

HR: BEN03 – Maternity Leave

Originated: May 2009
Review: Sept. 2020
Revised: Sept. 2012
Approved: Sept. 2020

POLICY:

The Library Board will provide unpaid maternity leave for all employees who have successfully completed their probationary period.

PURPOSE:

The purpose of this policy is to ensure employees are aware of their entitlements related to maternity leave. Employees are responsible for providing the appropriate written notices and medical certificates outlined in the following procedures.

DEFINITIONS

“Comparable position” mean a position similar to the employee’s previous position in working conditions, wages, and responsibility.

“Health-related leave” is that portion of maternity leave which meets the employer’s criteria for short term disability benefits. At minimum, this period shall be six (6) weeks after the delivery of the child.

“Voluntary leave” is that portion of maternity leave which is not “health-related”.

PROCEDURE

1. A pregnant employee who has been employed by Lac La Biche County Library Board for at least fifty-two (52) consecutive weeks is entitled to and shall be granted a maternity leave of absence without pay, not exceeding fifteen (15) consecutive weeks in duration provided she:
 - Submits a written application for maternity leave at least six (6) weeks before the date on which the leave is to commence; and
 - If requested, provides a certificate from a medical practitioner stating the expected birth date.
2. An eligible employee who stops working because of complications caused by her pregnancy or because of a birth, still-birth or miscarriage that happens earlier than the employee was expected to give birth is required to provide within two (2) weeks of stopping work:
 - A written notice of the date maternity leave began or is to begin; and
 - A certificate from a medical practitioner.



3. In the case of an employee who stops working because of complications caused by her pregnancy, states the employee is unable to perform her duties because of complications caused by her pregnancy and states the expected birth date; or in any other case, states the date of birth, still-birth or miscarriage and the date the employee was expected to give birth.
4. Provided the employee's maternity leave has not yet commenced, a pregnant employee (including an employee who is not entitled to maternity leave) is entitled to use accumulated sick leave benefits, if any, in accordance with the sick pay policy, for health-related reasons associated with pregnancy. Similarly, a pregnant employee may also use accumulated vacation time and/or overtime bank hours, if any, for any other leave time required prior to the start or end of any authorized maternity leave.

Leave commencement and conclusion

- Unless section three applies, maternity leave may commence no earlier than 12 weeks before the expected birth date and no later than or the day on which the employee gives birth. Such leave shall be for a continuous period and not intermittent.
- Notwithstanding section three, at least six weeks of maternity leave must be taken immediately following the date of delivery, unless Lac La Biche County Library Board and employee agree to a shorter period conditional on the employee providing a medical certificate stating that resuming work will not endanger her health.
- An employee who takes maternity leave and wishes to take parental leave must commence the parental leave immediately upon expiry of the maternity leave, without a return to work, unless agreed to otherwise by Lac La Biche County Library Board and the employee. The employee's application for maternity leave is deemed to be notice of application for parental leave unless the application for maternity leave specifically excludes parental.
- Unless specified otherwise herein, insured employee benefits programs are discontinued for the duration of any maternity leave effective the end of the month in which the leave commences.
- An employee's benefits will be either continued or re-instated during the portion of the maternity leave which is "health-related".
- If permitted and approved by the benefits provider, employees may make appropriate arrangements, in advance, to maintain insured benefit plans related to life insurance, accidental death insurance, extended health and/or dental benefits making suitable arrangements regarding payment of the necessary premiums, including the employer's share, if any, prior to the commencement of the leave.



Notice of return from leave

- An employee is required to give the Board at least four weeks' written notice of the date she intends to resume work. The employee shall be reinstated to the position most recently held or to a comparable position at not less than the earnings and other benefits that had accrued to the employee when the leave started.
- In the event operations are suspended or discontinued when the leave ends, the employee will be reinstated if operations are resumed within 52 weeks of the end of the employee's leave period.
- An employee who does not wish to return to work following her leave period, must give the Board at least four weeks' written notice of her intention to terminate employment.
- An employee who fails to provide a written notice as required or fails to return to work in accordance with her written notice to the Board, is deemed to have voluntarily resigned her employment coincident with the expiry of the leave, unless the failure to provide notice or return to work resulted from unforeseeable or unpreventable circumstances. In such a case, the employee must provide proof of such circumstances if so requested.

Effect of leave on length of service

The period of maternity leave is included in any calculation of an employee's length of employment or seniority. The period of the leave is not included when determining whether the employee has completed a probationary period.

Benefits during leave

During maternity leave, an employee who has elected to continue to participate in insured benefit plans (life insurance, accidental death insurance, extended health and/or dental plans) is responsible for paying both the employer and employee contributions to the premiums, if any, during the voluntary portion of the leave period.

The employee will be required to provide either post-dated cheques or make other suitable arrangements regarding payment of the employer's and employee's portions of premiums for benefit coverage prior to taking leave or within two weeks thereafter. If the employee notifies the employer in writing of her intention to discontinue contributions during the leave period, benefits coverage will be discontinued effective at the end of the month in which the leave commences.



Vacation and Maternity Leave Conflict

An employee who is on maternity 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 her right to leave, the employee would have to forfeit vacation or vacation pay or take less than her full leave entitlement.

Similarly, if an employee is on leave on the day by which 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.

In the alternative, an employee may make a written request to forgo vacation and receive vacation pay in accordance with the Code rather than completing her vacation.

No employee shall be intimidated, suspended, laid off, dismissed, or penalized in any way because she becomes pregnant or is eligible to, intends to take, or takes maternity leave.♦

