

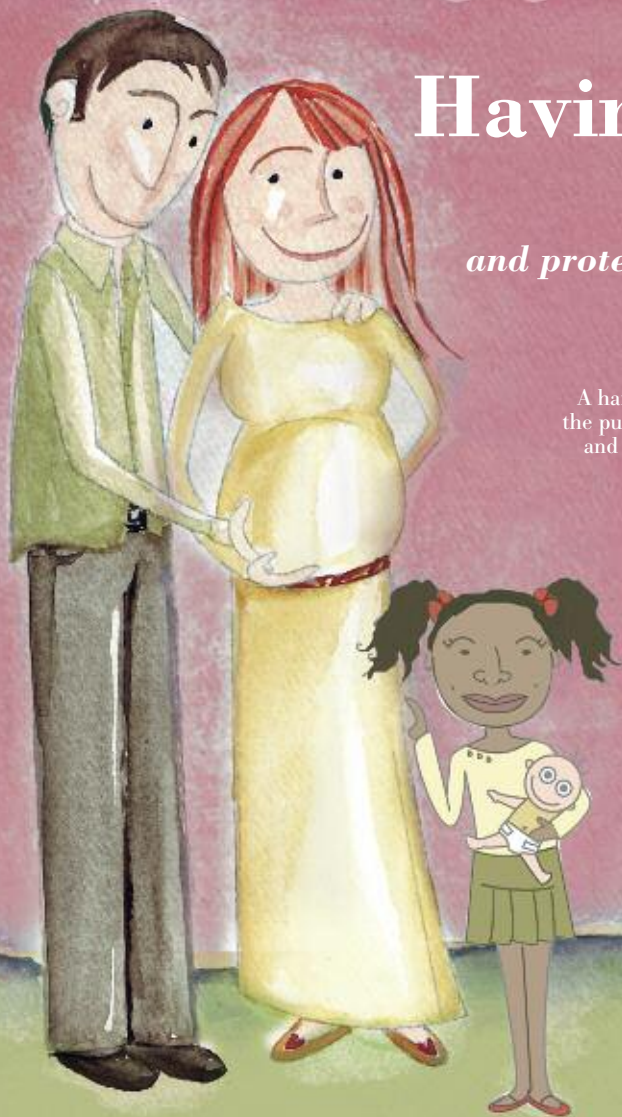
Once  
upon a time

# Having child

*and protecting your rights...*

◆◆◆  
A handbook for workers in  
the public sector of the health  
and social services system

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Status of Women  
Committee

**f**SSS  CSN

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**“Having a child’s room to put in order is like having a life to build.”**

Daniel Pennac, *Messieurs les enfants*,  
Gallimard, 1999, p. 190.

having  
a child

# *Foreword*

Following the signing of the 2011-2015 collective agreement, the Status of Women Committee of the Fédération de la santé et des services sociaux (FSSS-CSN) has updated the handbook on parental rights for employees in the public sector. The new collective agreement contains a number of important improvements to parental rights for our members, particularly with respect to leave, including the 5 weeks of paternity leave.

The arrival of a child is an important event, involving many indispensable procedures. This handbook is intended to make it easier to understand the relevant clauses in the collective agreement, as well as legislation and the Québec Parental Insurance Plan (QPIP), as they bear on your rights at the various stages of your child's arrival.

This handbook does not replace official documents. Nor does it cover all the rights set out in the collective agreement. Some clauses are omitted because they refer to very exceptional situations. For these, we invite you to consult your union.

This handbook refers to clauses of official documents. When there is a reference to the collective agreement, we have used a number that refers to the clause involved. When the reference is to legislation, an acronym or short form of the name of the act is sometimes used.

In 2008, the Status of Women Committee also published a handbook on parental rights for workers in the private and community sectors, be they unionized or non-unionized. That guide is available on the FSSS web site, at: [www.fsss.qc.ca](http://www.fsss.qc.ca)

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## Acronyms

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<b>AIAOD</b>	Act respecting industrial accidents and occupational diseases
<b>PIA</b>	Act respecting parental insurance, or Parental Insurance Act
<b>LSA</b>	Act respecting labour standards, or Labour Standards Act
<b>OHSA</b>	Act respecting occupational health and safety, or Occupational Health and Safety Act
<b>QPIP</b>	Québec Parental Insurance Plan
<b>RREGOP</b>	Government and Public Employees Retirement Plan



## *I'm pregnant*



An employer is not allowed to discriminate against a pregnant worker, because she has rights and freedoms under the *Charter of Human Rights and Freedoms*. Sections 10 and 16 stipulate:

### **Discrimination forbidden**

*10. Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.*

*There is discrimination when such a distinction, exclusion or preference has the effect of destroying or jeopardizing this right.*

## **Non-discrimination in employment**

*16. No one may practise discrimination in respect of the hiring, apprenticeship, duration of the probationary period, vocational training, promotion, transfer, displacement, laying-off, suspension, dismissal or conditions of employment of a person or in the establishment of categories or classes of employment.*

The *Act respecting labour standards* (LSA) also stipulates that no employer or agent of an employer may dismiss, suspend or transfer an employee, practise discrimination or take reprisals against her or impose any other sanction upon her because she is pregnant (LSA, section 122).

Pregnant workers are also covered by clause 3.02 of the collective agreement, prohibiting discrimination.

A pregnant worker has other rights under various laws and the collective agreement. Summaries of these rights are outlined in various parts of this handbook.

### **Pregnancy-related medical appointments**

A pregnant worker is entitled to special leave, with pay, for pregnancy-related medical appointments. These must be attested to by a medical certificate or a report signed by a midwife (22.19A c). This leave does not come out of the bank of sick leave provided in clause 23.29.

The worker is entitled to 4 days of paid leave for such visits, and can take the leave in half-days. She can also use sick leave or salary insurance benefits (22.20).



## *Protective leave or reassignment*



### **Is there a hazard?**

The worker must consider the nature of her work and consult her union.

During her visit to the doctor, the worker has to assess with the latter whether her working conditions involve hazards for herself or her unborn child. For example:

- *Does she have to lift heavy weights?*
- *Does she work in a standing position for long periods of time?*
- *Are there potential sources of danger among the users (aggressiveness, infectious diseases, etc.)?*
- *Does she work with a video display terminal?*
- *Is there a risk associated with the equipment or the environment?*
- *Is she in contact with solvents, glue, anaesthetic gases or chemicals, or exposed to radiation or biological hazards?*



If there is a hazard, the application form for protective leave or reassignment available from the physician must be filled out during the appointment (the form is included in Appendix B of this handbook). There is no charge to the worker for obtaining the certificate.

