

## UNIVERSITY OF MANITOBA PROCEDURE

<b>Procedure:</b>	<b>MATERNITY AND PARENTAL LEAVE</b>
<b>Parent Policy:</b>	Maternity and Parental Leave
<b>Effective Date:</b>	October 1, 2001
<b>Revised Date:</b>	October 30, 2018
<b>Review Date:</b>	October 30, 2028
<b>Approving Body:</b>	Administration: President
<b>Authority:</b>	Maternity and Parental Leave Policy
<b>Responsible Executive Officer:</b>	President
<b>Delegate:</b>	Vice-President (Administration)
<b>Contact:</b>	Associate Vice-President (Human Resources)
<b>Application:</b>	Employees

Group:

- a) Academic and Support Staff Excluded from Bargaining Units as Members of the Board;
- b) Executive Staff;
- c) Senior Administrative Academic Staff;
- d) Administrative Academic Staff;
- e) Geographic Full-time Academic Staff;
- f) Sessional Professional Academic Staff;
- g) Research Academic Staff;
- h) Other Academic Staff;
- i) Excluded Management, Administrative and Professional Staff;
- j) Medical Practitioners and Administrators;
- k) Nurses in Northern Manitoba;
- l) Student Support Staff;
- m) Out of Province Support Staff

### Part I Reason for Procedure

- 1.1 To set out the Procedures secondary to the Policy entitled "Maternity and Parental Leave" in connection with the various types of maternity and parental

leave benefit plans, the eligibility criteria, the duration of the leaves, the procedures for application, and the effect of the leaves on other related terms and conditions of employment.

## **Part II Procedural Content**

### **Maternity & Parental Leave**

- 2.1 The University offers two (2) maternity leave plans:
- (a) Plan A - Maternity Leave without Maternity Leave Allowance (Plan A Maternity Leave) (sections 2.5 to 2.7, and 2.12); or
  - (b) Plan B - Maternity Leave with Maternity Leave Allowance (Plan B Maternity Leave) (sections 2.8 to 2.12).
- 2.2 The University offers two (2) parental leave plans:
- (a) Plan A – Parental Leave without Parental Leave Allowance (Plan A Parental Leave) (sections 2.13 to 2.15 and sections 2.25 to 2.35); or
  - (b) Plan B - Parental Leave with Parental Leave Allowance (Plan B Parental Leave) (section 2.13 and sections 2.16 to 2.35).
- 2.3 Eligible employees may apply for:
- (a) maternity and/or parental leave in accordance with Plan A Maternity Leave and/or Plan A Parental Leave; or
  - (b) maternity and/or parental leave in accordance with Plan B Maternity Leave and/or Plan B Parental Leave.
- but not both Plan A and Plan B.
- 2.4 The following employees are not eligible for Plan B Maternity Leave and/or Plan B Parental Leave:
- (a) Employees on reduced appointments or employed for one (1) year or less;
  - (b) Employees in temporary, term, contingent or project positions;
  - (c) Employees in sessional, part-time or casual positions.

## **Maternity Leave**

### **Plan A - Maternity Leave without Maternity Leave Allowance**

#### Eligibility

2.5 To qualify for Plan A Maternity Leave, a pregnant staff member must:

- (a) Be currently working for the University at the date of application for maternity leave;
- (b) Have successfully completed her probationary period or seven (7) consecutive months of employment with the University (whichever is less) immediately prior to the date on which the proposed leave commences;
- (c) Submit to her Unit Head an application in writing for leave under Plan A Maternity Leave at least four (4) weeks before the day specified by her in the application as the day on which she intends to commence such leave;
- (d) Provide to Human Resources a medical certificate prepared and signed by a duly qualified medical practitioner certifying that she is pregnant and specifying the estimated date of her delivery.

#### Duration

2.6 A staff member who qualifies for Plan A Maternity Leave is entitled to, and shall be granted, maternity leave without pay consisting of:

- (a) A period not exceeding seventeen (17) weeks if delivery occurs on or before the date of delivery specified in the certificate mentioned in subsection 2.5(d) above;
- (b) A period of seventeen (17) weeks plus an additional period equal to the period between the date of delivery specified in the certificate mentioned in subsection 2.5(d) above and the actual date of delivery, if delivery occurs after the date mentioned in the certificate;

2.7 The maternity leave shall commence no earlier than seventeen (17) weeks preceding the date specified on the medical certificate and shall terminate no later than seventeen (17) weeks following the actual date of delivery. Any additional leave of absence without pay granted following the end of the maternity leave shall be considered as a separate parental leave of absence without pay.

