

# Pregnancy and Parental Leave

<b>Original Implementation Date:</b>	<b>April 1, 1996</b>	<b>Approved by:</b>	
<b>Date of Last Revision:</b>	<b>June 25, 2020</b>	<b>Approved by:</b>	<b>Jacques Dubé</b>
<b>Effective Date of Last Revision:</b>	<b>June 25, 2020</b>	<b>Approved by:</b>	<b>Jacques Dubé</b>

## 1 - Policy Name

Pregnancy and Parental Leave

## 2 - Purpose

Halifax Regional Municipality (the Municipality) will grant Pregnancy and Parental Leave in accordance with the Nova Scotia Labour Standards Code. Should there be discrepancy between this policy and the Nova Scotia Labour Standards Code, the legislation will take precedence.

## 3 – Objectives

To clarify employee leave entitlements for pregnancy and parental leave.

## 4 – Scope

This policy applies to all non-union employees.

## 5 – Definitions

For the purpose of this Policy, the following definitions apply:

Employee means any person employed by the Municipality.

Employer means Halifax Regional Municipality, also referred to as the Municipality.

## 6 – Roles and Responsibilities

Not Applicable.

## 7 – Policy Regulations

### Leave Entitlements

#### Pregnancy Leave

Pregnancy Leave is available to Employees who are pregnant or have recently given birth. Provincial legislation sets out the eligibility and conditions for an entitlement of up to 16 weeks of Pregnancy Leave.

### **Parental Leave**

Parental Leave is available to Employees who become a parent through the birth of their child or adoption. Provincial legislation sets out the eligibility and conditions for an entitlement of:

- up to 77 weeks of Parental Leave if an employee does not take Pregnancy Leave; or
- up to 61 weeks of Parental Leave if an employee also takes Pregnancy Leave, for a maximum total of 77 weeks of leave. The leaves must be taken consecutively.

### **Spousal Leave**

In addition to any applicable Parental Leave, the spouse of a person giving birth will be granted paid leave on the day of the birth of the child, if it falls on their scheduled work day.

### **Timing of Leaves**

To take Pregnancy or Parental Leave, an Employee must give the Employer at least four weeks' notice of both the date on which leave will start and the planned date of return to work. If the employee cannot give four weeks' notice of leave for unforeseen reasons, then the Employee must give as much notice as possible.

If an Employee is only taking Parental Leave, with no Pregnancy Leave, the Employee can take up to 77 weeks' leave after the child is born or arrives in the home. The Employee loses this right if the leave is not taken within 18 months after the child arrives in the home.

If a newly arrived child must be hospitalized for more than one week, the Employee can return to work and use the rest of the Parental Leave after the child is released from the hospital.

### **Accruals During Leave**

Sick leave and vacation credits will continue to accrue for up to 12 months of Pregnancy and Parental Leave.

### **Group Benefits and Pension**

The Employer will continue to cost-share group insurance premiums, provided that the Employee on leave contributes the employee share of the required premiums. Such premiums may be deducted in advance of the leave or paid during the leave by pre-authorized payment. Payment arrangements must be made in advance through Human Resources to ensure there is no interruption to employee benefits coverage.

Prior to commencing leave, the Employee must confirm to Human Resources in writing their election for pension options during their leave. Employees should consider consulting with the HRM Pension Plan office before making decisions related to their pension.

The Employee may opt to continue credited service during the leave, in which case the Employer will pay contributions to the HRM Pension Plan for the period of the leave and the Employee will pay their share of the contributions through one, or a combination of, the following options:

- a. Payments made by the Employee prior to or during their leave;
- b. Additional deductions from any top-up if available;
- c. Cashing out vacation accumulated if available;
- d. Deductions from the Employee's pay following returning to work

An Employee must repay the employee portion of the contributions. This repayment will correspond with the length of the leave taken, with the maximum allowable leave of 18 months.

The Employee may opt out of credited service for the duration of their Pregnancy and Parental Leave period. Doing so will not impact the date the Employee is eligible to retire. However, it will reduce the amount of the pension benefit the Employee is eligible to receive at retirement.

Under the HRM Pension Plan's credited service purchase terms, Employees may buy back credited service for the period of their Pregnancy and Parental Leave at a future date. The Employee would be responsible to pay both the Employee and Employer portion of pension contribution.