### **What is protective leave or reassignment?**

Protective leave or reassignment is not time off. Basically, it is the right of a pregnant worker to be withdrawn from work that involves a risk of infectious disease or a physical hazard for herself or her unborn child. The purpose of an application for protective leave or reassignment is to be assigned to work that does not involve such hazards. The collective agreement refers to “provisional assignment” and “special leave” (22.19). These rights are based on the provisions of the *Act respecting occupational health and safety* (OHSA), which also stipulates compensation. The act uses the term “protective reassignment” and reassignment (sections 40 and ff.)

### **How do you go about exercising this right?**

The worker has to obtain the protective leave or reassignment certificate (Appendix B) from her physician. She should realize that

it is her attending physician’s opinion that will be decisive in a decision on protective leave or reassignment.

The worker has to ask her employer for a provisional assignment or see whether it is possible to exchange positions with someone else (22.19). The new assignment must comply with the physician’s assessment of potential hazards.

### **When does protective leave or reassignment start and end?**

If protective reassignment is not possible, the worker is entitled to special leave beginning immediately (22.19 – 7<sup>th</sup> paragraph).

Protective leave or reassignment for a pregnant worker ends in the 4<sup>th</sup> week preceding her due date, if the worker is eligible for QPIP benefits (22.19 – 7<sup>th</sup> paragraph). It ends on the date she gives birth if she is not entitled to QPIP benefits.

### **Are there special situations?**

If a pregnant worker regularly works with a video display terminal, there are special provisions (22.19 – 11<sup>th</sup> paragraph). The same is true for respiratory therapists who work constantly with anaesthetic gases. Similarly, if she is exposed to radiation, she can leave her work at any time during her pregnancy (30.11).

## **Breastfeeding**

A worker may also obtain protective leave or reassignment if her working conditions are hazardous for a child she is breastfeeding (22.19). The process is the same as for protective leave or reassignment for a pregnant worker (OSHA, sections 46 and ff).

## **What compensation is she entitled to?**

During this leave or reassignment, the worker's benefits are covered by the provisions of the OSHA. The employer pays the worker her full salary for the first 5 days she would normally work (OSHA, sections 36 and 42). Her bank of sick leave is therefore not affected by such an absence (23.19 c). For the next 14 days, the employer pays her 90% of her net salary for the days she would normally have worked (23.19 c-i, and AIAOD, sections 44 and ff). Starting on the 20<sup>th</sup> day, she is paid 90% of her net income, calculated in accordance with the rules on the calculation of income replacement benefits under the *Act respecting industrial accidents and occupational diseases* (AIAOD) ((23.19 c-i, and AIAOD, sections 44 and ff). The same rules apply to part-time workers.

Upon written request, a worker may receive an advance from her employer for the benefits to be paid by the CSST (22.19 – 9<sup>th</sup> paragraph).

## **What are her rights and benefits during this special leave?**

Rights and benefits are basically maintained during absences stemming from the use of parental rights (22.13 and 22.20 – 2<sup>nd</sup> paragraph). So this also applies to special leave that becomes necessary when the employer is unable to reassign a pregnant worker. Details of these rights are discussed in a separate chapter further on.

## **What happens if there are problems?**

A worker obviously has recourse if the decisions made don't correspond to her physician's recommendations or if she considers that the rights set out in the collective agreement or the OSHA are not respected. If this happens, it is important to consult the union, in part to find out what the deadlines for appealing a decision are (OSHA, sections 37 to 37.3).



## *The Québec Parental Insurance Plan*



The FSSS and the CSN consider that the Québec Parental Insurance Plan (QPIP) constitutes major social progress. It was the result of lengthy mobilization by status of women activists. Back in 1990, a coalition was created for the purpose of working for a universal maternity and parental leave plan. The coalition represented more than one million women and men. The CSN co-ordinated the coalition's work right from the start. It participated in all the actions and initiatives taken to push for the adoption of the legislation, including a campaign on the theme *Having a child is hardly a holiday!*

On January 1, 2006, Québec's *Act respecting parental insurance* came into force. It introduced a new plan entitling parents to various benefits, known as the Québec Parental Insurance Plan (QPIP).

The QPIP provides for the payment of benefits to all eligible workers who take maternity leave, paternity leave, parental leave or leave for adoption. It replaces the maternity benefits, parental benefits and adoption benefits that were available to new parents in Québec under the federal employment insurance plan.

The QPIP is an income replacement plan, which means that **to be entitled to benefits, you have to have had employment earnings.**

## Features of the plan

Maximum insurable income for the purpose of calculating the amount of benefits is \$64,000 in 2011. This amount is indexed on January 1 of each year.

Benefits can be as much as 75% of the worker's average weekly income.

The RQAP offers a choice between the basic plan and the special plan. The plans differ with respect to the length of the leave and the percentage of income replacement (chart, p. 16).

In other words, a person can receive lower benefits for a longer period of time or higher benefits for a shorter period of time.

Benefits are payable as of the first day that the person is eligible for benefits.

## Eligibility conditions

To be eligible for the QPIP, a person has to meet the following conditions:

- *be the parent of a child born or adopted after January 1, 2006;*
- *reside in Québec when the benefits period begins;*

- *have ceased to work or have had her or his employment income (salary) reduced by at least 40% of her or his usual weekly employment income;*
- *have insurable income (income considered for the purpose of calculating the amount of benefits) of at least \$2,000 during the reference period, regardless of the number of hours worked. The reference period is the period of earned income used to determine the amount of benefits. This period is usually 52 weeks.*

*However, if it was impossible for a person to have insurable income (income considered for the purpose of calculating the amount of benefits) because, for example, she or he was receiving benefits from the CSST, the SAAQ (Société de l'assurance automobile du Québec), employment insurance or the QPIP, the reference period can be extended without, however, exceeding 104 weeks.*

*Since November 5, 2009, there is a measure for taking into account reductions in income during the reference period if certain conditions are met. If you think this applies to you, check with a QPIP agent.*

- *have paid QPIP premiums.*

## Types of benefits

Four types of benefits are available under the QPIP:

- *maternity benefits;*
- *paternity benefits;*
- *parental benefits;*
- *adoption benefits.*

## Maternity benefits

Maternity benefits are for the mother only and cannot be shared between the 2 parents.

- **Basic plan:** 18 weeks of benefits, at 70% of average weekly income.

*With the basic plan, the future mother could be entitled to a maximum of 50 weeks of benefits, i.e., 18 weeks of maternity benefits and 32 weeks of parental benefits, if she and the father agree that she alone will take all the parental benefits.*

- **Special plan:** 15 weeks of benefits, at 75% of average weekly income.

