

Category: Human Resources

## **Pregnancy and Parental Leave**

Policy Number: HRM 240

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Administered by: Human Resources – Employee Relations

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## 1. Background

The City of Brampton (the “City”) provides both Pregnancy and Parental Leave to eligible employees in accordance with the *Employment Standards Act, 2000* (the “ESA”).

## 2. Purpose

The purpose of this policy is to identify the terms and entitlement for both Pregnancy and Parental Leave which provide time off work for eligible employees.

## 3. Application and Scope

- 3.1 This Administrative Directive applies to all non-union employees and shall be administered in accordance with the ESA.
- 3.2 Pregnancy and Parental Leave for unionized employees are available in accordance with their respective Collective Agreements. Unionized employees must follow any specific requirements that are in their Collective Agreements.
- 3.3 For the purposes of Supplementary Unemployment Top-up (“SUB” Section 8.1), this applies only to all permanent full-time employees (non-union and unionized) and employees of the Mayor and Council Office with a contract of 12 months plus 1 day.
- 3.4 A fixed-term contract or temporary employee whose contract term expires during a Pregnancy or Parental Leave period may not be guaranteed employment at the end of the leave. Contract employees should refer to the terms of their employment contract.

*Note: Employment Insurance (EI) benefits provided by the federal government and weeks of leave mandated by provincial legislation, referred to in this Administrative Directive, are applicable to Pregnancy or Parental Leave taken for children born or coming into care on or after January 1, 2021. Employees should contact Service Canada for information on their entitlement to EI benefits while on leave.*

## 4. Outcomes

- 4.1 Ensure that eligible employees experience a seamless transition to Pregnancy or Parental Leave in accordance with the ESA.
- 4.2 Eligible employees are treated in a respectful, supportive, and equitable manner while they exercise their rights under this Administrative Directive.

## 5. Principles

- 5.1 **Equity and Compassion** – This Administrative Directive reflects the City's commitment to a barrier-free workplace that is free from discrimination. Specifically, the City will accommodate changes in family status in accordance with applicable legislation and with a progressive outlook.

## 6. Pregnancy Leave

- 6.1 All eligible pregnant employees that have completed thirteen (13) weeks of employment prior to their expected due date are entitled to up to seventeen (17) weeks of unpaid Pregnancy Leave. The Pregnancy Leave may start up to 17 weeks before an employee's expected date of delivery and no later than the actual date of birth. In the event of a miscarriage or still birth within the 17-week period proceeding the due date, the leave begins on the date of miscarriage or still birth.
- 6.2 An eligible employee who is pregnant is encouraged to provide at least two (2) weeks written notice of leave and a certificate from a medical practitioner stating the baby's due date before the start of the leave to their supervisor. Pregnancy Leave may commence on an earlier date if the employee gives at least 2 weeks written notice before the earlier date. The leave may commence on a later date if the employee gives at least 2 weeks written notice before the original date. The supervisor may waive the notice requirement to begin the leave on a later date.

## 7. Parental Leave

- 7.1 All eligible employees who have completed 13 weeks of employment are entitled to an unpaid Parental Leave following the birth of a child or the child coming into the employee's custody, care, and control for the first time. If the employee who is pregnant took Pregnancy Leave, then the Parental Leave may be up to sixty-one (61) weeks in duration. If the employee did not take a Pregnancy Leave, the Parental Leave may be up to sixty-three (63) weeks in duration. An eligible employee is encouraged to provide at least two weeks' written notice of Parental Leave. Parental Leave must start within the 78-week period of the birth of a child or the date the child first came into the care, custody, and control of the Parent.

## 8. Salary and Benefits

- 8.1 Eligible employees who are in receipt of EI during Pregnancy or Parental Leave will be paid a SUB Top-up equivalent to the difference between **81%** of the employee's regular weekly earnings and the sum of the employee's weekly EI entitlements. In the case of Pregnancy Leave benefits, SUB payments shall commence following the EI "waiting period" and shall continue without interruption while the employee is in receipt of such benefits for a **maximum of fifteen (15) weeks**. In the case of Parental Leave benefits, SUB payments

shall continue without interruption while the employee is in receipt of such benefits for a **maximum period of eighteen (18) weeks**.

