

**TITLE: MATERNITY, PARENTAL AND ADOPTION LEAVE POLICY**  
**SECTION: HUMAN RESOURCE MANAGEMENT**  
**POLICY NO: 04000-11**

**APPROVAL DATE:** \_\_\_\_\_

**CAO Signature:** \_\_\_\_\_

### **POLICY STATEMENT**

~~Employees of the Town of Amherst shall be provided with a leave of absence without pay in accordance with the Nova Scotia Labour Standards Code for maternity leave, parental leave and adoption leave.~~ The Town of Amherst is committed to supporting all employees who take leave from work to care for newborn or adopted children, or for pregnancy loss.

### **PURPOSE**

To establish and maintain a uniform policy respecting employee leave of absence, specifically that of maternity leave, parental leave and adoption leave.

### **SCOPE**

This policy applies to all non-unionized employees.

Unionized employees shall adhere to the provisions of their respective collective agreements.

The provisions of the Nova Scotia Labour Standards Code, as amended from time to time, respecting pregnancy and parental leave shall apply to all employees.

### **DEFINITIONS**

Employee: an individual who has been employed with the Town of Amherst for at least one year, with continuous regular employment status.

Employer: the Town of Amherst.

CAO: the Chief Administrative Officer

~~Department Head:~~ Director: an employee who is responsible for the operation of a designated department of the Town of Amherst and reports directly to the CAO.

### **OBJECTIVES**

#### Maternity, Parental & Adoption Leave

Maternity, parental and/or adoption leave shall be granted in accordance with the Nova Scotia Labour Standards Code, or Federal Employment Insurance (EI) standard, whichever is more beneficial to the employee.

In the case of a pregnancy loss after 19 week's gestation, employees shall be eligible for leaves and supplemental employment insurance benefits as established in this policy.

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### Supplemental Employment Insurance Benefits

As a means of supporting employees who take maternity, parental and/or adoption leave, the Town will provide supplemental employment insurance benefits to employees with the following conditions:

- a. The employee is required to provide the Town's human resources department with proof that they are entitled to receive EI benefits pursuant to the Employment Insurance Act;
- b. The employee must forward the first EI benefit statement to the human resources department, so that the Town can verify the amount to be paid in accordance with this policy.
- c. Should the amount of employment insurance benefit the employee receives change during their leave, the employee agrees to provide the Town with notice of the change so that the salary top-up calculation can be adjusted accordingly;
- d. The employee must sign an agreement to return to work for a period of at least six (6) months following the end of leave;
- e. Should the employee fail to return to work as stipulated in these conditions, the full amount of the supplementary top-up benefit received under this policy must be repaid to the Town.

Providing the employee has complied with the required conditions, the Town will provide a supplementary salary top-up benefit as follows:

- a. If an employee is on maternity, parental and/or adoption leave and is in receipt of benefits under the terms of the Employment Insurance Act, the Town shall provide the employee a supplemental employment insurance benefit for a maximum period of 52 weeks;
- b. The Town shall supplement employment insurance payments by providing a salary top-up during the leave period so that employment insurance benefits and the top-up amount equal to 90% of the employee's gross salary, to a maximum of 52 weeks;
- c. The salary that will be used for calculating this amount is the employee's salary on the first day of leave;
- d. Adjustments will not be made for salary scale increments or inflationary increases during the leave period.

### Maternity Leave

~~A pregnant employee, who has been employed by the Employer for at least one year, is entitled to an unpaid leave of absence of up to seventeen (17) weeks. This leave shall commence no sooner than sixteen (16) weeks preceding the expected date of delivery by the employee and no later than the date of delivery as determined by the employee's physician.~~

~~An employer may require a pregnant employee to take an unpaid leave of absence while the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected. This does not affect any protection provided to a pregnant employee by the Human Rights Act.~~

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### **Parental Leave**

~~An employee, who has been employed by the Employer for at least one year, and who becomes a parent of one or more children through the birth of a child is entitled to an unpaid leave of absence of up to fifty two (52) weeks.~~

### **Adoption Leave**

~~An employee, who has been employed by the Employer for at least one year, and who becomes a parent of one or more children through the placement of a child in the care of the employee for the purpose of adoption is entitled to an unpaid leave of absence of up to fifty two (52) weeks.~~

### **Leave Maximum**

~~The maximum combined maternity and parental leave to which an employee is entitled is fifty two (52) weeks.~~

### **Proof of Entitlement**

~~When an employee requests maternity leave, the employee shall provide, where the Employer so requests, a certificate of a legally qualified medical practitioner stating that the employee is pregnant and specifying the expected date of delivery.~~

~~Where an employee requests parental leave, the employee shall provide a certificate of a legally qualified medical practitioner to establish the entitlement of the employee to the parental leave.~~

~~Where an employee requests adoption leave, a certificate of an official in the Department of Community Services with knowledge of the proposed adoption is sufficient proof of the matters attested to in the certificate.~~

### **Notice of Leave**

The employee shall provide the Department Head **Director** with four (4) weeks notice prior to the beginning of the maternity, parental or adoption leave and the date the employee will return to work upon completion of the leave(s). When a female **an employee** has requested both maternity leave and parental leave, the leaves of absence shall be taken consecutively.