*With the special plan, the same mother could be entitled to a maximum of 40 weeks of benefits, i.e., 15 weeks of maternity benefits and 25 weeks of parental benefits, if she and the father agree that she alone will take all the parental benefits.*

Maternity benefits begin at the earliest the 16<sup>th</sup> week before the mother's due date.

## Paternity benefits

Paternity benefits are for the father only and cannot be shared between the two parents.

- **Basic plan:** 5 weeks of benefits, at 70% of average weekly income.

*With the basic plan, the future father could be entitled to a total of 37 weeks of benefits, i.e., 5 weeks of paternity benefits and 32 weeks of parental benefits, if he and the mother agree that he alone will take all the parental benefits.*

- **Special plan:** 3 weeks of benefits, at 75% of average weekly income.

*With the special plan, the same father could be entitled to a maximum of 28 weeks of benefits, i.e., 3 weeks of maternity benefits and 25 weeks of parental benefits, if he and the mother agree that he alone will take all the parental benefits.*

Paternity benefits begin at the earliest the week in which the child or children is (are) born.

## Parental benefits

The total weeks of parental benefits can be taken by either parent or shared between them, based on an agreement between the two. Furthermore, parents may take these weeks simultaneously or consecutively.

- **Basic plan:** 32 weeks of benefits, with the first 7 weeks at 70% of average weekly income, and the following 25 weeks at 55%.
- **Special plan:** 25 weeks of benefits at 75% of average weekly income.

Parental benefits begin at the earliest the week in which the child or children is (are) born.

## Adoption benefits

The total weeks of adoption benefits can be taken by either parent or shared between them, based on an agreement between the two. Furthermore, parents may take these weeks simultaneously or consecutively.

- **Basic plan:** 37 weeks of benefits, with the first 12 weeks at 70% of average weekly income and the following 25 weeks at 55%.
- **Special plan:** 28 weeks of benefits at 75% of average weekly income.

In the case of an adoption in Québec, benefits cannot begin before the week the child or children come into the care of one of the parents for the purpose of adoption. The date used is the date on which the child arrives for adoption, depending on the type of adoption.

In the case of an adoption outside Québec, benefits cannot begin earlier than 2 weeks before the week the child or children come into the care of one of the parents for the purpose of adoption.

## Benefits for a couple composed of two women

### Maternity benefits

These can only be paid to the biological mother.

### Paternity benefits

These may be paid to the spouse of the biological mother, if the spouse is recognized on the birth certificate and the child has been planned jointly by the parents.

### Parental benefits

These may be paid to the biological mother or her spouse, if the spouse is recognized as on the birth certificate and the child has been planned jointly by the parents. They may be shared on the basis of an agreement between the two.

## **Adoption benefits**

These may be paid to the 2 spouses who adopt. They may also be shared between 2 spouses who adopt one or more children, in accordance with an agreement between the two. If, however, one of the spouses adopts the child or children alone, benefits can only be paid to the adopting mother. They may be paid to a woman who adopts her spouse's biological child.

## **Benefits for a couple composed of two men**

### **Maternity benefits**

These cannot be paid to men, because they are reserved to mothers who give birth to a child.

### **Paternity benefits**

These may only be paid to the biological father.

### **Parental benefits**

These may only be paid to the biological father.

### **Adoption benefits**

These may be paid to the 2 spouses who adopt.

They may also be shared between 2 spouses who adopt one or more children, in accordance with an agreement between the two. If, however, one of the spouses adopts the child or children alone, benefits can only be paid to the adopting father.

They may be paid to a man who adopts his spouse's biological child.

## **Choice of benefit plan**

When you apply for benefits under the QPIP, you have to choose one of two options regarding the duration of leave and the percentage of income replacement. The two options are the basic plan and the special plan.

The choice of plan is determined by the parent who applies for benefits first. This means that this parent's decision is binding on the other parent, even in the event of joint custody. Once you begin receiving benefits, you can't change plans. In other words, the choice is irrevocable and applies to all types of benefits received for the same event.

For example, if the mother is the first parent to receive benefits and selects the basic plan for

maternity benefits, the basic plan will necessarily be the one that applies for paternity benefits and parental benefits.

So it is very important to check which of the 2 plans is best for you before applying for benefits. You can use the **SimulRQAP benefit calculator** for this. It is a tool that allows you to estimate the amount

of benefits to which you would be entitled under either plan. You can find the simulator on the QPIP web site, at [www.rqapenligne.gouv.qc.ca](http://www.rqapenligne.gouv.qc.ca)

You must apply for benefits no earlier than the calendar week (Sunday to Saturday) during which you want your benefits period to start. **Attention: you could lose weeks of benefits if you delay applying.**

**Chart outlining the specific features of the two types of plans**

Types of benefits	Basic plan		Special plan	
	Maximum number of weeks of benefits	Percentage of average weekly income	Maximum number of weeks of benefits	Percentage of average weekly income
Maternity	18	70%	15	75%
Paternity	5	70%	3	75%
Parental	7 25 7 + 25 = 32	70% 55%	25	75%
Adoption	12 25 12 + 25 = 37	70% 55%	28	75%

**How to apply for benefits**

Before applying for benefits, you should know that:

- each parent has to apply for benefits separately;
- you have to meet the eligibility conditions and have the required information ready.

There are 2 ways to apply for benefits:

- by using the QPIP’s on-line services, at: [www.rqap.gouv.qc.ca](http://www.rqap.gouv.qc.ca)
- or by calling the QPIP client service centre, at: 1-888-610-7727.





## *Maternity leave*



### **Maternity leave and its duration**

We have seen that the QPIP pays the benefits, with the amount varying depending on the plan that the parents choose. The collective agreement is, however, what governs the right to maternity leave, and it adds some supplementary benefits that maintain the mother's income for a certain period of time.

A worker who becomes pregnant while on leave without pay or part-time leave without pay following maternity leave is entitled to maternity leave again. She may not, however, be eligible for the QPIP, depending on the duration of her leave without pay, since one of the eligibility criteria for the QPIP is to have had an insurable income of at least \$2,000 during the previous year.

During the other forms of leave provided for in the collective agreement (leave without pay and leave with deferred pay), a worker is not entitled to parental rights (18.02 d and 34.03 – 4<sup>th</sup> paragraph) unless she terminates the other form of leave.



### **Scheduling of maternity leave**

The scheduling of maternity leave before and after the birth of the child is up to the worker, but must include the day on which she gives birth. The leave must coincide with the payment of QPIP benefits (22.07).

