PREGNANCY LEAVE POLICY

<Organization Name> recognizes the importance of Pregnancy Leave and is excited for employees who are welcoming a new member to their family. We will fully adhere to the guidelines established by the Ontario *Employment Standards Act* (ESA), and would like to offer additional top-up benefits to those embarking on pregnancy leave.

POLICY

Pregnant employees are entitled to take pregnancy leave of up to 17 weeks of unpaid time off work. This time frame may be extended in certain circumstances. Parental leave is not part of pregnancy leave; a birth mother may take both pregnancy and parental leave. In addition, the right to a parental leave is separate from the right to pregnancy leave. To be eligible, employees must have been hired by <Organization Name> at least 13 weeks prior to the start of their pregnancy leave.

Pregnant employees who choose to take pregnancy leave should note that the length of their parental leave will be impacted. Birth mothers who take pregnancy leave will be entitled to 61 weeks of parental leave as opposed to 63 weeks of parental leave, as outlined in the ESA. Additionally, employees should note that taking pregnancy leave may impact their employment insurance benefits.

Notice

Employees should provide <Organization Name> with at least two weeks notice prior to commencing their pregnancy leave. The employee may be required to provide a certificate from a medical practitioner (which may include a medical doctor, a midwife or a nurse practitioner) stating the baby’s due date. In the case of complications or illness, the employee may submit medical documentation and written notice of when the leave is to begin to the organization within two weeks after stopping work. <Organization Name> will not require any personal or medical information or penalize any employee for taking pregnancy leave.

Beginning Pregnancy Leave

In accordance with the ESA, the earliest an employee can take pregnancy leave is 17 weeks before their due date. However, when an employee has a live birth more than 17 weeks before the due date, the employee is able to begin pregnancy leave on the date of the birth.

Generally, the latest pregnancy leave can begin is the baby's due date. However, if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born.

Within these restrictions, an employee can start taking pregnancy leave any time within the 17 weeks up to and including the baby’s due date. <Organization Name> will not decide when an employee will begin pregnancy leave even if the employee is off sick or if the pregnancy limits the type of work the employee can do.

Length of Pregnancy Leave

As per the ESA, a pregnancy leave can last a maximum of 17 weeks for most employees. However, if an employee has taken a full 17 weeks of leave but is still pregnant, the employee may continue on the pregnancy leave until the birth of the child. If the employee has a live birth, the pregnancy leave will end on the date of the birth and then, in most cases, the employee will be able to commence parental leave.

An employee may decide to take a shorter leave if desired. However, once an employee has started a pregnancy leave, the leave must be taken all at once. The employee cannot use up part of the 17 weeks, return to work and then go back on pregnancy leave for the unused portion. If the employee returns to work for <Organization Name>, even if it is only part-time, under the ESA the employee gives up the right to take the rest of the pregnancy leave.

If the employee does not specify a return date, <Organization Name> will assume that the employee will take the full 17 weeks of leave (or any longer period that the employee may be entitled to.

An employee may want to change the date the pregnancy leave was scheduled to end to an earlier date. If so, the employee must give <Organization Name> a new written notice at least four weeks before the new, earlier day.

If an employee would like to change the scheduled end date for their leave to a later date, the employee must give the employer a new written notice at least four weeks before the date the leave was originally going to end.

Paid Portion of Leave

<Organization Name> is pleased to offer our employees paid top-up during pregnancy leave. This means that eligible employees will be paid the EI premium from the government plus a top up from <Organization Name> for the remaining amount of XX% of the employee’s gross wages.

Top up payments will be made by [Insert Method of Payment e.g., direct deposit] to the account on file [Insert When e.g., every two weeks according to the regular pay cycle]. Please note that paid leave during pregnancy leave may affect your Employment Insurance benefits.

Claw Back [Remove if Not Applicable]

It is also important to note that employees must return to <Organization Name> after their leave(s) for at least [Insert # of Time e.g., six (6) months/1 year] in order to keep the full top-up benefit provided to them during their pregnancy leave. If the employee chooses not to return or the employment relationship is severed voluntarily by the employee in their first [Insert # of Time e.g., six (6) months/1 year] of employment upon their return from leave, a prorated portion of the benefit may need to be paid back to <Organization Name>, subject to written authorization.

It must be paid back using the following formula: [Insert formula if applicable.]

Employee Rights During a Leave

Employees have the right to continue to participate in the company benefits plans during their job-protected leave of absence. This includes programs such as: pension plan, life insurance, extended health care, and dental. If an employee wishes to opt out of their participation in these company-provided benefits, they must provide their request via written notice.

<Organization Name> will continue to pay the organization’s portion of the employee benefits contribution to an employee’s benefit plan, unless the employee has provided written notice they’d like to opt out during the leave period.

The employee is responsible for providing payment for the employee portion of the benefits, either through post-dated cheques or through e-transfers.

Employees will continue to accrue length of service while on a job-protected leave.

<Organization Name> will not penalize any employee, in any way, because the employee is or will be taking either pregnancy leave. Employees who take pregnancy leave are entitled to return to either their same position or a comparable one, if <Organization Name> has eliminated their previous one.