

Complete Policy Title:
**Pregnancy/ Parental Leave
Policy for Faculty and MUFA
Librarians¹**

Policy Number (if applicable):
SPS C4

Approved by:
**Senate
Board of Governors**

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June 4, 2015**

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Supersedes/Amends Policy dated:
December 14, 2011

Responsible Executive:
Provost and Vice-President (Academic)

Enquiries:
[University Secretariat](#)

DISCLAIMER: *If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

I Intent

The Pregnancy/Parental Leave Policy for Faculty and MUFA Librarians (this “Policy”), 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. This policy supports the University’s aims of fostering research and teaching excellence by supporting parents in combining their academic careers and family responsibilities without undergoing significant professional or financial setbacks. This Policy shall have precedence over all other policies that may impinge upon its terms.

The entitlement to leave and accompanying financial and other benefits provided herein are understood within the framework of the applicable provincial and federal legislation, specifically, the *Employment Standards Act, 2000* (the “ESA”) and the *Employment Insurance Act* (the “EIA”). If the legislative provisions relating to pregnancy or parental leave change substantively in either statute, the University and the McMaster University Faculty Association (“MUFA”) will meet to review this Policy.

¹ ¹ This policy applies to faculty and to those senior academic librarians who are members of the McMaster University Faculty Association (MUFA).

II Scope

This Policy applies to all full-time and part-time faculty and to librarians who are members of MUFA (each, a “Faculty Member”).

III Definitions

A “parent” is defined as (i) a child’s biological mother or father; or (ii) a person with whom a child is placed for adoption; or (iii) 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.

A “pregnancy leave” and “parental leave” are each defined as: a continuous leave of absence during which a Faculty Member is relieved of all duties, including teaching, graduate supervision, research and service, and are differentiated one from the other on the parameters set out in this Policy.

“Salary” is defined as: gross salary, subject to all applicable statutory and payroll deductions.

IV Leaves and Eligibility

i. Pregnancy Leave

All Faculty Members who are pregnant and who have at least 13 weeks continuous employment at the University prior to the estimated date of delivery of a child (or children) are entitled to take a pregnancy leave.

In order that suitable arrangements can be made to provide for the absence of the Faculty Member on a pregnancy leave, the Faculty Member is expected to provide a minimum of two weeks of notice of her intent to take such a 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, except that mothers of a child (or children) who require(s) 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. [NOTE: eligibility for benefits under the EIA does not commence sooner than 8 weeks prior to the anticipated delivery date.]

A pregnancy leave will not normally exceed 17 weeks. The Faculty Member is normally expected to give at least four weeks’ notice of the date of return to work, should this date be different from the original scheduled return date. In exceptional circumstances, a pregnancy leave may be extended beyond the 17-week period, at the discretion and approval of the appropriate Dean/Supervisor. In any event, it is understood that a pregnancy leave will end no later than the date the Faculty Member’s employment at the University ends, whether by resignation, retirement, the expiry or non-renewal of a contractually limited appointment, or otherwise.

ii. Parental Leave

All Faculty Members who are a parent of a child and who have at least 13 weeks' continuous employment at the University are entitled to take a parental leave.

In order that suitable arrangements can be made to provide for the absence of the Faculty Member on a parental leave, the Faculty Member is expected to provide a minimum of two weeks' notice of his/her intent to take such a leave.

A Faculty Member who has taken a pregnancy leave must begin her parental leave when her pregnancy leave ends unless the child (or children) has (have) not yet come into her custody, care and control for the first time. For Faculty Members who have not taken a pregnancy leave for the same child (or children), parental leave must begin no later than 52 weeks after the birth of the child (or children) or, in the case of an adoption of a child, after the child first comes into the custody, care and control of the parent.

A parental leave will not exceed 35 weeks for Faculty Members who have taken a pregnancy leave for the same child (or children) and 37 weeks for those who have not. The Faculty Member is normally expected to give at least four weeks' notice of the date of return to work, should this date be different from the original scheduled return date. In any event, it is understood that a parental leave will end no later than the date the Faculty Member's employment at the University ends, whether by resignation, retirement, the expiry or non-renewal of a contractually limited appointment, or otherwise.

iii. Pre-Adoption Leave

In some circumstances, a pre-adoption leave may be granted to provide the 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 Faculty Member provide reasonable advance notice of the leave requirement.

iv. Pregnancy or Parental Leave Combined with another Approved Leave

If a 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 Option 'A' or 'B' below, up to the maximum length of the option selected.

A Faculty Member who takes a pregnancy or parental leave when his or her vacation would normally have been taken will have the option to take that vacation entitlement during the 12 months following the end of the period of leave.

A 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.