The Parental Insurance Act stipulates that payment of benefits begins at the earliest the 16<sup>th</sup> week preceding the due date and ends 18 weeks after the birth at the latest (PIA, section 7).

This allows the worker to plan how the weeks of leave will be distributed before and after the date of birth, in accordance with what she needs.

A worker on protective leave or reassignment who is eligible for QPIP benefits should know that her income replacement benefits end as of the 4<sup>th</sup> week preceding her due date (OHSA, section 42.1). She has to then start taking maternity leave and apply for payment of maternity benefits.

### **Procedure for obtaining maternity leave**

To obtain maternity leave, a worker has to give the employer written notice at least 2 weeks before the date she plans to go on leave. This advance notice must be accompanied by a certificate attesting to her pregnancy and the due date (22.09).

### **Deemed resignation**

During the 4<sup>th</sup> week preceding the end of maternity leave, the employer must send the employee notice indicating the scheduled date of the end of the leave. An employee to whom the employer has sent this notice must report for work at the end of her maternity leave unless she extends it as set out in clause 22.31.

An employee who does not comply with the preceding paragraph is deemed to be on leave without pay for a maximum of 4 weeks. At the end of the 4 weeks, an employee who has not reported for work is deemed to have resigned (22.17).

### **Special situations**

There are certain situations in which it is possible to suspend or split maternity leave (22.08, 22.08A and 22.08B).

In the case of a child who is ill, or if the mother's health status so requires, maternity leave can be extended, although it is then deemed to be leave without pay (22.15).

### **Income**

A worker is entitled to benefits paid by the employer if she has accumulated 20 weeks of paid service (22.10, 22.11 and 22.11A – chart, pp. 36-37).

### **A worker who is eligible for the QPIP**

The employer makes up the difference between QPIP benefits and 93% of the employee's basic weekly salary for 21 weeks. This percentage has been set to take into account the fact that the employee does not have to pay pension contributions and QPIP premiums, which add up to 7% (22.10).

The basic QPIP plan provides for 18 weeks of maternity benefits and 32 weeks of parental benefits. The worker therefore has to use 3 weeks of parental benefits to complete coverage of the full 21 weeks of maternity leave. If she opts for the special plan, she receives 15 weeks of maternity benefits and then has to complete the 21 weeks of maternity leave by drawing on 6 weeks of parental benefits (22.01).

**A worker who is not eligible for the QPIP but is eligible for employment insurance benefits**

For each week of the waiting period under the employment insurance plan, the employer pays the worker benefits equal to 93% of her basic weekly salary.

For each of the following weeks until the end of the 20<sup>th</sup> week of maternity leave, the employer pays her benefits equal to the difference between 93% of her basic weekly salary and the maternity or parental benefits under the employment insurance plan that she receives or could receive if she were to apply for them (22.11).

**A worker who is not eligible for either the QPIP or employment insurance benefits**

The employer pays a full-time worker benefits equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or territory.

The employer pays a part-time worker benefits equal to 95% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established

by another province or territory. If contributions to the pension plan and the QPIP are waived for the part-time worker, benefits are set at 93% of her basic weekly salary (22.11A).

**Basic weekly salary**

This is the regular weekly pay before deductions. A few additional amounts are included in the salary (22.03A – footnote). In the case of a part-time worker, this corresponds to her average salary for the 20 weeks preceding her departure on maternity leave, excluding weeks without pay. Benefits while she is on protective leave or reassignment or salary insurance benefits are calculated as if the worker had received 100% of her salary (22.12 d).

**Rights and benefits during maternity leave**

Since discrimination on the grounds of pregnancy is forbidden, it is clear that rights are maintained during absences stemming from the use of parental rights. Details of these rights are discussed in a separate chapter further on.



## *Consecutive maternity leave*



### **What happens if an employee becomes pregnant before returning to work?**

An employee who becomes pregnant while on leave without pay or part-time leave without pay is entitled to maternity leave and benefits under 22.10, 22.11 and 22.11A, as the case may be (22.05 – 3<sup>rd</sup> paragraph).

The collective agreement stipulates that to be eligible for maternity leave, an employee must have accumulated 20 weeks of paid service (22.10 – 1<sup>st</sup> paragraph, 22.11 – 1<sup>st</sup> paragraph, 22.11A – 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs). An employee who has already accumulated the minimum of 20 weeks since her date of hiring meets this criterion once and for all, since it is not a matter of the last 20 weeks preceding the maternity leave.

## **Basic weekly salary**

The collective agreement then stipulates that benefits are calculated using the basic weekly salary. This is the regular weekly pay before deductions. A few additional amounts are included in the salary (22.03A – footnote). In the case of a part-time worker, this corresponds to her average salary for the 20 weeks preceding her departure on maternity leave, excluding weeks without pay. Benefits while she is on protective leave or reassignment or salary insurance benefits are calculated as if the worker had received 100% of her salary (22.12 d).

## **A worker who is not eligible for the QPIP**

An employee who nonetheless benefits from new maternity leave may not be eligible for the QPIP. To be eligible, she must have at least \$2,000 of insurable income during the reference period (the last 52 weeks preceding the benefits period). If, however, it was impossible for the person to work and have insurable income because she was receiving benefits from the CSST, the SAAQ or employment insurance, the reference period is extended to a maximum of 104 weeks.

Since November 5, 2009, there is a measure for taking into account reductions in income during the reference period if certain conditions are met. If you think this applies to you, check with a QPIP agent.

If she is not eligible for the QPIP, a full-time worker is entitled to benefits equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or territory (22.11A). A part-time worker is entitled to benefits equal to 95% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or territory. If contributions to the pension plan and the QPIP are waived for the part-time worker, benefits are set at 93% of her basic weekly salary (22.11A).



## *I'm a Dad*



### **Paternity leave and its duration**

#### **Five days of leave**

A worker is entitled to a maximum of 5 working days of paid leave for the birth of his child (22.21). He is entitled to the same leave in the event of an interruption of pregnancy occurring from the 20<sup>th</sup> week on before the due date.

This leave may be taken non-continuously and must be taken between the birth and the fifteenth (15<sup>th</sup>) day after the mother or child returns home.

One of the five (5) days may be used to baptize or register the child (22.21).

## **Five weeks of leave**

A worker is also entitled to a maximum of 5 consecutive weeks of paternity leave (22.21A) ending no later than the 52<sup>nd</sup> week after the birth of the child.

## **I'm designated as one of the child's mothers**

A woman worker whose spouse gives birth is also entitled to paid or unpaid paternity leave if she is designated as one of the child's mothers (22.02, 22.21 – 3<sup>rd</sup> paragraph and 22.21A – 3<sup>rd</sup> paragraph).