### **Plan B - Maternity Leave with Maternity Leave Allowance**

#### Eligibility

2.8 To qualify for Plan B Maternity Leave, a pregnant staff member must:

- (a) Be eligible for Plan B under section 2.4 of this Procedure;
- (b) Be currently working for the University at the date of application for maternity leave;
- (c) Submit to her Unit Head an application in writing for leave under Plan B Maternity Leave at least four (4) weeks before the day specified by her in the application as the day on which she intends to commence such leave;
- (d) Provide her Unit Head with a medical certificate prepared and signed by a duly qualified medical practitioner certifying that she is pregnant and specifying the estimated date of her delivery;
- (e) Have completed twelve (12) continuous months of paid full-time employment with the University immediately prior to the date on which the proposed leave commences with the exception that leaves of absence without pay of twenty (20) working days or less and any compassionate care leaves will not affect the accumulation of the twelve (12) month qualifying period;
- (f) Within 6 weeks of going on leave provide the Human Resources Department of the University with Employment Insurance pay statements as proof that she has applied for Employment Insurance (E.I.) benefits and that Service Canada has agreed that she has qualified for and is entitled to such E.I. benefits pursuant to Section 22, *Employment Insurance Act*, S.C. 1996, c.23, as amended from time to time.
- (g) Sign an agreement with the University, to the effect that:
  - (i) She will return to work in the position occupied by her at the time such leave commenced or in a comparable position with not less than the same wages and benefits and will remain in the employ of the University on a full-time basis for a period of time equal to the duration of the maternity leave with allowance following her return to work, and
  - (ii) She will return on the date of the expiry of her maternity leave or any parental leave taken immediately following the maternity leave unless another suitable arrangement is approved by the University;
  - (iii) In the event that suitable arrangements are made for the employee to return to work on a part-time basis (other than as a reduced appointment in accordance with the Policy and Procedure on Reduced Appointments) to fulfill the equivalent return to work obligations, the position and the employment status of the employee shall be that of a part-time position/employee. In this situation, the staff benefits and terms and conditions of employment shall reflect that of a part-time position/employee; and

- (iv) In the event that she chooses not to return to work as provided under subsections (i), (ii) and (iii) above, she shall reimburse the University for the full amount received from the University as a maternity allowance as well as the appropriate pension and benefits contributions or the value of benefits received during her entire period of maternity leave. In such circumstances service and vacation entitlement will also be reduced by the amount accrued during the receipt of maternity allowance.

### Duration

2.9 A staff member who qualifies is entitled to a maternity leave consisting of:

- (a) A period not exceeding seventeen (17) weeks if delivery occurs on or before the date of delivery specified on the certificate mentioned in subsection 2.8(d); or
- (b) A period of seventeen (17) weeks plus an additional period equal to the period between the date of delivery specified in the certificate mentioned in subsection 2.8(d) and the actual date of delivery, if delivery occurs after the date mentioned in that certificate;

2.10 The maternity leave shall commence no earlier than seventeen (17) weeks preceding the date specified on the medical certificate and shall terminate no later than seventeen (17) weeks following the actual date of delivery.

### Benefit Provisions.

2.11 A staff member who qualifies for Plan B Maternity Leave is entitled to maternity leave allowance as follows:

- (a) For the first week of maternity leave a staff member shall receive one hundred percent (100%) of her weekly rate of pay.
- (b) For up to a maximum of fifteen (15) additional consecutive weeks of maternity leave, payments equivalent to the difference between one hundred percent (100%) of her weekly rate of pay and the E. I. benefits the staff member is eligible to receive. This allowance is to top up the payments received from E.I. to 100% of the employee's salary for this period. (Note: E.I. benefits may not be available until twelve (12) weeks prior to the estimated date of delivery and this allowance will only be paid in conjunction with E.I. benefits).
- (c) Where an employee has served the one (1) week EI waiting period and where she returns to work immediately following Plan B Maternity Leave or immediately following any successive Plan B Parental Leave, the employee shall receive one hundred percent (100%) of her weekly salary for one (1) additional week.

