



Memorandum

Office of the Provost

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TO: Senate

FROM: Lydia White, Associate Provost (Policies, Procedures and Equity)

SUBJECT: Regulations Relating to Maternity, Parental and Extended Parental Leave for Members of the Academic Staff

DATE: 5 December 2012

DOCUMENT #: D12-32

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE: To bring together 3 sets of regulations on maternity and parental leaves into one, as well as making it clearer who is eligible for these leaves and also updating the regulations to bring them into line with Quebec labour standards.

BACKGROUND & RATIONALE: McGill currently has 3 different sets of regulations (*Regulations on Maternity Leave for Tenured and Tenure Track Members of the Academic Staff; Regulations on Parental Leave for Tenured and Tenure Track Members of the Academic Staff; Regulations on Extended Maternity and Extended Parental Leave for Tenured and Tenure Track Members of the Academic Staff*). The titles of all 3 sets imply that these regulations apply only to Tenured and Tenure Track members of the academic staff, whereas in fact all members of the academic staff are eligible, unless they are governed by a collective agreement. The existing sets of regulations are out of date in several respects (e.g. referring to Employment Insurance instead of the Quebec Parental Insurance Plan), which are corrected in the new regulations. In addition, the new regulations clarify the situation regarding leaves for adoption.

The new Regulations would come into effect on January 1, 2013.
Be it resolved that:

MOTION OR RESOLUTION FOR APPROVAL:

- (i) Senate approve the *Regulations on Maternity Leave, Parental Leave and Extended Parental Leave for Members of the Academic Staff* to replace the *Regulations on Maternity Leave for Tenured and Tenure Track Members of the Academic Staff*, the *Regulations on Parental Leave for Tenured and Tenure Track Members of the Academic Staff* and the *Regulations on Extended Maternity and Extended Parental Leave for Tenured and Tenure Track Members of the Academic Staff*;
- (ii) Senate recommend the approval of the new regulations by the Board of Governors; and
- (iii) Senate approve the amendment of all references to the replaced regulations in other McGill policies and regulations.

PRIOR CONSULTATION: MAUT, Human Resources, Deans

NEXT STEPS: Approval by the Board of Governors

APPENDICES: Appendix A: Regulations on Maternity Leave, Parental Leave and Extended Parental Leave for Members of the Academic Staff.



Regulations on Maternity Leave, Parental Leave and Extended Parental Leave for Members of the Academic Staff

Last revised by:		
Senate	XXXXXX, xxxx	Minute XXX
Board of Governors	XXXXXX, xxxx	Minute XXX
Effective Date:		
<i>Full legislative history appears at the end of this document.</i>		

SECTION 1. PURPOSE, SCOPE, DEFINITIONS AND NOTICES

Purpose

- 1.1 These regulations set out the general terms and conditions relating to maternity leaves for pregnant staff members, and parental leaves on the occasion of the birth or adoption of a child.

Scope

- 1.2 These regulations apply to members of the academic staff not governed by a collective agreement.

Definitions

- 1.3 For the purpose of these regulations, the following definitions shall apply:
- 1.3.1 "Academic year" means the period from the 1st of September to 31st of August next following.
- 1.3.2 "Departmental chair" means chairs of departments, directors of institutes, schools and centres, and Deans of faculties without departments.
- 1.3.3 "Spouse" means a person to whom the staff member is married, or with whom the staff member is in a civil union or *de facto* union and has been residing with and publicly represented to be the staff member's consort for at least one (1) year, or less than a year if the child has been born of the union.
- 1.3.4 All references to Deans, Chairs, and the Provost include their delegates.

Notices

- 1.4 All notices to be communicated under these regulations shall be communicated either:
- (i) electronically by means of the McGill email address;
 - (ii) by hand to the office at the University; or
 - (iii) by regular mail to the staff member's address recorded with the University administration.

SECTION 2. MATERNITY LEAVE

Policy

- 2.1 Upon a request from a pregnant staff member, the University shall grant the staff member an unpaid maternity leave of a maximum duration of 20 consecutive weeks.

