

NIPISSING UNIVERSITY STUDENT UNION



**Pregnancy and Parental Leave Policy**

**Approved by the Board of Directors on: October 20th, 2021**  
**Last Review Date: October 20th, 2021**

## **I. PREAMBLE**

The purpose of this policy is to outline the various forms of unpaid leave a NUSU employee is entitled to should they need to utilise pregnancy and/or parental leave based on Employment Standard Act (ESA) guidelines. NUSU will provide the allotted amount of unpaid leave to the qualifying employee based on the scenario they fit in best at the time. This policy will be in effect for births, adoptions, and placements of foster children.

## **II. Eligibility**

1. Eligible employees must have been employed for at least thirteen (13) weeks with NUSU in order to qualify for unpaid parental leave.
  - 1.1. In cases of pregnancy leave, the NUSU employee must be employed thirteen (13) weeks before the due date.
2. Eligible employees must begin their parental leave within seventy-eight (78) weeks of the birth of the child or the placement of the child in their home.
3. What classifies as a parent
  - 3.1. A birth parent
  - 3.2. An adoptive parent
  - 3.3. A person who is in a relationship of permanence with a parent of a child that intends to raise the child as their own. This includes same sex couples.
4. Eligible employees must notify the executive team in writing at least two (2) weeks prior to beginning their leave.
  - 4.1. Employees do not have to provide a specific date of their expected return at this time. Employees must notify the executive team in writing four (4) weeks before their expected return date.
  - 4.2. If an Employee has to take leave earlier than expected (complications with the pregnancy for example or the child is born/comes into custody earlier than expected). The employee has two (2) weeks to provide the executive a written notice of the day pregnancy or parental leave began.

## **III. Pregnancy Leave**

1. Pregnant employees have the right to take up to seventeen (17) weeks, or longer in certain circumstances of unpaid leave.

- 1.1. If the employee has a live birth more than seventeen (17) weeks before the due date, she is entitled to begin her pregnancy leave on the day of the birth.
- 1.2. If an employee has taken her entitled seventeen (17) weeks of unpaid pregnancy leave and is still pregnant, she may continue her pregnancy leave until the birth of her child. After which she can commence parental leave if she so chooses.
- 1.3. An employee does not have to take the full seventeen (17) weeks of unpaid pregnancy leave. Once an employee begins her pregnancy leave, if she chooses to return to work before the seventeen (17) weeks are up, under the ESA she forfeits the remainder of the pregnancy leave.
2. Miscarriage and Stillbirths
  - 2.1. If an employee has a miscarriage or still birth within the seventeen (17) weeks preceding her due date, she is eligible for unpaid pregnancy leave. In this case, the latest date to commence her pregnancy leave would be the date of the miscarriage or stillbirth.
  - 2.2. The pregnancy leave in this case would end on whichever is the later
    - 2.2.1. Seventeen (17) weeks after the leave began
    - 2.2.2. Twelve (12) weeks after the date of the miscarriage or stillbirth
  - 2.3. An employee whose spouse or partner experiences a stillbirth or miscarriage is entitled to two (2) weeks of unpaid leave.

#### **IV. Parental Leave**

1. New parents have the right to take sixty-one (61) or sixty-three (63) weeks of unpaid parental leave as outlined in ESA guidelines.
  - 1.1. If the employee uses pregnancy leave they are only entitled to sixty-one (61) weeks of unpaid parental leave.
2. An employee may choose to take a shorter parental leave than the outlined sixty-one (61) or sixty-three (63) weeks. However, once an employee begins parental leave they must take it all at once. If an employee returns to work before the end of the sixty-one (61) or sixty-three (63) weeks, they forfeit the remainder of their parental leave.

## V. Employee Rights When Taking Pregnancy and/or Parental Leave

1. An employee who takes pregnancy and/or parental leave is entitled to the same job they had before they began leave.
  - 1.1. If the job no longer exists the employee is entitled to a comparable job to what the employee was doing before at the same salary they were earning before taking leave.
2. If wages have gone up when the employee was off on leave, or would have went up if the employee had not taken leave, they are entitled to the higher wages once they return.
3. The employee will still have access to their benefits while on unpaid pregnancy and/or parental leave.
4. The employee continues to earn credits towards length of employment, service and seniority while on pregnancy and/or parental leave.

## VI. EI Benefits

NUSU has no control over eligibility that the employee requesting unpaid pregnancy and/or parental leave has when applying for EI Benefits. This section of the policy is just to inform employees of what benefits they can apply for while on unpaid pregnancy and/or parental leave. This is merely a reference guide, for more information about EI benefits for maternity or parental leave please consult

<https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/apply.html>

1. EI Maternity Benefits
  - 1.1. Only offered to biological or surrogate mothers who are unable to work because they are pregnant or have recently given birth.
  - 1.2. A maximum of fifteen (15) weeks of EI maternity benefits are available. The fifteen (15) weeks can start as early as twelve (12) weeks before the expected due date and can end as late as seventeen (17) weeks after the birth date of the child.
2. EI Parental Benefits
  - 2.1. Offered to parents who are caring for a newborn or newly adopted child or children.
    - 2.1.1. Standard Parental Benefits can be paid for a maximum of thirty-five (35) weeks and must be claimed within fifty-two (52) weeks after the week the child was born or placed for the purpose of adoption.

The benefits are available to biological, adoptive or legal parents at a weekly benefit rate of 55% of the claimants weekly insurable earnings to a maximum amount. The two parents can share these thirty-five (35) weeks of standard parental benefits.

- 2.1.2. Extended Parental Benefits can be paid for a maximum of sixty-one (61) weeks and must be claimed within a seventy-eight (78) week period after the child was born or placed for the purpose of adoption. The benefits are available to biological, adoptive or legal parents at a weekly benefit rate of 33% of the claimants weekly insurable earnings to a maximum amount. The two parents can share these sixty-one (61) weeks of extended parental benefits.

### 3. EI Maternity and Parental Benefits Eligibility

- 3.1. Employee eligibility to receive maternity benefits and/or parental benefits must meet the following criteria:
  - 3.1.1. you are employed in insurable employment
  - 3.1.2. you meet the specific criteria for receiving EI maternity or parental benefits
  - 3.1.3. your normal weekly earnings are reduced by more than 40%
  - 3.1.4. you have accumulated at least 600 hours of insurable employment during the qualifying period