**General Conditions (Applicable to Maternity Leave Plan A and/or Plan B):**

2.12 The following conditions apply to Plan A Maternity Leave and/or Plan B Maternity Leave:

- (a) Plan B benefits for an employee on a contingent, term or project position of one (1) year or more shall cease on the end date of the position.
- (b) During the period of Plan B Maternity Leave, service and vacation entitlement will continue to accrue/apply and the period of the leave will count toward qualification for salary increases related to progression through a salary range.
- (c) During the period of Plan A Maternity Leave, service will continue to accrue but vacation entitlement will not continue to accrue/apply and the period of the leave will not count toward qualification for salary increases related to progression through a salary range.
- (d) Employees on Plan A or Plan B shall not be entitled to paid leaves of absence during the period of maternity leave.
- (e) For the purposes of Plan B, an employee's "weekly rate of pay" for any week is the amount which the employee would have earned in that week had she worked the regular full-time hours of work in the position. This amount is neither increased nor decreased as a result of either a paid holiday or Christmas-New Year's vacation entitlement falling during any given week of maternity leave under Plan B.
- (f) Staff Benefits coverage for employees in receipt of maternity leave allowance payments shall be subject to the provisions of the various plans.
- (g) For the purposes of calculating the successful completion of a trial period, employees taking a maternity leave under Plan B shall be considered to be on a leave of absence without pay.
- (h) An employee who wishes to resume her employment on the expiration of leave granted in accordance with either Plan A or Plan B shall be reinstated by the University in the position occupied by her at the time such leave commenced or in a comparable position with not less than the same wages and benefits, subject to the exceptions provided in *The Employment Standards Code* of Manitoba.
- (i) An employee may end her maternity leave early by giving the University two (2) weeks' written notice before the day she wishes to end the leave.
- (j) The period of leave shall be credited towards years of full-time service in the calculation of eligibility for research/study leave. Where a maternity

leave coincides with a research/study leave, the missed portion of the research/study leave shall be rescheduled.

- (k) There shall be no requirement for an academic staff member to make up teaching assignments, research, service, or any other duties for any period of maternity leave. Where an academic staff member's return from leave after the commencement of a term precludes the assignment of teaching duties, the dean/director shall assign the academic staff member other appropriate duties in that term.
- (l) Academic staff members on maternity leave shall not lose any entitlement to travel and expense fund allocations, if applicable.

## **Parental Leave**

2.13 The purpose of parental leave is to provide time off for childcare which is necessitated by the birth or adoption of a child. Where both parents are employed by the University, the period of the parental leave allowance may be taken wholly by one (1) or shared between the two (2) employees in accordance with section 2.23 below.

### **Plan A - Parental Leave Without Parental Leave Allowance**

#### Eligibility.

2.14 In order to qualify for Plan A Parental Leave, an employee must:

- (a) Have successfully completed his/her probationary period or seven (7) consecutive months of employment with the University (whichever is less);
- (b) Be currently working for the University on the date of application for Parental Leave;
- (c) Submit to the University an application in writing for Parental Leave at least four (4) weeks before the day specified by him/her in the application as the day on which he/she intends to commence such leave;
- (d) Adopt a child under the laws of the Province of Manitoba or become the natural parent of a child.

#### Duration

2.15 An employee who qualifies is entitled to, and shall be granted, parental leave without pay consisting of a period not exceeding one (1) of the following at their option:

- (a) Standard Parental Leave – up to a maximum of thirty-seven (37) weeks taken in one (1) consecutive period. Standard Parental leaves must commence and finish not later than the first anniversary of the date on which the child is born or adopted or comes into the care and custody of

the employee. A Standard Parental leave must be completed within one (1) year of the child's birth or adoption;

- (b) Extended Parental Leave – up to a maximum of sixty-three (63) weeks taken in one (1) consecutive period. An Extended Parental leave must commence and finish not later than 78 weeks (18 months) of the date on which the child is born or adopted or comes into the care and custody of the employee. An Extended Parental leave must be completed within 18 months of the child's birth or adoption.