Procedure

- 2.2 The staff member shall give written notice to her departmental chair, with a copy to the dean and Provost, of her intention to take a maternity leave. A staff member appointed to more than one department or unit shall send her notice to each departmental chair and dean.
- 2.3 The staff member shall indicate in her written notice the date the maternity leave is to begin and the date it will end. The notice shall be accompanied by a medical certificate indicating the expected date of delivery.
- 2.4 The staff member shall send the written notice at the earliest possible date before the beginning of the academic term in which the leave is to begin; however, it shall be sent not less than three (3) weeks before the maternity leave is to begin.
- 2.5 All maternity leaves shall be granted under the authority of the Board of Governors and shall be evidenced by a letter signed by the Provost. A copy of the letter signed by the Provost shall be sent to Human Resources (Shared Services).

Scheduling of the Leave

- 2.6 The staff member shall schedule the maternity leave as she wishes before or after the expected date of delivery; however, the earliest date the maternity leave may begin is sixteen (16) weeks prior to the expected date of delivery.
- 2.7 Where, because of medical complications or risk to the pregnancy, a staff member requires a medical leave prior to the expected date of delivery, the staff member shall be granted a disability leave until the date of delivery at which time the maternity leave shall begin. The maternity leave shall end when 20 consecutive weeks of maternity leave have elapsed. The staff member shall inform Human Resources (Shared Services) by written notice accompanied by a medical certificate in order to commence the disability leave and, again, to begin the maternity leave.
- 2.8 Where the date of delivery occurs prior to the start of the planned maternity leave, the employee shall inform Human Resources (Shared Services) as soon as possible by written notice accompanied by a medical certificate attesting to the event, and the maternity leave shall begin on the date of the delivery and shall end when 20 consecutive weeks of maternity leave have elapsed.
- 2.9 In the event of a stillbirth in or after the twentieth week prior to the expected date of delivery, the staff member's maternity leave shall begin immediately and shall end when 20 consecutive weeks of maternity leave have elapsed.

Indemnity

- 2.10 The staff member may be eligible to receive an indemnity paid by the University for all or part of the maternity leave.

Eligibility for Indemnity

- 2.11 The staff member who prior to the start of her maternity leave:
 - (i) has acquired 20 weeks of uninterrupted employment with the University;
 - (ii) meets the University's minimum earnings threshold to qualify for the McGill employee benefits package; and
 - (iii) is confirmed eligible for Quebec Parental Insurance Plan (QPIP) benefits or for benefits from any other appropriate government agencyshall be entitled to receive an indemnity payable by the University until the end of the twentieth week of maternity leave.
- 2.12 A staff member who, prior to the beginning of her maternity leave, does not meet one or more of the conditions set out in 2.11 shall not be eligible to receive an indemnity payable by the University;

however, the staff member may nevertheless be eligible to receive benefits from the Quebec Parental Insurance Plan (QPIP) or from another appropriate government agency.

- 2.13 In order to receive the University indemnity, the eligible staff member must submit the decision of QPIP or such other appropriate government agency, confirming the staff member's eligibility to receive the benefits under the Quebec Parental Insurance Plan (QPIP) or such other government agency. The staff member shall provide Human Resources (Shared Services) with the confirmation of eligibility as soon as possible before the start of the maternity leave, but not later than one (1) week from the date of delivery. Payment of the University's indemnity shall not be made without proof of eligibility. It shall not be made retroactive in the event of a delay.

Calculation of Indemnity

- 2.14 The indemnity payable by the University shall be determined for each pay period and shall be equal to 100 per cent of the staff member's regular salary, reduced by:
- (i) any amounts that the staff member shall receive or could receive under the Quebec Parental Insurance Plan (QPIP) benefits; and
 - (ii) any amounts from any other appropriate government agency paid or payable to the staff member under the government plan.
- However, any amounts subtracted by QPIP or by such other government agency from the benefits paid or payable to the staff member shall not be added to the calculation of the University's indemnity and shall not be compensated in any way by the University.
- 2.15 For staff members on part-time or reduced load, the calculations and benefits outlined in these regulations shall be pro-rated.

