

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 4.05.ON
Section:	Benefits	Issued:	Nov. 25, 2019
Subject:	PREGNANCY LEAVE	Effective:	Jan. 1, 2020
Issue to:	All Manual Holders	Page:	1 of 3
		Replaces:	HR-10
Issued by:	Community Resource Centre	Issued:	Feb 2017

1 POLICY

- 1.01 (a) A pregnant employee who has at least thirteen (13) weeks of employment before the expected date of birth is entitled to and must be granted a pregnancy leave of absence without pay, not exceeding seventeen (17) weeks in duration provided she:
- (i) submits a written application for pregnancy leave at least two (2) weeks before the date on which the leave is to commence; and
 - (ii) if requested, provides a certificate from a legally qualified medical practitioner stating the expected birth date.
- (b) In the case of an employee who stops working because of complications caused by pregnancy or because of a birth, still-birth or miscarriage that happens earlier than the employee was expected to give birth, the employee must, within two (2) weeks of stopping work, provide:
- (i) a written notice of the date pregnancy leave began or is to begin; and
 - (ii) a certificate from a legally qualified medical practitioner that:
 - (A) in the case of an employee who stops working because of complications caused by pregnancy, states the employee is unable to perform their duties because of complications caused by pregnancy and states the expected birth date; or
 - (B) in any other case, states the date of birth, stillbirth or miscarriage and the date the employee was expected to give birth.
- 1.02 Unless Paragraph 1.01(b) applies, pregnancy leave may commence no earlier than seventeen (17) weeks before the expected birth date and no later than the earlier of the employee's due date or the day on which the employee gives birth. Such leave must be for a continuous period and not be intermittent.
- 1.03 (a) Pregnancy leave of an employee who is entitled to take parental leave ends seventeen (17) weeks after the leave began.
- (b) Pregnancy leave of an employee who is not entitled to take parental leave or who elects not to take parental leave, ends on the later of the day that is seventeen (17) weeks after the leave began or the day that is twelve (12) weeks after the birth, stillbirth or miscarriage.
- 1.04 An employee who has a miscarriage or stillbirth more than seventeen (17) weeks before the expected due date is not entitled to pregnancy leave. However, an employee who has a miscarriage or stillbirth within the 17-week period preceding the due date is eligible for pregnancy leave. The latest date for commencing the leave in that case is the date of the miscarriage or stillbirth.

2 PURPOSE

- 2.01 The purpose of this Statement of Policy and Procedure is to ensure employees are aware of their rights related to pregnancy leave.

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3 SCOPE

3.01 This Statement of Policy and Procedure applies to all employees.

4 RESPONSIBILITY

4.01 Employees are responsible for providing the appropriate written notices and medical certificates required by this Statement of Policy and Procedure.

5 DEFINITIONS

5.01 “**Legally qualified medical practitioner**” means a person who is qualified to practice as a physician, as a midwife, as a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*, or a member of a prescribed class of medical practitioners.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Employment Standards Act, 2000 and Regulations (Ontario)
 SPP HR 4.02.ON — Vacation and Vacation Pay
 SPP HR 4.03.ON — Holidays
 SPP HR 4.06.ON — Parental and/or Adoption Leave
 SPP HR 5.04.ON — Workplace Accommodation on the Basis of Disability
 SPP HR 5.19.ON — Accommodation for Breastfeeding

7 PROCEDURE

7.01 During pregnancy leave, an employee who is eligible to participate in pension plans, life insurance plans, accidental death plans, extended health plans and/or dental plans, may continue to participate in those plans, unless the employee elects in writing not to do so or the employee provides written notice that she does not intend to pay the required contributions, if any, to the plan(s). If employee contributions are required, the employee is responsible for paying those contributions unless, prior to taking leave or within two (2) weeks thereafter, the employee notifies the **Community Resource Centre** in writing of her intention to discontinue contributions during the leave period. Benefits do not accrue during the leave, if required employee contributions are not paid. An employee wishing to continue benefits during the leave will be required to provide either post-dated cheques or make other suitable arrangements regarding payment of employee’s portion of premiums for benefit coverage.

7.02 Except for determining whether an employee has completed a Probationary Period, the period of a pregnancy leave is included in calculating an employee’s length of employment, service or seniority.

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- 7.03 On expiry of a pregnancy leave, an employee who returns to work must be reinstated in the position occupied by her at the commencement of the leave, or if that position is not available, in a comparable position with not less than the same wages and benefits.
- 7.04 An employee who is entitled to parental leave in addition to pregnancy leave must commence that leave upon the expiry of pregnancy leave, unless the child has not yet come into the care and control of the employee.
- 7.05 An employee may end a pregnancy leave earlier than planned provided that they provide written notification of at least four (4) weeks before the return date.
- 7.06
- (a) An employee who does not intend to return to work after the leave ends is required to provide at least four (4) weeks of written notice of termination.
 - (b) An employee who fails to return to work upon the expiry of their pregnancy leave and fails to provide written notice of termination as required in paragraph (a) is deemed to have voluntarily resigned their employment effective with the expiry of the leave.
- 7.07 No employee must be intimidated, suspended, laid off, dismissed or penalized in any way because they become eligible to, intend to take or take pregnancy leave.
- 7.08 **Holiday falling during leave** — If a holiday falls during an employee's leave and the employee is on pregnancy or parental leave, the employee is entitled to holiday pay only for the holiday and has no entitlement to a substitute day off in lieu of the holiday. Holiday pay will be calculated by summing the regular wages earned by the employee in the pay period immediately preceding the public holiday and dividing that sum by the number of days worked by the employee in that pay period.