## **Plan B - Parental Leave With Parental Leave Allowance**

### Eligibility

2.16 To qualify for Plan B Parental Leave, an employee must:

- (a) Be eligible for Plan B under section 2.4 of this Procedure;
- (b) Be currently working for the University on the date of application for Parental Leave;
- (c) Submit to the University an application in writing for Parental Leave at least four (4) weeks before the day specified by him/her in the application as the day on which he/she intends to commence such leave;
- (d) Adopt a child under the laws of the Province of Manitoba or become the natural parent of a child;
- (e) Have completed twelve (12) continuous months of full-time paid employment with the University immediately prior to the date on which the proposed leave commences (a Plan B Maternity Leave or a compassionate care leave taken immediately prior to the parental leave shall not make an employee ineligible);
- (f) Within 6 weeks of going on leave provide the Human Resources Department of the University with Employment Insurance pay statements as proof that he/she has applied for Employment Insurance (E.I.) benefits and that Service Canada has agreed that he/she has qualified for and is entitled to such E.I. benefits pursuant to Section 22, *Employment Insurance Act*, S.C. 1996, c.23, as amended from time to time.
- (g) Sign an agreement with the University, to the effect that:
  - (i) He/she will return to work in the position occupied by him/her at the time such leave commenced, or in a comparable position with not less than the same wages and benefits, and will remain in the employ of the University on a full-time basis for a period of time equal to the duration of the Standard Parental Leave with allowance taken following his/her return to work. Those taking the



Extended Parental Leave option must only return on a full-time basis for the period that would normally have been paid if they had taken the Standard Parental leave, regardless of the duration of time over which the pay was spread;

- (ii) He/she will return on the date of the expiry of his/her parental leave unless another suitable arrangement is approved by the University;
- (iii) In the event that suitable arrangements are made for the employee to return to work on a part-time basis (other than as a reduced appointment in accordance with the Policy and Procedure on Reduced Appointments) to fulfill the equivalent return to work obligations, the position and the employment status of the employee shall be that of a part-time position/employee. In this situation, the staff benefits and terms and conditions of employment shall reflect that of a part-time position/employee; and
- (iv) In the event that he/she chooses not to return to work as provided under subsections (i), (ii) and (iii) above, he/she shall reimburse the University for the full amount received from the University as a parental allowance as well as the appropriate pension and benefits contributions or the value of benefits received during his/her entire period of parental leave. In such circumstances, service and vacation entitlement will also be reduced by the amount accrued during the receipt of parental allowance.

### Duration

2.17 An employee who qualifies for Plan B Parental Leave is entitled to, and shall be granted, parental leave as follows:

- (a) Parental leave consisting of a period not exceeding one (1) of the following periods, at the employee's option:
  - (i) Standard Parental Leave – up to a maximum of thirty-seven (37) weeks taken in one (1) consecutive period. Standard Parental Leaves must commence and finish not later than the first anniversary of the date on which the child is born or adopted or comes into the care and custody of the employee. A Standard Parental leave must be completed within one (1) year of the child's birth or adoption;
  - (ii) Extended Parental Leave – up to a maximum of sixty-three (63) weeks taken in one (1) consecutive period. An Extended Parental leave must commence and finish not later than 78 weeks (18 months) of the date on which the child is born or adopted or comes into the care and custody of the employee. An Extended Parental leave must be completed within 18 months of the child's birth or adoption.

- (b) Where the employee takes parental leave in addition to maternity leave, the employee shall commence the parental leave immediately following the maternity leave.