Deductions and Cost of Benefits

- 2.16 The University's indemnity shall be payable in accordance with the University's normal pay schedule and shall be subject to all of the normal payroll deductions that must be made.
- 2.17 All existing contributory employee benefits shall be continued throughout the maternity leave with the staff member and the University paying their respective share of the contributions.

Return to Work

- 2.18 A staff member shall advise the University of the date of her return from maternity leave by written notice sent as soon as possible before the start of the academic term, but no later than three (3) weeks before the intended date of her return from maternity leave. Such notice shall be sent to her departmental chair with a copy to the dean and Provost.
- 2.19 A staff member who fails to return following her maternity leave, and is not authorized by the University for another leave, shall be deemed to have resigned from the University.

SECTION 3. PARENTAL LEAVE

Policy

- 3.1 On the occasion of the birth of a child to a staff member's spouse, the staff member shall be entitled to a paid parental leave of up to five (5) days to be taken at the discretion of the staff member between the beginning of the delivery process and the fifteenth (15th) calendar day following the arrival at the residence.
- 3.2 On the occasion of the adoption of a child who has not reached the age of compulsory school attendance, the staff member shall be entitled to a paid leave of up to five (5) days, to be taken at the discretion of the staff member within 15 calendar days after the child's arrival at the residence.
- 3.3 The leave may be divided into days at the request of the staff member; however, the whole may not be

taken more than 15 calendar days after the child arrives at the residence or after the termination of pregnancy

Procedure

- 3.4 The staff member shall give written notice at the earliest possible date to the departmental chair, with a copy to the dean and Provost, of the staff member's intention to take a parental leave. A staff member appointed to more than one department or unit shall send the notice to each departmental chair and dean.
- 3.5 The staff member shall send the written notice at the earliest possible date indicating the date the parental leave is to begin and the date it will end.
- 3.6 The entitlement to a parental leave in the event of the birth of a child of the staff member's spouse shall be conditional on providing an attestation of the status of the child either by the medical certificate or declaration of birth.
- 3.7 The entitlement to a parental leave for a staff member who adopts a child shall be conditional on providing either a copy of the placement order or the adoption order issued to the staff member, alone or jointly with the staff member's spouse, and an attestation as to the date that the child will be or has been entrusted to the staff member.

Deductions and Cost of Benefits

- 3.8 For the purposes of these regulations, all existing contributory employee benefits shall be continued throughout the parental leave with the staff member and the University paying their respective share of the contributions.

SECTION 4. EXTENDED PARENTAL LEAVE

Policy

- 4.1 Upon a request from an eligible staff member on maternity leave, the University shall grant the staff member an unpaid extended parental leave for a maximum duration of 52 consecutive weeks.
- 4.2 Upon a request from an eligible staff member on the occasion of the birth of a child to the staff member's spouse, or on the adoption of a child who has not reached the age of compulsory school attendance, the University shall grant the staff member an unpaid extended parental leave for a maximum duration of 52 consecutive weeks.

Scheduling the leave

- 4.3. For a staff member on maternity leave, the extended parental leave shall begin immediately following the maternity leave, and shall end no later than 52 weeks following the birth of her child.
- 4.4 On the birth of a child to the staff member's spouse, the staff member's extended parental leave may not begin before the week of the birth of the child, and may not end later than 70 weeks after the birth.
- 4.5 On the adoption of a child, the staff member's extended parental leave may not begin before the child is entrusted to the staff member within the framework of the adoption procedure or the week the employee leaves to go to a place outside Québec in order for the child to be entrusted to the staff member, and may not end later than 70 weeks after the child has been so entrusted to the staff member.

Procedure

- 4.6 The entitlement to an extended parental leave in the event of the birth of a child to the staff member or to the staff member's spouse shall be conditional on providing an attestation of the status of the child supported by either a medical certificate or the declaration of birth.

