PREGNANCY AND PARENTAL LEAVE POLICY

[Organization Name] recognizes the importance of Pregnancy and Parental 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 parental leave.

POLICY

[Organization Name] New parents are entitled to take parental leave of up to 61 or 63 weeks of unpaid time free from work. Parents may refer to a birth parent, an adoptive parent, or a person in a relationship with a parent of a child who plans on treating the child as their own. To be eligible, employees must have been hired by [Organization Name] at least 13 weeks prior to starting their parental leave.

Birth mothers who have taken pregnancy leave are entitled to up to 61 weeks of leave. In the case of a birth mother who did not take pregnancy leave and any other new parents, they are entitled to up to 63 weeks of parental leave.

Parental leave for a pregnant employee may begin as soon as the pregnancy leave ends, unless the baby has not come into their care. In this event, an employee may return to work between the pregnancy and parental leaves and then start parental leave within 78 weeks of the birth (or the date the baby first left the hospital to come home). For any other employees, parental leave must be started no later than 78 weeks after the date of the baby’s birth or the date the child came into their care, custody, and/or control. Note: the parental leave must be started in the 78 weeks, but is not required to be completed then. Employees may return early from leave but may not re-embark on the leave to use up any remaining time.

Paid Portion of Leave

[Organization Name] is pleased to offer our employees:

* full pay during the EI waiting period which occurs during the first two weeks of the leave.
* the company will also top-up employee salaries to X% of their full salary for the first X weeks of the leave. This means that staff will be paid the EI premium from the government plus a top up from [Organization Name] for the remaining amount of X% of the employee’s regular salary.

Top up payments will be made by direct deposit to the account on file [every two weeks according to the regular pay cycle]. Please note that top-up pay during leave may affect your Employment Insurance benefits.

Claw Back

It is also important to note that employees must return to [Organization Name] after their leave for at least six (6) months in order to keep the full top-up benefit provided to them during their maternity or parental leave. If the employee chooses not to return or the employment relationship is voluntarily severed by the employee during the employee’s first six months 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 will follow this formula: (Insert).

Leave Procedure

Employees must provide at least two weeks’ written notice before the start of leave and four weeks’ written notice if they desire to return to work before their leave entitlement has been used up. If an emergency situation occurs and leave needs to begin immediately, employees are required to provide their notice of the leave at least two weeks after starting the leave.

Sharing Leave Time

The total amount of leave taken by one or more employees under the ESA in respect of the same family member, child, or event is the entire amount of the leave; the leave is not doubled. Employees who are sharing the leave can be on leave at the same time, or at different times; the ESA does not provide restrictions for this. The sharing requirement applies whether or not the employees work for the same employer.

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 its 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.

Employees are required to provide arrangements for the payment of the employee-portion of their benefits, either by e-transfer or post-dated cheques.

Employees will continue to accrue seniority while on a job-protected leave.

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