#### Compensation and Benefit Provisions.

- 2.18 An employee who qualifies for Plan B Parental Leave is entitled to an allowance taken in one (1) consecutive period as set out in section 2.20, and either section 2.21 or section 2.22 below.
- 2.19 Where the parental leave follows a maternity leave in which E.I. benefits were received, the person taking the maternity leave shall be deemed to have served the E.I. one (1) week waiting period.
- 2.20 An employee's parental leave allowance for the first week of the parental leave shall be as follows:
  - (a) Employees who served the E.I. one (1) week waiting period immediately prior to a Plan B - Maternity Leave shall receive one (1) additional week at one hundred percent (100%) of their weekly salary upon their return to work following the end of the Parental leave, in accordance with section 2.11(c) above; or
  - (b) Employees who serve an E.I. one (1) week waiting period at the commencement of the parental leave shall receive ninety-five percent (95%) of his/her weekly salary for the first week.
- 2.21 For Standard Parental Leave, for the weeks during which the employee is in receipt of E.I. parental leave benefits, the duration of the allowance period is up to a maximum of seventeen (17) additional weeks if the above one (1) week waiting period applies, or a maximum of eighteen (18) weeks where no waiting period applies. Payments during these weeks will be equivalent to the difference between the E.I. parental leave benefits the employee receives and 95% of their weekly salary. The employee may elect to spread this allowance evenly over the Standard Parental Leave, but must make this election prior to commencing the Standard Parental Leave. Any remaining weeks of the Standard Parental Leave will be without allowance.
- 2.22 For Extended Parental Leave, the employee will receive the same allowance as would have been available for Standard Parental Leave under section 2.21 above, but may elect to spread this allowance evenly over the Extended Parental Leave. The employee must make this election prior to commencing the Extended Parental Leave. Any remaining weeks of the Extended Parental Leave will be without allowance.
- 2.23 Where both parents are employed by the University and qualify for Plan B Parental Leave, the period of the allowance may be taken wholly by one (1) or shared between the two (2) employees. However, both parents are required to choose the same type of parental leave, either Standard or Extended. The

option chosen by the first applicant who completes leave application will be considered as the option chosen by the second applicant. The choice is final once the parental leave period has started, and parents cannot change between Standard and Extended once allowance has been paid. Where both parents qualify and choose to share the weeks of Plan B Parental Leave, the payment amount will be calculated using the calculation of 2.21 above based on each individual employee's weekly rates of pay.

**General Provisions Applicable to Plan A and/or Plan B Parental Leave:**

- 2.24 Plan B benefits for an employee on a term or project position in excess of one (1) year shall cease on the end date of the position.
- 2.25 During the period of Plan A or Plan B, and the period of leave that is not covered by Plan A or Plan B, service and vacation entitlement will not continue to accrue/apply. During the period of Standard Parental Leave under Plan B, service and vacation entitlement will continue to accrue/apply, but the period of the leave will not count toward qualification for salary increases related to progression through a salary range.
- 2.26 Employees electing to take Extended Parental Leave will be entitled to the same vacation accrual as they would have received under the Standard Parental leave. Service will accrue throughout the entire Extended Parental leave, but the period of the leave will not count toward qualification for salary increases related to progression through a salary range.
- 2.27 During the period of Plan A - Parental Leave, service will continue to accrue but vacation entitlement will not continue to accrue/apply and the period of the leave will not count toward qualification for salary increases related to progression through a salary range.
- 2.28 Employees on Plan A or Plan B shall not be entitled to paid leaves of absence during the period of Parental Leave.
- 2.29 For the purposes of Plan B's allowance calculation, an employee's "weekly rate of pay" for any week is the amount which the employee would have earned in that week had he/she worked the regular full-time hours of work for the position. This amount is neither increased nor decreased as a result of either a paid holiday or Christmas-New Year's vacation entitlement falling during any given week of parental leave under Plan B.
- 2.30 Staff Benefits coverage for employees on parental leave shall be subject to the provisions of the various plans.
- 2.31 For the purposes of calculating the successful completion of a trial period or for salary increases related to progression through a salary range, employees taking a parental leave shall be considered to be on a leave of absence without pay.

- 2.32 An employee who wishes to resume his/her employment on the expiration of leave granted in accordance with either Plan A or Plan B shall be reinstated by the University in the position occupied by him/her at the time such leave commenced or in a comparable position with not less than the same wages and benefits, subject to the exceptions provided in the Employment Standards Code of Manitoba.
- 2.33 The period of leave shall be credited towards years of full-time service in the calculation of eligibility for research/study leave. Where a parental leave coincides with a research/study leave, the missed portion of the research/study leave shall be rescheduled.
- 2.34 There shall be no requirement for an academic staff member to make up teaching assignments, research, service, or any other duties for any period of parental leave. Where an academic staff member's return from leave after the commencement of a term precludes the assignment of teaching duties, the dean/director shall assign the academic staff member other appropriate duties in that term.
- 2.35 Academic staff members on parental leave shall not lose any entitlement to travel and expense fund allocations, if applicable.