- 8.2 Employees continue accruing service credits during Pregnancy and Parental Leave for purposes of vacation, seniority, sick leave, sick pay/credits (where applicable). Service-based salary adjustments will also continue accruing during the leave of absence.
- 8.3 Pregnancy and Parental Leave do not count towards completion of the probationary period.
- 8.4 Benefit premiums paid by the City on behalf of the employee prior to Pregnancy or Parental Leave shall continue during the leave of absence. These benefits include the extended health care, dental and vision care plans, group life insurance, and accidental death and dismemberment coverage.
- 8.5 Coverage for benefits normally paid for by the employee in terms of Long-Term Disability (“LTD”) may be continued by the employee during the leave of absence. Employees must indicate in their written notice of Pregnancy or Parental Leave if they intend to continue LTD benefits for the duration of the leave or if they intend to decline LTD coverage. If continuing, the employee shall make arrangements with the payroll division to provide post-dated cheques for monthly benefit premium payments at least two (2) weeks prior to commencement of their leave of absence. Unionized employees should connect with their union representative for specific requirements under their respective Collective Agreements.
- 8.6 The OMERS pension plan will not continue during Pregnancy or Parental Leave.
  - 8.6.1 Arrangements to purchase the period of broken service for the OMERS pension plan shall be made upon the employee's return to work. The procedure for the purchase shall be in accordance with OMERS regulations. It is the employee's responsibility to contact the Pension Administrator in the Payroll Division at [pension@brampton.ca](mailto:pension@brampton.ca).
- 8.7 Service accrual during Pregnancy or Parental Leave shall be unpaid. Statutory holidays that occur during the leave will not be paid.

## **9. Changing or Terminating Leave**

- 9.1 Employees on Pregnancy or Parental Leave intending to revise the date of their return from the leave of absence must notify their supervisor in writing a minimum of four (4) weeks before the date the leave was to end.
- 9.2 Employees must confirm their return-to-work date with their supervisor two (2) weeks prior to the return.

- 9.3 An employee returning from Pregnancy or Parental Leave will be reinstated into their previous position should it exist or a comparable position commensurate with the employee's qualifications, experience, and ability. For unionized employees, the applicable Collective Agreement will be applied.
- 9.4 Employees who choose not to return to work after the leave must provide four (4) weeks written notice of their resignation.

## **10. Job Postings**

- 10.1 Employees on approved Pregnancy or Parental Leave are eligible to apply for job postings.

## **11. Roles and Responsibilities**

### 11.1 Employee

- 11.1.1 Application for EI benefits is the responsibility of the employee.
- 11.1.2 Employees must provide proof of the EI payment while on Pregnancy or Parental Leave to payroll in order to receive their SUB Top-up benefits.

### 11.2 People Leader

- 11.2.1 Understand and comply with this Administrative Directive and accompanying Standard Operating Procedures (SOPs).
- 11.2.2 Ensure that an employee's leave is appropriately captured through an Employee Data Change Form (EDC) in collaboration with Human Resources.
- 11.2.3 Ensure employee information remains confidential.

### 11.3 Human Resources

- 11.3.1 Responsible for communicating and adhering to the Administrative Directive and accompanying SOP.
- 11.3.2 Provide support and guidance to People Leaders and Employees to ensure compliance with this Administrative Directive.
- 11.3.3 Maintain the Administrative Directive and any accompanying SOPs.

## **12. Monitoring and Compliance**

- 12.1 Human Resources is responsible for communicating the Administrative Directive to People Leaders and employees and monitoring for compliance.

## 12.2 Consequences of Non-compliance

- 12.2.1 Failure to adhere to this Administrative Directive may lead to delays in processing benefits in an efficient and timely manner.

## 13. Definitions

- 13.1 **People Leader** – A person who is in charge of a Workplace or has authority over an employee and can include but is not limited to, Member of Council, Senior Leaders, Directors, or Forepersons.
- 13.2 **Pregnant Employee** – The person that physically gave birth to or delivered a child, regardless of the person’s gender identity or their intention to parent.
- 13.3 **Parent** – A person who intends to bring up and care for a child. A Parent may include the person that physically gave birth to/delivered a child, a person of any gender identity with whom a child is placed for adoption, and/or a person of any gender identity who is in a relationship with a Parent of a child and who intends to treat the child as their own.
- 13.4 **Supplementary Unemployment Benefit (SUB) Top-up** – A benefit that the organization provides to all permanent full-time employees (non-union and unionized) and employees of the Mayor and Council Office with a contract of 12 months plus 1 day who are receiving Employment Insurance.

## 14. References and Resources

This Administrative Directive should be read and applied in conjunction with the following references and resources as updated from time to time. Please note that some of the following documents may not be publicly available.

### 14.1 External references

- [Employment Standards Act, SO 2000, c 41](#)
- [Employment Insurance Act, SC 1996, c 23](#)

### 14.2 References to related bylaws, Council policies and administrative directives

- [HRM 250 – Non-Occupational Claims Management](#)

## 15. Revision History

Date	Description
2024/01/01	Approved – <i>New</i>

Date	Description
2024/09/06	Update to References to remove STD 9.1.0 and LTD 9.2.0 and replace with HRM 250 – Non-Occupational Claims Management
2028/01/01	Next scheduled review <i>(typically four years after approval)</i> .