



Township of Pelee Policy

Subject: Pregnancy and Parental Leave – Employee Policy

Policy #: 23-002

Date Approved: April 25, 2023 (Resolution 2023 – 085)

1) POLICY STATEMENT

As recruitment and retention strategies are essential for the success of an organization and its employees, the development of improved strategies is required. Therefore, the Corporation of the Township of Pelee (Township) is committed to ensuring new parents are supported through life events such as pregnancy, childbirth and when a child joins a family through leave.

2) PURPOSE

The purpose of this policy is to provide employees with an overview of pregnancy and parental leaves available under the *Employment Standards Act* (ESA), outline the roles and responsibilities of employees in the accommodation of pregnancy-related needs, and implementing pregnancy and parental leaves of absence.

3) SCOPE

This policy applies to all permanent and full time Township employees who meet the Ontario ESA criteria for Pregnancy/Parental leave.

4) DEFINITIONS

- a) **Employee Standards Act (ESA):** The *Employment Standards Act, 2000* is an Act of the Legislative Assembly of Ontario. The Act regulates employment in the province of Ontario, including wages, maximum work hours, overtime, vacation, and leaves of absence.

- b) **Parent:** Includes a birth parent, adoptive parent, or person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as their own.
- c) **Parental Leave:** The leave provided under Ontario’s ESA to parents for the purpose of providing care to any child that has come under the care, custody, and control of the parent for the first time. Under the ESA, both new parents have the right to take parental leave.
- d) **Pregnancy Leave:** The leave provided under Ontario’s ESA to the parent who has given birth, for the purpose of recovering from the physical demands of child birth.

5) PROCEDURES

Pregnancy Leave

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 they submit a note in writing to the Clerk, or designate, the Human Resources department for pregnancy leave at least two (2) weeks before the date on which the leave is to commence.

Parental Leave

Parental Leave is the leave provided under Ontario’s Employment Standard’s Act to parents for the purpose of providing care to any child that has come under the care, custody, and control of the parent for the first time. It also applies to the parent who has given birth following the end of the pregnancy leave. Leave for the purpose of adoption is considered parental leave.

A parent who has given birth is entitled to 61 weeks of parental leave beyond the 17 weeks of pregnancy leave without pay. A parent who does not take pregnancy leave is entitled to a maximum of 63 weeks of parental leave without pay. A parent who takes pregnancy leave must begin her parental leave when her pregnancy leave ends (unless the child has not yet come into her custody, care and control for the first time). If a parent who does not take pregnancy leave chooses to take parental leave, they must begin their leave no later than 78 weeks after the birth or after the child first comes into their care, custody or control. Employees may take a shorter leave if desired; however once commencing the leave it must be taken all together. For instance, employees cannot begin the leave, return to work, and then decide to take the remainder of the leave at a later date.

Notice Period

Employees are encouraged to provide as much notice as possible before taking pregnancy or parental leave so that the Township can plan accordingly. Employees must give the Township written notice at least two (2) weeks before the start of the leave. Where an employee must begin their leave immediately due to unforeseen circumstances such as illness or complications caused

by pregnancy, and cannot provide two weeks' notice, the employee will inform the Clerk, or designate, as soon as possible.

Notices for leave must state the proposed beginning and end date of the leave. Employees wishing to return from the leave early must provide notice at least four weeks prior to the revised return date.

Employees who decide not to return to work at the end of the leave are requested to give the Town at least four weeks written notice of his/her intention to terminate employment.

Job Protection

Upon return from leave, the employee will be reinstated to the same position they vacated if it still exists or to a comparable position if it does not. The position may be backfilled for the duration of the leave, subject to departmental approval.

If the employee's position or a comparable position does not exist, the employee may be terminated in accordance provided the layoff or termination is for reasons solely unrelated to the leave.

Seniority, Service and Vacation

Seniority and service will continue to accrue for employees who are on pregnancy and parental leave.

Benefits

For employees who are eligible for benefits, continued coverage will be offered during pregnancy leaves and parental leaves.

Benefit coverage includes extended health and dental coverage, group life insurance and accidental death and dismemberment insurance benefits.

OMERS

If an employee wishes to maintain pension service credits, they must pay the employee's contributions for the duration of the leave. The Township will match these contributions if the contributions are completed prior to the end of December 31st of the year following the leave end.

Return of Town Property for Duration of Leave

Employees who will be away from the workplace on a pregnancy or parental leave must leave all Town property (such as laptops, pagers, cell phones, etc.) with the Clerk, or designate, at the end of their last scheduled work day before the leave. If an employee has to start their leave earlier than was anticipated, the employee must make arrangements with the Clerk, or designate, to return the property as soon as it is possible to do so.

Resignation of Employment

An employee wishing to resign while on leave must provide written notice to the Clerk, or

designate, at least four weeks prior to the leave end date.

Exclusions

This policy does not apply to Members of Council.

Information and Training

The Township of Pelee will ensure the policy is readily available for all employees for reference, in either electronic or hard copy.

6) REFERENCES AND RELATED DOCUMENTS

- a) *Employment Standards Act, 2000*