnancy Leave Supplemental Top-Up Agreement for Full-Time Permanent Non Union and CUPE 1329 Employees
4. Pregnancy and Parental Leave Supplemental Top-Up Agreement for OPFFA Members
5. Related collective agreements

Definitions

Parent

Birth parent, adopting parent, person in a relationship of some permanence with a parent of a child and plans to treat the child as their own.

Non-Birth Parent: The parent who was not pregnant and did not give birth to the child that comes into their custody, care, and control, and are legally recognized as the parent. This also applies in the case of adoption.