V Financial and Other Benefits

i. Financial Benefits

A Faculty Member who takes a pregnancy or parental leave pursuant to this Policy is entitled to the financial benefits set out in Option A or Option B below, at his or her election. It is understood that a Faculty Member electing to take a pregnancy leave and a parental leave for the same child (or children) may elect to receive financial benefits for either leave (under either option), but not both leaves.

OPTION A

- * For the first two weeks of leave, the University will pay 100% of regular salary; and
- * For the third and subsequent weeks of leave up to the 19th week, inclusive, the University will pay 90% of regular salary less the maximum amount of weekly pay any employee is eligible to receive in accordance with the EIA (the “EI Max”), regardless of whether or not such amount is actually received by the Faculty Member. If the Faculty Member provides proof that his or her EIA entitlement is less than the EI Max, his or her weekly payment from the University will be 90% of regular salary less the amount of his or her EIA entitlement.

OPTION B

- * For the first four weeks of leave, the University will pay 100% of regular salary.

ii. Other Benefits

A Faculty Member who takes a pregnancy and/or parental leave pursuant to this Policy is entitled to continue to participate in all pension and health benefits plans, including Extended Health, Dental and Basic Group Life, for the duration of the leave(s), provided the Faculty Member continues to contribute his or her normal share of the cost of these benefits, including pension contributions. If employee pension contributions are discontinued, pensionable service will not accrue and anticipated retirement dates may be affected.

Faculty Members wishing to continue participation in any of the employee-paid benefits, such as Long-Term Disability (LTD), Optional Life insurance, and Accidental Death and Dismemberment (AD&D) insurance, must notify Human Resources Services (see “Information” below) of this decision in advance of the commencement of the leave and arrange for the payment (e.g., payroll deduction) of the Faculty Member’s normal share of benefit premiums.

Eligibility for vacation shall be unaffected by any pregnancy and/or parental leave. Eligibility for research leave shall continue to accrue during any pregnancy and/or parental leave.

VI Academic Career Decisions

A Faculty Member who is on, or has taken, leave in connection with the birth or adoption of a child shall normally have academic decisions relating to that individual's career development (e.g., tenure review) deferred by one year. If the Faculty Member so chooses, she/he may request not to defer any decisions; this request for non-deferral must be made in writing to the Department Chair, with final approval from the Dean, in a timely manner, and within the leave period, or the academic career decisions shall be deferred. Upon approval of such non-deferral by the Dean, a recommendation to that effect is submitted to the Provost. A decision not 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 Faculty Member.

Requests not to defer career decisions must be made within the leave period. A Faculty Member wishing to be considered for tenure and/or promotion or permanence during the calendar year in which she/he returns from a pregnancy or parental leave must ensure that his or her Chair and Dean have been notified at least six months in advance of the deadline set by the University for submission of tenure / promotion / permanence files.

A Faculty Member who was eligible for leave in connection with the birth or adoption of a child and did not take any or all of that leave may request to have academic career decisions relating to that individual's career development (e.g. tenure review) deferred by one year (see Tenure and Promotion Policy, Section II, clause 7 a. iv).

A Faculty Member who has taken a leave in accordance with this Policy is still eligible for Career Progress/Merit awards. These awards shall be calculated as follows, taking into account the Faculty Member's normal division of duties between research, teaching, and service: If the Faculty Member has teaching evaluations for the year under evaluation, these will be used to calculate the teaching portion of the CP/M score, even if fewer classes were taught than usual (e.g., if two courses were taught in Fall semester and the Faculty Member was on leave during the Winter and Spring/Summer semesters). Likewise, if the Faculty Member engaged in service for the year under evaluation, this service will be used to calculate the service portion of the CP/M score. If no teaching or service was performed during the year under evaluation, the score will be estimated based on the average of the past three years for which scores are available.

In the year of the pregnancy/parental leave and the year following the pregnancy/parental leave, to calculate the research portion of the CP/M score, the Faculty Member may choose one of two options: (i) the average of the past three years for which research evaluations are available (normally those prior to the leave), or (ii) an evaluation of the past calendar year alone. A Faculty Member may be more likely to choose the second option in fields where publications (e.g., books) may take several years to appear or where there are unpredictable publication lags (e.g., journals), but either option is available to any Faculty Member on leave under this Policy. The Faculty Member shall inform his or her Chair of the elected option in writing at the time of the annual report submission.

VII Return to Work

When a pregnancy or parental leave ends, the Faculty Member will normally return to the same role and duties that she/he performed prior to the leave. The returning Faculty Member will not be required to teach additional courses to “make up” the courses not taught during the leave. Furthermore, taking into consideration the teaching needs of the department, the Faculty Member will normally have the option to teach the same courses that she/he taught previously.

VIII Information

For questions on the administration of this Policy, contact Human Resources Services at Extension 22247 or e-mail benefits@mcmaster.ca.