## **Scheduling of paternity leave**

In the case of a person who is eligible for the QPIP, the 5 weeks of leave are simultaneous with the period during which benefits are paid under the Parental Insurance Act and must begin no later than the week following payment of these benefits (22.21A – 2<sup>nd</sup> paragraph).

## **Procedure for obtaining paternity leave**

The 5 weeks of paternity leave are granted upon written request submitted at least 3 weeks in advance (22.30 b).

## **Deemed resignation**

A worker must report for work at the end of his 5 weeks of paternity leave unless it is extended as set out in clause 22.31.

A worker who does not comply with the preceding paragraph is deemed to be on leave without pay for a maximum of 4 weeks. At the end of the 4 weeks, an employee who has not reported for work is deemed to have resigned (22.30 – last paragraph).



## Special situations

There are certain situations in which it is possible to suspend, split or extend the 5 weeks of paternity leave (22.33, 22.33A, 22.33B and 22.33C).

## Income

In the case of a worker eligible for the QPIP, the benefits payable by the employer are equal to the difference between his basic weekly salary and the amount of benefits received from the QPIP (22.21B). A worker who is not eligible for the QPIP receives benefits equal to his basic weekly salary (22.21C).

## Basic weekly salary

This is the regular weekly pay before deductions. A few additional amounts are included in the salary (22.03A – footnote). In the case of a part-time worker, this corresponds to the average salary for the 20 weeks preceding the departure on leave, excluding weeks without pay. Salary insurance benefits are calculated as if the worker had received 100% of his salary (22.12 d – 3<sup>rd</sup> paragraph, 22.21D).

## Rights and benefits during paid paternity leave

Most rights are maintained during absences stemming from the application of parental rights. This is true for paternity leave too. Consult the last chapter of this handbook for the details of these rights.



## *I'm adopting a child*



### **Adoption leave and its duration**

#### **Five days of leave**

An employee who legally adopts a child other than the child of her or his spouse is entitled to a maximum of 5 working days of paid leave (22.22).

This leave may be taken non-continuously and cannot be taken more than 15 days after the child arrives in the home.

One of these 5 days may be used to baptize or register the child.

#### **Five weeks of leave**

An employee who legally adopts a child other than the child of her or his spouse is also entitled to a maximum of 5 consecutive weeks of adoption leave (22.22A).

## **Distribution of adoption leave**

In the case of a person who is eligible for QPIP benefits, the leave is simultaneous with the period during which QPIP benefits are paid, and must begin no later than the week following the week in which payment of these benefits starts (22.22A – 2<sup>nd</sup> paragraph).

In the case of a person who is not eligible for QPIP benefits, the leave must be taken after he placement order for the child (or the equivalent in international adoption) is issued. The employee may agree with the employer on another time for taking this leave (22.22A – 3<sup>rd</sup> paragraph).

## **Adoption of the spouse's child**

In this case, a person is entitled to a maximum of 5 working days of leave, only the first 2 of which are paid. This leave may be taken non-continuously and must be taken within 15 days of when the application for adoption is filed (22.24A).

## **Procedure for obtaining adoption leave**

The 5 weeks of adoption leave are granted upon written request submitted at least 3 weeks in advance (22.30 b).

## **Deemed resignation**

An employee must report for work at the end of her or his 5 weeks of adoption leave unless it is extended as set out in clause 22.31. An employee who does not comply with this deadline is deemed to be on leave without pay for a maximum of 4 weeks. At the end of the 4 weeks, an employee who has not reported for work is deemed to have resigned (22.30 – last paragraph).

## **Special situations**

In certain situations (child's illness, family obligations), it is, however, possible to suspend, split or extend adoption leave (22.33, 22.33A, 22.33B and 22.33C). The person is then deemed to be on leave without pay.

## **Income**

In the case of a person who is eligible for the QPIP, the benefits paid by the employer are equal to the difference between the person's basic weekly salary and the amount of the QPIP benefits (22.23).

A person who is not eligible for the QPIP receives benefits equal to her or his basic weekly salary (22.24).

## **Basic weekly salary**

This is the regular weekly pay before deductions. A few additional amounts are included in the salary (22.03A – footnote). In the case of a part-time worker, this corresponds to her average salary for the last 20 weeks preceding the leave. Weeks without pay are excluded and salary insurance benefits are calculated as if the worker had received 100% of her or his salary (22.12 d – 3<sup>rd</sup> paragraph, 22.25).

## **Rights and benefits during adoption leave**

Most rights are maintained during absences stemming from the use of parental rights. This is true for adoption leave as well. Details of these rights are discussed in the last chapter of this handbook.

## **Unpaid leave for adoption**

A person is entitled to a maximum of 10 weeks of leave without pay for the purpose of adopting a child, starting from the time when she or he actually receives custody of the child, unless it is her or his spouse's child (22.26 – 1<sup>st</sup> paragraph).

A person is also entitled to leave without pay for the time required for travel outside Québec for adoption purposes. This leave should be requested at least 2 weeks in advance, if possible (22.26 – 2<sup>nd</sup> paragraph).



## *Extending leave*



### **Leave without pay entitling a person to QPIP benefits**

The QPIP allows for payment of benefits, but the collective agreement is what grants the right to the leave (i.e., the time off work). For instance, it is possible to receive QPIP “parental benefits” by using leave without pay available under the collective agreement. But you can have the right to take the leave without pay without being eligible for QPIP benefits. And although a worker may not be able to afford to take a period of time off without any income, it should be remembered that she has already used 3 or 6 weeks (depending on the plan chosen) of QPIP parental benefits to fully cover the 21 weeks of maternity leave.

### **Leave without pay and part-time leave without pay immediately after...**

This kind of leave must be taken immediately following maternity leave, paternity leave or adoption leave (22.27 a). It may last for up to two years. It may be modified during the course of the leave if certain requirements are met. For instance, a person can go from full leave without pay to part-time leave without pay or vice versa. The amount of part-time leave without pay may also be modified (e.g., from 2 days to 4 days). The leave (without pay or part-time leave without pay) may also be modified a second time, providing that the second change was mentioned in the first request for a modification (22.27).

The request must be made in writing and submitted at least 3 weeks in advance for leave without pay, and at least 30 days in advance for part-time leave without pay. The request must stipulate the date on which the employee will return to work and how the leave is to be scheduled. New arrangements of part-time leave without pay may be agreed upon at any time (22.31).