## **Pay During Leave**

### **Employment Insurance Benefits:**

Employees who take Pregnancy and/or Parental Leave may qualify for Maternity and/or Parental (including Standard Parental or Extended Parental) benefits under the federal government's Employment Insurance program. For more detail on these benefits, contact Service Canada. (<https://www.canada.ca/en/services/benefits/ei.html>).

### **Additional Payments During Leave:**

Permanent full-time or permanent part-time Employees entitled to Pregnancy and/or Parental Leave under this policy are entitled to additional payments from the Employer during their leave. In order to qualify, the Employee must provide the Employer with proof that they have applied for and are entitled to receive Employment Insurance (EI) benefits pursuant to the Employment Insurance Act.

Additional payments are as follows:

#### ***Waiting Period Payment:***

Where the Employee is subject to an unpaid waiting period of one (1) week before receiving EI benefits, the Employee will receive a payment equivalent to 97% of their weekly rate of pay for the one (1) week waiting period.

This will be calculated as outlined in the section on Calculation of Waiting Period and Top-Up Benefit.

### ***Pregnancy Leave Top-Up:***

Employees on Pregnancy Leave will receive a top-up payment of their Pregnancy Leave EI benefits for a period of up to five (5) additional weeks to 97% of their weekly rate of pay.

This will be calculated as outlined in the section on Calculation of Waiting Period and Top-Up Benefit.

### ***Parental Leave Top-Up:***

Employees on Parental Leave will receive a top-up payment of their Parental Leave EI benefits for a period of up to ten (10) additional weeks to 97% of their weekly rate of pay.

Employees who take Pregnancy Leave may, at their discretion, apply their Parental Leave top-up payment to weeks during which the Employee is in receipt of EI benefits for Pregnancy Leave thus allowing the Employee to receive a maximum of 16 consecutive weeks of payments.

If both parents work for HRM the total number of weeks entitlement to payments for Parental Leave is 11 (1 week waiting period payments and 10 weeks additional payments). However, the parents may, at their discretion, divide the 11 weeks between them in any manner they so choose.

This will be calculated as outlined in the section on Calculation of Waiting Period and Top-Up Benefit.

### **Calculation of Waiting Period and Top-Up Benefit:**

The waiting period payment will be equivalent to ninety-seven percent (97%) of the Employee's weekly rate of pay. The payment will be reduced by any applicable deductions and any other earnings received by the Employee during the waiting period.

The top-up payment will be equivalent to the difference between the weekly EI Standard Parental Benefit the Employee is eligible to receive (regardless if the Employee has chosen to access the EI Extended Parental Benefits) and ninety-seven percent (97%) of their weekly rate of pay.

Top-up payments will be reduced by applicable deductions and any other earnings received by the Employee during the benefit period which may result in a decrease in the EI benefits to which the Employee would have been eligible if no other earnings had been received during the period.

The Employee's weekly rate of pay will be one-half ( $\frac{1}{2}$ ) of the bi-weekly rate of pay to which the Employee is entitled for their classification on the date immediately preceding the commencement of their Pregnancy or Parental Leave. In the case of a part-time Employee, such weekly rate of pay will be multiplied by the fraction obtained from dividing the Employee's actual time worked (designated hours plus additional shifts but not including overtime) averaged over the preceding twenty-six (26) weeks, by the regular full-time hours of work for the Employee's classification.

The Employer will not reimburse the Employee for any amount employees are required to remit to Employment and Social Development Canada or any other government agency, where such remittance is required under the provisions of the Employment Insurance Act due to the Employee's annual income.

## **8 – Repeal**

N/A

## **9 – Effective Date**

June 25, 2020

## **10 - Related Policies and Practices**

Provincial:

<http://www.gov.ns.ca/lae/employmentrights/docs/LabourStandardsCodeGuide.pdf>  
<http://www.gov.ns.ca/lae/employmentrights/leaves.asp>

Federal:

<https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html>  
<http://www.servicecanada.gc.ca/eng/lifeevents/baby.shtml>

## **11 – Policy Review**

This policy will be reviewed annually.

## **12 - Contact**

Employee Services, Human Resources- [myhr@halifax.ca](mailto:myhr@halifax.ca)

## **13 - Attachments**

Application form for Supplementary Unemployment Benefit (Top Up):

<http://insidehrm/Forms/FormsIndex.html> (under Human Resources section)