

Parental – Adoption Leave Policy



1. POLICY

- In the case of an employee who is the birth mother is entitled to:
- Parental/Adoption Leave without pay, up to a maximum period of thirty-five (35) consecutive weeks in the case of an employee who takes Pregnancy Leave or thirty-seven (37) consecutive weeks if no pregnancy leave is taken.
- In the case of an employee who is the birth father of a new-born child or an adopting parent of a child is entitled to:
- Parental/Adoption Leave without pay, up to a maximum period of thirty-seven (37) weeks following the birth of a child or when a child comes into the custody, care and control of a parent through adoption.
- In the case where additional parental care is required if the child has a physical, psychological or emotional condition, the employee is entitled to:
- An additional five (5) consecutive weeks of unpaid leave beginning immediately after the parental leave ends.

2. PURPOSE

- To establish effective procedures used by employees who become birth or adopting parents and wish to provide for the care and custody of a new born or adopted child is the purpose of this Statement of Policy and Procedure.

3. SCOPE

- All employees of the **[Company]** are bound by this Statement of Policy and Procedure.

4. RESPONSIBILITY

- When an employee requests a Parental/Adopting Leave, he or she is responsible to provide at least (4) weeks of written notice.

5. DEFINITIONS

- **“Child”** means a new-born child of the parent and, in the case of an adopted child, a child who has not reached the age of majority (19).
- **“Parent”** means the birth father or birth mother of a new-born child and includes a person with whom a child is placed for adoption and a person who is in relationship of some permanence with apparent of a child and who intends to treat the child as his or her own.

6. REFERENCES AND RELATED STATEMENTS OF POLICY AND PROCEDURE

British Columbia Employment Standards Act and Regulations

SPP HR 4.02.BC – Vacation and Vacation Pay

SPP HR 4.05.BC – Pregnancy Leave

7. PROCEDURE

- Employees, shall be granted the requested leave for a maximum period of up thirty-five (35) consecutive weeks in the case of an employee who also has takes Pregnancy Leave on thirty-seven (37) consecutive weeks for an employee who does not take Pregnancy Leave, upon giving their immediate manager a minimum of four (4) weeks of written notice of their intention.
- In the event that a child comes into the employee's custody, care and control for the first time earlier than expected requiring the employee to stop working, then the following occurs:
 - The Parental/Adoption Leave begins on the day he or she stops working; and
 - The employee must give written notice that he or she is taking Parental/Adopting Leave within two (2) weeks after stopping work.
 - Unless agreed to otherwise by **[Company]** and the employee, an employee who takes Pregnancy Leave and wishes to take Pregnancy Leave must commence the Parental Leave immediately upon expiry of the Pregnancy Leave, without return to work. Otherwise, Parental/Adoption Leave must commence not later than fifty-two (52) weeks after the day the child is born or comes into custody, care and control of a parent for the first time.
 - An employee who returns to work shall be reinstated in the position occupied by that employee at the commencement of the leave, or if that position is not available, in a comparable position on the expiry of a Parental/Adoption Leave.
 - The employee will be re-instated in accordance with Paragraph 7.03 (a) when operations are resumed in the event operations are suspended or discontinued when the leave ends.
 - The employee shall receive a pay rate that is equal to the greater of on return to work,
 - The rate the employee most recently earned;
 - the rate the employee would be earning had he or she worked throughout the leave.
- In any calculation of an employee's length of seniority or employment, Parental/Adoption Leave is included.
- During Parental/Adoption 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 UNLESS
 - The employee elects in writing not to participate; or
 - The employee provides written notice that he or she does not intend to pay the required contributions to the plans.

The employee is responsible to pay those contributions prior to taking leave or within two (2) weeks thereafter. Benefits coverage will be discontinued if the employee notifies **[Company]** in writing of the intention to discontinue contributions.

- An employee may end a Parental/Adoption Leave earlier than planned by providing at least two (2) weeks of written notice of the date on which the leave is to end.

An employee who fails to return to work upon the expiry of a Parental/Adoption Leave is deemed to have voluntarily resigned from his or her employment coincident with the expiry of the leave, unless an employee provides written notice of termination.

- **Vacation and Parental Leave Conflict**

- An employee who is on parental leave may defer taking vacation until the leave expires or, if the employer and employee agree to a later date, until the later date, if
- under the terms of the employee's employment contract, the employee may not defer taking vacation that would otherwise be forfeited or the employee's ability to do so is restricted; and
- as a result, in order to exercise a right to leave, the employee would have to forfeit vacation or vacation pay, or
- take less than his or her full leave entitlement.
- Similarly, if an employee is on leave on the day by which his or her vacation must be completed, the uncompleted part of the vacation must be completed immediately after the leave expires or, if the employer and the employee agree to a later date, beginning on that date.
- An employee may rather than completing vacation, may make a written request to forgo vacation and receive vacation pay in accordance with the act.
- No employee who has completed the Probationary Period shall be terminated or laid-off solely because the employee has applied for leave in accordance with this policy.

8. ATTACHMENTS

None.