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# *Pregnancy and Parental Leave Policy for Clinical Faculty*

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*(Inclusive of Clinical Scholars)*

Effective Date – July 1, 2014

Approved by Council of the School of Medicine – June 11, 2014

Presented for Information Purposes at McMaster University Remuneration Committee – **TBD**

## I Intent

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This policy, which includes pregnancy leave and parental leave, is designed to facilitate reasonably flexible arrangements at the time of birth or adoption of children and is in compliance with current applicable provincial and federal legislation. The policy will enable both parents to combine successfully an academic career and family responsibilities without significant financial and/or career loss. Recognizing the role of both parents in childbirth, adoption and child rearing, the University will provide the following arrangements for parents in a fair and reasonable manner. The Pregnancy/Parental Leave Policy for Clinical Faculty shall have precedence over all other policies that may impinge upon its terms. The financial benefits provided herein are provided within the framework of the applicable federal and provincial legislation, specifically the provincial *Employment Standards Act, 2000* (“ESA”) and the federal *Employment Insurance Act* (“EI Act”). In the event that either Government makes a substantive change to those programs, the Administration and Clinical Faculty Association will review this policy.

## II Eligibility and Benefits

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### i Definition

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Clinical Faculty will be eligible for leaves regardless of marital status. Besides the birth parents (as defined in federal legislation and regulations), the ESA defines a parent as including “a person with whom a child is placed for adoption and a person who is in a relationship of some permanence with the parent of the child and who intends to treat the child as his or her own.” For clarity, this policy is equally applicable to same-sex parents within the definition set out above.

### ii Leave

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Full-time McMaster Clinical Faculty members, who have at least thirteen (13) weeks continuous employment at the University prior to the estimated date of delivery or adoption of a child (or children),

may request and will be granted a pregnancy and/or parental leave. Only birth mothers are able to take pregnancy leave whereas all parents, as defined above, are eligible for parental leave.

Pregnancy and parental leaves are leaves of absence during which a Clinical Faculty member is relieved of all duties including teaching, graduate supervision, research and service.

### iii Financial Benefits

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To qualify for financial benefits from the University, Clinical Faculty members must have thirteen (13) weeks of continuous service prior to the estimated date of delivery or adoption of a child (or children) and be enrolled in the University's Salary Continuance/Long Term Disability program.

Clinical Faculty members who are already in a period of notice due to their resignation or their removal/dismissal by the University, or due to the University's decision not to renew or continue their employment, are not eligible for financial and associated benefits from the University for pregnancy and parental leave for any period that would extend beyond the termination date.

Clinical Faculty members are eligible for nineteen (19) weeks of financial benefits as follows:

- For the first two (2) weeks of leave, the University will pay 100% of regular salary (defined below); and
- For the third (3<sup>rd</sup>) and subsequent weeks of leave up to the nineteenth (19<sup>th</sup>) week, inclusive, the University will pay 90% of regular salary less the maximum amount of weekly pay the employee is eligible to receive in accordance with the EI Act (the "EI Act Max"), regardless of whether or not such amount is actually received by the employee. If an employee provides proof that his or her EI Act entitlement is less than the EI Act Max, his or her weekly payment from the University will be 90% of regular salary less the amount of his or her EI Act entitlement.

Regular salary is defined as an employee's McMaster base salary and draw on professional earnings (ceiling) as set out in the annual personnel agreement. Regular salary does not include any McMaster paid stipends, ceiling increments, AFP academic merit payments, income received from commissions, incentives or bonuses (including practice plan payout over and above what traditionally was referred to as "ceiling"), overtime pay, honorarium, royalty income, any other extra compensation or income received from sources other than your employer.

Effective January 1, 2015, for the purposes of this policy and benefit calculation herein, regular salary will be limited to an overall annual maximum of \$200,000.

These financial benefits are available for either a pregnancy leave or a parental leave during the first fifty-two (52) weeks following the birth of the child, or in the case of adoption, after the child first comes into the custody, care and control of the parent. Note, where a Clinical Faculty member has received this benefit for pregnancy leave, they may not receive the same benefit for the same child (or children) for their parental leave and vice versa.

### iv Benefits During a Pregnancy or Parental Leave

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The Pregnancy/Parental Leave Policy for Clinical Faculty does not imply employment rights and/or privileges beyond those outlined above. Clinical Faculty members who take a pregnancy or parental leave under these provisions will incur no loss in salary level and are entitled to pension (as applicable), health, disability and other benefits provided the Clinical Faculty member continues to contribute his/her normal share of the cost of these benefits. Arrangements can be made through Human Resources Services (see "Information" below) for the payment of the individual's normal share of benefit or pension payments or premiums. Vacation and research leave shall continue to accrue during all pregnancy or parental leaves.