- 4.7 The entitlement to an extended parental leave in the event of the an adoption of a child who has not reached the age of compulsory school attendance shall be conditional on providing an attestation of the adoption and the date when the child was entrusted to the care of the staff member.
- 4.8 The staff member shall give written notice to the departmental chair and the dean, with a copy to the Provost, of the staff member's intention to take an extended parental leave. A staff member appointed to more than one department or unit shall send her notice to each departmental chair and dean.
- 4.9 The staff member shall indicate in the written notice the date the extended parental leave is to begin and the date it will end.
- 4.10 The staff member shall send the written notice at the earliest possible date before the beginning of the academic term in which the leave is to begin; however, it shall be sent not less than three (3) weeks before the extended parental leave is to begin.
- 4.11 All parental leaves shall be granted under the authority of the Board of Governors and shall be evidenced by a letter signed by the Provost. A copy of the letter signed by the Provost shall be sent to Human Resources (Shared Services).

Indemnity

- 4.12 A staff member may be entitled to receive an indemnity paid by the University equal to sixty per cent (60%) of the staff member's regular salary for the first eleven (11) weeks of the extended parental leave.

Eligibility for Indemnity

- 4.13 The staff member who prior to the start of the extended parental leave:
- (i) has acquired 20 weeks of uninterrupted employment with the University;
 - (ii) meets the University's minimum earnings threshold to qualify for the McGill employee benefits package; and
 - (iii) is confirmed eligible for Quebec Parental Insurance Plan (QPIP) benefits or for benefits from any other appropriate government agency,
- shall be entitled to receive an indemnity payable by the University until the end of the 11th week of extended parental leave.
- 4.14 A staff member who, prior to the beginning of the extended parental leave, does not meet one or more of the conditions set out in 4.14 is not be eligible to receive an indemnity payable by the University; however, the staff member may nevertheless be eligible to receive benefits from the Quebec Parental Insurance Plan (QPIP) or from another appropriate government agency.
- 4.15 In order to receive the University indemnity, the eligible staff member must submit the decision of QPIP or such other appropriate government agency, confirming the staff member's eligibility to receive the benefits under the Quebec Parental Insurance Plan (QPIP) or such other government agency. The staff member shall provide Human Resources (Shared Services) with the confirmation of eligibility as soon as possible before the commencement of the extended parental leave, but not later than one (1) week before the leave is to start. Payment of the University's indemnity shall not be made without proof of eligibility. It shall not be made retroactive in the event of a delay.

Calculation of Indemnity

- 4.16 The indemnity payable by the University shall be determined for each pay period and shall be equal to 60 per cent of the staff member's regular salary, reduced by
- (i) any amounts that the staff member shall receive or could receive under the Quebec Parental Insurance Plan (QPIP) benefits; and
 - (ii) any amounts from any other appropriate government agency paid or payable to the staff member under the government plan.

However, any amounts subtracted by QPIP or by such other government agency from the benefits paid or payable to the staff member under those plans shall not be added to the calculation of the University's indemnity. They shall not be compensated in any way by the University.

- 4.17 For staff members on part-time or reduced load, the calculations and benefits outlined in these regulations shall be pro-rated.

Deductions and Cost of Benefits

- 4.18 The University's indemnity shall be payable in accordance with the University's normal pay schedule and shall be subject to all of the normal payroll deductions that must be made.
- 4.19 For the purposes of these regulations, during the period of extended parental leave with indemnity, all existing contributory employee benefits shall be continued with the staff member and the University paying their respective share of the contributions pro-rated to 60 per cent.
- 4.20 For the period of extended parental leave without indemnity, the staff member shall notify Human Resources (Shared Services) in writing which of the existing contributory employee benefits the staff member wishes to continue coverage. Such notice shall be sent as soon as possible but no later than two (2) weeks before the start of the extended parental leave and shall confirm the staff member's preferred method of payment. Subject to such notice, the contributory employee benefits shall continue with the staff member and the University paying their respective share of the contributions.