It should be noted that it is better to ask for the maximum 2 years of leave without pay, because the collective agreement allows an employee to terminate the leave earlier (22.32) but does not allow leave already granted to be extended. An employee who wishes to terminate leave without pay before the scheduled date must give written notice to this effect at least 21 days before the return to work. In the case of leave without pay for more than 52 weeks, at least 30 days of advance notice is required (22.32 – 2<sup>nd</sup> paragraph).

An employee who does not take leave without pay or part-time leave without pay may, for the portion of the leave that her or his spouse does not take, choose between taking leave without pay or part-time leave without pay, providing that in the end, the total leave does not extend beyond the 125<sup>th</sup> week after the birth or arrival of the child (22.27 a).

Moreover, even if the spouse is not a public-sector employee, arrangements are possible to allow for taking part of the leave without pay or part-time leave without pay even if it does not immediately follow the maternity leave, paternity leave or adoption leave (22.27 a – last paragraph).

### **Registration on the recall list**

After agreement with the employer, an employee may register for the recall list of her or his institution during the second year of leave without pay instead of returning to her or his position. In such a case, the employee is not subject to the rules on minimum availability when such rules are stipulated in local provisions. She or he is then considered to be on part-time leave without pay (22.27 c).

### **Leave without pay at a time decided by the employee**

This kind of leave is provided to allow a person to use QPIP parental benefits that are available at a time other than **immediately following** maternity, paternity or adoption leave.

An employee who has not used leave without pay **immediately following** the birth or adoption of her or his child may take a maximum of 52 continuous weeks of leave without pay. This leave begins at a time decided by the person, but ends no later than 70 weeks after the birth of the child or, in the case of an adoption, 70 weeks after the child is placed in her or his care (22.27 b).

Even though the QPIP allows the weeks of benefits to be split, **the collective agreement only allow one continuous leave.**

This leave without pay for a maximum of 52 weeks is granted upon written request made to the employer at least 3 weeks in advance (22.31).

### **Deemed resignation**

An employee to whom the employer has sent notice 4 weeks in advance indicating the date on which the leave without pay expires must give notice of her or his return to work at least 2 weeks before the end of the leave, failing which she or he is deemed to have resigned (22.32).



## *Other possibilities of leave without pay*



### **Leave for parental or family responsibilities**

Leave without pay or part-time leave without pay for a maximum of one year is granted if a minor child is handicapped, ill or emotionally disturbed (22.29B).

The request must be submitted in writing at least 3 weeks in advance for leave without pay, and at least 30 days in advance for part-time leave without pay. The request must stipulate the date on which the employee will return to work and how the leave is to be scheduled. New arrangements of part-time leave without pay may be agreed upon at any time (22.31).

An employee may take time off work under sections 79.8 to 79.15 of the *Act respecting labour standards* by informing the employer of the reasons for the absence as soon as possible and providing the proof warranting the absence (25.09).

**79.8** *An employee may be absent from work for a period of not more than 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, his mother, the spouse of his father or mother, his brother, his sister or one of his grandparents because of a serious illness or a serious accident.*



# having a child

*However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which shall end at the latest 104 weeks after the beginning thereof.*

**79.9.** *An employee is entitled to an extension of the period of absence under the first paragraph of section 79.8, which shall end not later than 104 weeks after the beginning of that period, if the employee must stay with his minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities.*

**79.10.** *An employee may be absent from work for a period of not more than 52 weeks if the employee's minor child has disappeared. If the child is found before the expiry of the period of absence, that period shall end on the eleventh day that follows the day on which the child is found.*

**79.11.** *An employee may be absent from work for a period of not more than 52 weeks if the employee's spouse or child commits suicide.*

**79.12.** *An employee may be absent from work for a period of not more than 104 weeks if the death of the employee's spouse or child occurs during or results directly from a criminal offence.*

**79.13.** *Sections 79.9 to 79.12 apply if it may be inferred from the circumstances of the event that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.*

*However, an employee may not take advantage of these provisions if it may be inferred from the circumstances that the employee or, in the case of section 79.12, the deceased person, if that person is the spouse or a child of full age, was probably a party to the criminal offence or probably contributed to the injury by a gross fault.*

**79.14.** *Sections 79.9 and 79.12 apply if the injury or death occurs in one of the situations described in section 79.1.2.*

**79.15.** *A period of absence under sections 79.9 to 79.12 shall not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and shall not end later than 52 or 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.*

*If, during the same 52 or 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, it is the longer period that applies, from the date of the first event.*

During this leave without pay, an employee accumulates seniority and experience and continues to participate in the basic health insurance plan by paying her or his share of premiums. She or he may also continue to participate in the applicable optional insurance plans by so requesting at the start of the leave and paying the full amount of premiums. At the end of the leave without pay, the employee may return to her or his position or, if applicable, a position obtained at her or his request in accordance with the provisions of the collective agreement. If the employee's position has been abolished or if the employee has been bumped, she or he is entitled to the benefits she or he would have had if she or he had been at work at the time.

Similarly, upon returning from leave without pay, an employee who does not hold a position returns to the assignment that she or he had before going on

leave if the assignment is ongoing after the end of the leave. If the assignment is finished, the person is entitled to any other assignment in accordance with the provisions of the collective agreement (25.09).

### **Ten days without pay**

After notifying the employer as soon as possible, an employee may take up to 10 days off work without pay a year to fulfil obligations related to the care, health or education of a child or spouse's child, or the health of a spouse, father, mother, brother, sister or grandparent. These days are deducted from the employee's annual bank of sick leave or taken without pay, at the employee's choice.

The leave may be split into half-days with the employer's consent (25.08).

# Income and rights



Basic plan			
Benefits	No. of weeks	% of average weekly income	Who pays
Maternity (21 weeks according to the collective agreement)	First 18 weeks	70% + supplementary benefits up to 93%	QPIP + employer
	Last 3 weeks (first 3 weeks of QPIP parental benefits*)	The employee receives 70% in parental benefits + supplementary benefits up to 93%	QPIP + employer
Paternity	5 days	100%	Employer
	5 weeks	70% + supplementary benefits up to 100%	QPIP + employer
Parental	4 weeks*	70%	QPIP
	25 weeks*	55%	
Adoption (child other than spouse's child)	5 days	100%	Employer
	5 weeks	70% + supplementary benefits up to 100%	QPIP + employer
	7 weeks	70%	QPIP
	25 weeks	55%	
Adoption (spouse's child)	1 <sup>st</sup> week	2 days at 100% 3 days without pay	Employer
	12 weeks	70%	QPIP
	25 weeks	55%	

\*All in all, 32 weeks of parental benefits are available under the basic plan.