#### **Extension of Maternity/Parental Leave with Leave of Absence without Pay**

- 2.36 An employee who has been granted a Maternity Leave or Parental Leave (whether under Plan A or Plan B) shall, upon written application for such additional leave, be granted an additional contiguous leave without pay such that the total length of the Maternity and Parental Leave plus the additional leave without pay is less than or equal to fifty-four (54) weeks (with a Standard Parental leave) or less than or equal to seventy-eight (78) weeks (with an Extended Parental leave).
- 2.37 Any additional leave of absence without pay granted following the end of the Standard or Extended Parental Leave shall be considered as a separate leave of absence without pay.

#### **Reference Chart of Maternity/Parental Leave Eligibility**

- 2.38 Employees may refer to the following chart as a reference guide to the terms of each plan described under this procedure:

	<b>Plan A – Maternity</b>	<b>Plan B – Maternity</b>	<b>Plan A – Standard Parental</b>	<b>Plan A – Extended Parental</b>	<b>Plan B – Standard Parental</b>	<b>Plan B – Extended Parental</b>
<b>Potential EI Waiting Period</b>	1 Week	1 Week	1 Week	1 Week	1 Week	1 Week
<b>Benefit Coverage (Employer Share)</b>	No, unless employee elects to pay the premiums	Yes	No, unless employee elects to pay the premiums	No, unless employee elects to pay the premiums	Maximum 18 Weeks	Maximum 18 Weeks
<b>Pension Coverage (Employer Share)</b>	No, unless employee elects to pay the premiums	Yes	No, unless employee elects to pay the premiums	No, unless employee elects to pay the premiums	Maximum 18 Weeks	Maximum 18 Weeks
<b>Vacation Accrual (Support)</b>	No	Yes	No	No	Maximum 18 Weeks	Maximum 18 Weeks
<b>Vacation Time (Academic)</b>	No	Yes	No	No	Maximum 18 Weeks	Maximum 18 Weeks
<b>Service Accrual</b>	Yes	Yes	Yes	Yes	Yes	Yes
<b>Allowance Payment</b>	No	Maximum 15 weeks	No	No	Maximum 18 weeks, option to be spread over period from 18 to 37 weeks	Maximum 18 weeks, option to be spread over period from 18 to 63 weeks

	<b>Plan A – Maternity</b>	<b>Plan B – Maternity</b>	<b>Plan A – Standard Parental</b>	<b>Plan A – Extended Parental</b>	<b>Plan B – Standard Parental</b>	<b>Plan B – Extended Parental</b>
<b>Extra week pay at 100% following maternity and subsequent parental leave?</b>	No	Yes, if EI waiting period is less than 2 weeks	No	No	No	No
<b>Maximum Leave Length</b>	17 weeks	17 weeks (1 week at 100% at end of leave)	37 weeks	63 weeks	37 weeks	63 weeks

### **Part III Accountability**

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Procedure is required.
- 3.2 The Associate Vice-President (Human Resources) is responsible for the communication, administration and interpretation of these Procedures.

### **Part IV Review**

- 4.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Procedure is October 30, 2028.
- 4.2 In the interim, these Procedures may be revised or rescinded if:
  - (a) the Vice-President (Administration) or the President deems necessary; or
  - (b) the relevant Policy is revised or rescinded.

### **Part V Effect on Previous Statements**

- 5.1 This Procedure supersedes all of the following:
  - (a) all previous Board/Senate Procedures, and resolutions on the subject matter contained herein;

- (b) all previous Administration Procedures, and resolutions on the subject matter contained herein; and
- (c) Maternity and Parental Leave Procedures (revised August 28, 2012).

## **Part VI**

### **Cross References**

6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) [Maternity and Parental Leave Policy](#);
- (b) [The Employment Standards Code \(Manitoba\), C.C.S.M. c. E110](#);
- (c) [Employment Insurance Act, S.C. 1996, c.23](#).