## v Pregnancy or Parental Leave Combined with another Approved Leave

If the Clinical Faculty member's pregnancy or parental leave falls within or overlaps the period of any other approved leave, the salary and benefit provisions of the other leave will be continued and that portion of the pregnancy or parental leave preceding, or extending beyond, the other approved leave will be eligible for financial benefit according to above (section iii).

A Clinical Faculty member who goes on pregnancy or parental leave when his/her vacation would normally have been taken will have the option to take her vacation during the twelve months following the end of the period of leave. A Clinical Faculty member's pregnancy or parental leave may overlap the period of an approved Research Leave. The usual practice is that the unused portion of the Research Leave is taken immediately following the end of the pregnancy or parental leave. Any departure from this practice requires the approval of the Research Leaves Committee.

## III Notice

In order that suitable arrangements can be made to provide for the absence of Clinical Faculty member on a pregnancy or parental leave, a Clinical Faculty member is expected to provide as much notice as possible of their qualification for, and intent to take, such a leave, normally at least one month.

A pregnancy or a parental leave must be taken in one continuous leave. A Clinical Faculty member electing not to take the maximum amount of time available for a leave will not have the option of taking any untaken leave at a later date. A Clinical Faculty member is normally expected to give four weeks' notice of the date of return to work, should this be different from the previously agreed date.

## IV Provisions Specific to a Pregnancy Leave

Pregnancy leave begins no later than the date of the birth of the child (or children) and no sooner than 17 weeks prior to the anticipated delivery date. [NOTE: EI Act eligibility does not commence sooner than 8 weeks prior to the anticipated delivery date.]

Mothers of children who require lengthy post-natal hospital care shall have the opportunity to delay all or part of pregnancy leave until the child (or children) is (are) released from hospital.

In exceptional circumstances, a pregnancy leave may be extended beyond the 17 week period, at the discretion of the appropriate Department Chair and/or Dean/Vice-President, Faculty of Health Sciences.

## V Provisions Specific to a Parental Leave

Both parents are eligible to take a parental leave provided that the total period of their combined leaves does not exceed 35 or 37 weeks, as the case may be. The 2 week qualifying period under the EI Act need only be fulfilled by one spouse.

A parental leave must begin no later than 52 weeks after the birth of the child or, in the case of adoption of a child, after the child first comes into the custody, care and control of the parent.

An employee taking a pregnancy leave is entitled to unpaid parental leave of 35 weeks in addition to the paid weeks of pregnancy leave. For a birth mother, parental leave commences when her pregnancy leave ends. A birth mother who does not opt to receive financial benefits during her pregnancy leave may choose to receive financial benefits during parental leave.

An employee who has not taken a pregnancy leave prior to her parental leave is entitled to 37 weeks of unpaid parental leave (the 2 week qualifying period under the EI Act plus 35 weeks). In some circumstances a pre-adoption leave may be granted to provide the Clinical Faculty member time to address requirements of the adoption process. For example: the time to travel to a foreign country to receive custody of the adoptive child. In this situation it is requested that the Clinical Faculty member provide reasonable advance notice of the leave requirement.

## VI Actual Caregiver

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An employee who assumes actual care of a newborn or newly-adopted child (or children) is entitled to the same parental leave as biological or adoptive parents, provided that the employee has had 13 weeks continuous employment at McMaster by the date the leave commences. No financial benefits accompany such a leave.

## VII Academic Career Decisions

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A Clinical Faculty member who is on, has taken, or was eligible for leave in connection with the birth or adoption of a child shall have the opportunity for up to one year from the birth or adoption of a child to elect to have academic decisions relating to that individual's career development (e.g., tenure review) deferred, in normal circumstances, by one year. A Clinical Faculty member is expected to discuss his/her position with the Dean and Department Chair within one year from the birth or adoption of a child, and to advise them of his/her or her decision as soon as possible. A request for deferral must be made in writing to the Dean or the normal timing of academic career decisions shall continue. Upon approval of such deferral by the Dean, a recommendation to that effect is submitted to the Provost. A decision to defer academic decisions related to the individual's career development must be confirmed in writing via a letter from the President, and signed back by the Clinical Faculty member.

## VIII Information

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For more information about pregnancy and parental leave as provided by the ESA or your entitlement to EI Act benefits, please see the below links or visit your local Service Canada office.

- <https://www.labour.gov.on.ca/english/es/pubs/guide/pregnancy.php>
- <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml>

Please be aware that this policy does not encompass any other sources of income available to Clinical Faculty members or notification responsibilities resulting from membership in any other association or employment with any other employer.