## Special plan

Benefits	No. of weeks	75% of average weekly income	Who pays
<b>Maternity</b> (21 weeks according to the collective agreement)	First 15 weeks	75% + supplementary benefits up to 93%	QPIP + employer
	Last 6 weeks (first 6 weeks of QPIP parental benefits*)	The employee receives 75% in parental benefits + supplementary benefits up to 93%	QPIP + employer
<b>Paternity</b>	5 days	100%	Employer
	3 weeks	75% + supplementary benefits up to 100%	QPIP + employer
	Last 2 weeks (first 2 weeks of QPIP parental benefits)	75% + supplementary benefits up to 100%	QPIP + employer
<b>Parental</b>	17 weeks*	75%	QPIP
<b>Adoption</b> (child other than spouse's child)	5 days	100%	Employer
	5 weeks	75% + supplementary benefits up to 100%	QPIP + employer
	23 weeks	75%	QPIP
<b>Adoption</b> (spouse's child)	1 <sup>st</sup> week	2 days at 100% 3 days without pay	Employer
	28 weeks	75%	QPIP

\*All in all, 25 weeks of parental benefits are available under the special plan.

## *Cases not eligible for the QPIP or the employment insurance plan*

<i>Worker's status</i>	<i>Duration</i>	<i>Benefits paid by the employer</i>
<i>Full-time with 20 weeks of service</i>	<i>12 weeks</i>	<i>93% of her basic weekly salary if she does not receive benefits from a plan established in another province or territory (22.11A)</i>
<i>Part-time with 20 weeks of service</i>	<i>12 weeks</i>	<i>95% of her basic weekly salary if she does not receive benefits from a plan established in another province or territory (22.11A)</i>

### **Rights while on paid leave**

The rights and benefits maintained during maternity leave (22.13), protective leave or reassignment (22.20 – 2<sup>nd</sup> paragraph), pregnancy-related appointments (22.20 – 1<sup>st</sup> paragraph), paid paternity leave (22.34) and adoption leave (22.34) are:

- *life insurance;*
- *group insurance (with the employee paying the employee's share);*
- *accumulation of vacation time (and possibility for a person on maternity leave to postpone 4 weeks, under 22.14);*
- *accumulation of sick leave;*
- *accumulation of seniority;*
- *accumulation of experience;*
- *accumulation of seniority for job security purposes;*
- *the right to apply for and obtain a position;*
- *the right to return to her or his position (or a position obtained during the leave) or the assignment that she or he had before going on leave (if the assignment is still on-going after the leave; otherwise, the person is entitled to any other assignment in accordance with local provisions) (22.18).*

As for the RREGOP (the Government and Public Employees Retirement Plan), contributions are waived for employees while they are receiving maternity leave or adoption leave benefits (the difference, up to 93%, is paid by the employer), and they continue to accumulate years of service as if they were at work.

## **Rights during leave without pay or part-time leave without pay**

- *group insurance*

### **Leave without pay**

*The employee must pay her or his share of contributions for the basic plan during the first year, and both the employee and employer contributions for the rest of the leave. An employee who decides to retain the optional plan must pay the full premium (22.28 – 1<sup>st</sup> paragraph)*

### **Part-time leave without pay**

*Participation continues in all plans. The employer and the employee pay their respective premiums as if the person were not on part-time leave without pay (22.28 – 1<sup>st</sup> paragraph).*

- *accumulation of seniority (22.28 – 1<sup>st</sup> and 2<sup>nd</sup> paragraphs);*
- *accumulation of experience for one year (22.28 – 3<sup>rd</sup> paragraph);*
- *the right to apply for and obtain a position (22.28 – 4<sup>th</sup> paragraph);*
- *the right to return to her or his position (or a position obtained during the leave) or the assignment that she or he had before going on leave (if the assignment is still on-going after the leave; otherwise, the person is entitled to any other assignment in accordance with local provisions) (22.28 and 22.29A);*

- *the possibility of taking postponed vacation time between the paid leave and the leave without pay (22.29).*

During part-time leave without pay, the person is governed by the rules for part-time employees, except for the accumulation of seniority (22.28 – 2<sup>nd</sup> paragraph).

For the RREGOP, a person can buy back periods of leave without pay for RREGOP participation purposes by paying the total amount of contributions (i.e., both the employer's and the employee's share).

If the application for a buyback is made more than 6 months after the end of the leave without pay, the cost of the buyback will generally be higher. For more details, consult the CARRA's web site at [www.carra.gouv.qc.ca](http://www.carra.gouv.qc.ca).





# *The pregnancy doesn't go as planned...*



The collective agreement contains various measures for taking into account situations that are particularly difficult for a pregnant worker or her spouse.

A worker is entitled to special leave in the event of:

- *complications in the pregnancy or risk of a miscarriage. This leave cannot last beyond the 4<sup>th</sup> week preceding the date the baby is due (22.19A a);*
- *a natural or induced interruption of pregnancy before the 20<sup>th</sup> week preceding the date the baby was due, upon presentation of a medical certificate (22.19A b).*

In these situations, the worker can use her bank of sick leave or salary insurance, as the case may be (22.20 – 2<sup>nd</sup> paragraph).

In the event of a miscarriage after the start of the 20<sup>th</sup> week preceding the expected date of delivery (stillborn child), the worker is entitled to maternity leave (22.06) and QPIP maternity benefits, but not parental benefits. As well, her spouse is entitled to paternity leave.

An employee whose spouse dies has the remaining maternity leave rights and benefits transferred to him or her (22.05 – 4<sup>th</sup> paragraph).

# Miscellaneous information and references



## Registering the child

The record of birth (filled out by the person who delivers the baby or assists the mother) and the statement of birth (filled out by the parents) are the documents needed to register a child. A birth that occurs in Québec is registered in civil records:

*The Directeur de l'état civil*  
web site:  
[www.etatcivil.gouv.qc.ca](http://www.etatcivil.gouv.qc.ca)

## Early childhood education and childcare services

For a list of early childhood centres (CPEs, or centres de la petite enfance) and other childcare services, with the necessary contact information:

*The Ministère de la Famille, des Aînés et de la Condition féminine*  
web site:  
[www.mfa.gouv.qc.ca](http://www.mfa.gouv.qc.ca)

If you would like to know the names of unionized childcare centres in your region, you can contact the regional office of the FSSS-CSN.

web site:  
[www.fsss.qc.ca](http://www.fsss.qc.ca)

## References

*Collective agreement reached between the Comité patronal de négociation du secteur de la santé et des services sociaux and the Fédération de la santé et des services sociaux-CSN, in force from March 13, 2011 to March 31, 2015.*

*Travailler sans danger*, a booklet on protective leave or reassignment published by the CSN