Return to Work

- 4.21 A staff member shall advise the University of the date of his/her return from extended parental leave by written notice sent as soon as possible before the start of the academic term, but no later than three (3) weeks before the intended date of his/her return from leave. Such notice shall be sent to the departmental chair with a copy to the Dean and the Provost.
- 4.22 An employee may return to work before the date approved for his/her return provided he has given the employer prior written notice of not less than three (3) weeks of the new date on which he/she will return to work.
- 4.23 A staff member, who fails to return following the extended parental leave, shall be deemed to have resigned from the University

Reduced load or Part-time Appointment

- 4.24 A staff member who wishes to substitute the extended parental leave with a reduced load or part-time appointment shall submit a written request at the earliest possible date before the beginning of the academic term in which the leave is to begin but no less than six (6) weeks prior to the intended start of the reduced load or part-time appointment. The staff member shall submit the request in writing to his/her departmental chair(s) and dean(s) with a copy to the Provost.
- 4.25 Approval shall be granted at the discretion of the University, and communicated by letter from the Provost. If approved, the letter shall confirm the start date and end date of the reduced load or part-time appointment, and such other conditions as may be deemed appropriate. The reduced load or part-time appointment may not end later than 70 weeks after the birth of the child or, in the case of adoption, 70 weeks after the date that the child has been entrusted to the staff member.

SECTION 5. TIMING OF REAPPOINTMENT AND TENURE CONSIDERATION

- 5.1 All leaves granted under these regulations relating to the same event shall be treated as a single authorized leave for purposes of reappointment or tenure consideration.

REGULATIONS ON MATERNITY LEAVE FOR TENURED AND TENURE TRACK MEMBERS OF THE ACADEMIC STAFF

Legislative History

Board of Governors April 18, 1983 Minute 5650 Senate May 11, 1983 Minute 72
Amendments: Executive Committee December 3, 1984 Minute 7092
Senate December 13, 1989 Minute 46 Board of Governors January 22, 1990 Minute 6657
Senate March 8, 1995 Minute 86 Board of Governors March 27, 1995 Minute 8228
Senate May 12, 1999 Minute 4 Executive Committee June 14, 1999 Minute 7
Senate February 16, 2000 Minute 2 Board of Governors March 20, 2000 Minute 5
Executive Committee January 15, 2001 Minute 11 Senate March 21, 2001 Minute 11
Senate May 25, 2005 Minute 11 Executive Committee June 20, 2005 Minute 6
Senate April 18, 2007 Minute 6 Board of Governors June 5, 2007 Minute 13
Senate March 5, 2008 Minute 3 Executive Committee March 17, 2008 Minute 5.1.1
Senate May 19, 2010 Minute IIB.6 Board of Governors May 25, 2010 Minute 9.2.4
Senate September 22, 2011 Minute IIB7
Board of Governors September 27, 2011 Minute 6

REGULATIONS ON EXTENDED MATERNITY AND EXTENDED PARENTAL LEAVE FOR TENURED AND TENURE TRACK MEMBERS OF THE ACADEMIC STAFF

Legislative History

Senate May 12, 1999 Minute 4 Executive Committee June 14, 1999 Minute 7
Amendments: Executive Committee January 15, 2001 Minute 11 Senate March 21, 2001 Minute 11
Senate May 25, 2005 Minute 11 Executive Committee June 20, 2005 Minute 6
Senate April 18, 2007 Minute 6 Executive Committee June 5, 2007 Minute 13
Senate March 5, 2008 Minute 3 Executive Committee March 17, 2008 Minute 5.1.1
Senate May 19, 2010 Minute IIB.6 Board of Governors May 25, 2010 Minute 9.2.4
Senate September 22, 2011 Minute IIB7 Board of Governors September 27, 2011 Minute 6

REGULATIONS ON PARENTAL LEAVE FOR TENURED AND TENURE TRACK MEMBERS OF THE ACADEMIC STAFF

Legislative History

Approved: Board of Governors May 24, 1983 Minute 5667 Senate September 21, 1983 Minute 5
Amendments: Executive Committee December 3, 1984 Minute 7092
Senate December 13, 1989 Minute 46 Board of Governors January 22, 1990 Minute 6657
Senate March 8, 1995 Minute 86 Board of Governors March 27, 1995 Minute 8228
Senate May 12, 1999 Minute 4 Executive Committee June 14, 1999 Minute 7
Senate February 16, 2000 Minute 2 Board of Governors March 20, 2000 Minute 5
Senate May 19, 2010 Minute IIB.6 Board of Governors May 25, 2010 Minute 9.2.4