An employee shall give the Employer as much notice as reasonably practical of the date the employee will begin maternity, parental or adoption leave where:

- ~~she is~~ **they are** advised by a legally qualified practitioner to begin maternity leave sooner than planned because of medical circumstances resulting from ~~her~~ **the** pregnancy;
- the actual delivery occurs sooner than expected; and
- the first arrival of the child or children in the employee's home where that arrival is not anticipated or occurs sooner than reasonably expected.

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### **Hospitalization of Child**

In the event that the employee has commenced maternity, parental, or adoption leave, and the child for which the leave was granted is hospitalized for a period exceeding one week, the employee may return to work and defer the unused portion of the leave until the child is discharged from the hospital. The employee is only entitled to one interruption and deferral of each maternity, parental or adoption leave.

### **Benefit Coverage**

While an employee is on maternity, parental or adoption leave, the Employer shall maintain the **group insurance coverage** ~~Blue Cross benefit plan~~ if the employee currently participates in it and wishes to continue the coverage. The Employer shall continue to pay its share of premium costs for maintaining such coverage during the leave and the employee will pay ~~his/her~~ **their** share via the **continued deduction of the premium from the employee's salary top-up.**

**Should the employee leave extend beyond 52 weeks and the salary top-up provided for in this policy ends, the employee can maintain coverage by providing payment to the Town for the employee share of premiums in an alternative form, arranged by the human resources department. by providing post dated cheques to the Employer.**

If the employee does not pay ~~his/her~~ **their** respective share, coverage will cease for the duration of the leave.

### **Pension Contributions**

**While an employee is on maternity, parental or adoption leave, they may elect to continue pension contributions for the duration of their leave via the continued deduction from their salary top-up. If the employee chooses to do so, the Town will continue to match the employee contribution.**

**Should the employee leave extend beyond 52 weeks and the salary top-up provided for in this policy ends, the employee can continue pension contributions by providing payment to the Town for the employee portion of the contributions in an alternative form, to be arranged with the human resources department.**

**Alternatively, the employee may elect to pause pension contributions while on leave and if so, the employer contribution will also cease for the duration of the leave.**

### **Anniversary Date**

~~The Anniversary Date of employment for the employee does not change by the length of the maternity, parental or adoption leave.~~

### **Vacation**

Vacation entitlement for any given year will be prorated to reflect the period the employee is off on leave.

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If an employee has unused vacation days when going on maternity, parental or adoption leave, upon the approval of the Department Head **CAO**, the employee may carry forward the days to be used when he/she **they** return to work.

### **Return to Work**

At least ten (10) working days prior to the scheduled return to work from maternity, parental or adoption leave, the employee will notify the Employer of his/her **their** intentions regarding return. On return to duty, the employee shall be placed in his/her **their** former position, or equivalent, with the same wage rates and earned benefits which had been accrued prior to the leave.

~~If the employee does not return to work, the employee will reimburse the Employer for the full amount of Blue Cross premiums paid on his/her **their** behalf during maternity, parental or adoption leave.~~

## **ROLES AND RESPONSIBILITIES**

<b>Title/Role</b>	<b>Responsibilities</b>
<b>Chief Administrative Officer</b>	The Chief Administrative Officer will: <ul style="list-style-type: none"> <li>a. Ensure the Town of Amherst has a current and comprehensive policy to address maternity, parental and adoption leave for non-unionized employees.</li> </ul>
<b>Director, Human Resources</b>	The Director of Human Resources will: <ul style="list-style-type: none"> <li>a. Administer the provisions of this policy, providing guidance and support throughout the leave process;</li> <li>b. Manage any benefits associated with leave under this policy, including the supplementary salary top-up, benefit coverages and pension contributions;</li> <li>c. Monitor the effectiveness of the policy and recommend revisions when appropriate.</li> </ul>
<b>Directors and Managers</b>	Directors and Managers will: <ul style="list-style-type: none"> <li>a. Support their employees in planning leave and coordinate with human resources when required;</li> <li>b. Plan for the employee absence by reallocating tasks if necessary;</li> <li>c. Participate in facilitating a smooth return to work for the employee upon the end of the leave period.</li> </ul>
<b>Employees</b>	Employees will: <ul style="list-style-type: none"> <li>a. Comply with all procedures in this policy and submit all required documentation and notice in a timely manner;</li> <li>b. Work with their Director to plan for their absence, including transitioning work or tasks for the duration of their leave;</li> <li>c. Discuss return-to-work plans with their Director and communicate any changes as soon as possible.</li> </ul>

For Administrative Use Only:

## **VERSION LOG**

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Amendment Description	Policy Owner	Approved By	Approval Date
Removal of obsolete leave period due to changes in legislation, addition of supplemental salary top-up	Director, HR + Customer Services, Crossman	Council	

**MINUTES REFERENCE DATE**

November 26, 2007