*Retrait préventif: La travailleuse enceinte et qui allaite*. Poster produced by the CSN

*Travailler en sécurité pour une maternité sans danger*. (For a safe maternity experience). Brochure put out by the CSST. Available on the web site:  
[www.csst.qc.ca](http://www.csst.qc.ca)

*Québec Parental Insurance Plan – Brochure and Checklist*, available through the QPIP web site, at  
[http://www.rqap.gouv.qc.ca/publications/outils-information\\_en.asp](http://www.rqap.gouv.qc.ca/publications/outils-information_en.asp)

*Becoming a parent*. Available on the web site of Services Québec:  
[www4.gouv.qc.ca/EN/Portail/Citoyens/Evenements/DevenirParent/Pages/accueil.aspx](http://www4.gouv.qc.ca/EN/Portail/Citoyens/Evenements/DevenirParent/Pages/accueil.aspx)

*Act respecting occupational health and safety, R.S.Q., c. S.2.1*, available from the web site:  
[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

*Act respecting labour standards, R.S.Q., c. N-1.1*, available from the web site:  
[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

## *Appendix A*

### *Standard letters and forms*

*The following letters and forms are available as Word files from our web site: [www.fsss.qc.ca](http://www.fsss.qc.ca)*

♦♦♦♦

- 1. Application for maternity leave*
- 2. Request to postpone weeks of vacation*
- 3. Application for 5 days of paternity leave*
- 4. Application for 5 weeks of paternity leave*
- 5. Application for leave without pay  
(to extend maternity, paternity or adoption leave)*
- 6. Request for a change to leave without pay  
(extending maternity, paternity or adoption leave)*
- 7. Application to share leave without  
pay between two spouses*
- 8. Advance notice of a return from leave without pay*
- 9. Advance notice of termination of leave without  
pay before the scheduled date*
- 10. Application for 5 days of adoption leave*
- 11. Application for 5 weeks of adoption leave*
- 12. Application for leave without pay for adoption purposes*
- 13. Application for leave without pay for the travel  
time required for adoption purposes*

## *Appendix B*

*"Preventive Withdrawal and Reassignment Certificate  
for a Pregnant or Breast-feeding Worker" form*

## Appendix A-1

### *Application for maternity leave*



Place and date

Human Resources Department,  
Address

**re: Application for maternity leave**

Sir or Madam,

With this letter, I am applying for maternity leave, from \_\_\_\_\_ to \_\_\_\_\_ inclusively.

Please find enclosed a medical certificate (*or midwife's report*) attesting to my pregnancy and my due date (the expected date of birth of my child).

During this leave, I want (*or do not want*) to continue participating in the optional insurance plans in which I am currently enrolled.

Please send me the record of employment required for my application for QPIP benefits.

Thank you for your consideration.

Yours sincerely,

Signature and address

encl. medical certificate

c.c. Union

#### **N.B.**

The employer must receive this notice at least 2 weeks before the date on which the employee goes on maternity leave (22.09).

## Appendix A-2

### *Request to postpone weeks of vacation*



Place and date

Human Resources Department,  
Address

**re : Postponement of vacation**

Sir or Madam,

Given that my annual vacation is scheduled from \_\_\_\_\_ to \_\_\_\_\_ when I will be on maternity leave, please consider this as a request to postpone my vacation. I would like to take it from \_\_\_\_\_ to \_\_\_\_\_.

**Another possible wording:**

Given that my annual vacation is scheduled from \_\_\_\_\_ to \_\_\_\_\_ when I will be on maternity leave, please consider this as a request to postpone my vacation. I will specify when I wish to take my vacation in a later request.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

**N.B.**

The employer must receive this notice at least 2 weeks before the date on which the maternity leave ends (22.14).

*Appendix A-3*

*Application for paternity leave  
Five days of leave*



Place and date

Human Resources Department,  
Address

**re: Application for 5 days of paternity leave**

Sir or Madam,

Following the birth of my child on \_\_\_\_\_, I wish to inform you that I will be absent on paternity leave on the following dates: \_\_\_\_\_.

**Other possible wording:**

As one of the designated mothers of a child born on \_\_\_\_\_, I hereby inform you that I will be absent on paternity leave on the following dates: \_\_\_\_\_.

Thank you for your consideration.

Yours sincerely,

Signature and address

c.c. Union

## Appendix A-4

### *Application for paternity leave Five weeks of leave*



Place and date

Human Resources Department,  
Address

**re: Application for 5 weeks of paternity leave**

Sir or Madam,

Following the birth of my child on \_\_\_\_\_, I am applying for 5 weeks of paternity leave. My paternity leave will begin on \_\_\_\_\_ and end on \_\_\_\_\_ (5 weeks later).

**Other possible wording:**

As one of the designated mothers of a child born on \_\_\_\_\_, I am hereby applying for 5 weeks of paternity leave. My paternity leave will begin on \_\_\_\_\_ and end on \_\_\_\_\_ (5 weeks later).

Thank you for your consideration.

Yours sincerely,

Signature and address

c.c. Union

**N.B.**

The employer must receive this notice at least 3 weeks before the date on which the employee goes on paternity leave (22.30 b).

## Appendix A-5

### *Application for leave without pay*

*(to extend maternity, paternity or adoption leave)*



Place and date

Human Resources Department,  
Address

**re: Application for leave without pay  
(or part-time leave without pay)**

Sir or Madam,

To extend my maternity leave *(or paternity or adoption leave)*,  
I am hereby applying for leave without pay *(or part-time leave  
without pay)* for 104 weeks starting on \_\_\_\_\_.

The leave will end on \_\_\_\_\_.

*(Remember to set vacation dates, if applicable)*

*(In the case of part-time leave without pay)*

This part-time leave without pay will be for \_\_\_\_ days a week,  
taken on \_\_\_\_\_ *(specify days)*.

*(In the case of leave without pay)*

During this leave, I want *(or do not want)* to continue  
participating in the optional insurance plans in which  
I am currently enrolled.

Thank you for your consideration.

Yours sincerely,

Signature and address

c.c. Union

#### **N.B.**

This notice must be received by the employer at least 3 weeks  
in advance for full-time leave without pay, and at least 30 days  
in advance for part-time leave without pay (22.31).



## Appendix A-6

### *Request for a change in leave without pay*

*(extending maternity, paternity or adoption leave)*



Place and date

Human Resources Department,  
Address

**re: Change in my leave without pay**

Sir or Madam,

I am hereby asking that the leave without pay *(or part-time leave without pay, as the case may be)* that I have been granted until \_\_\_\_\_, be changed to *(part-time leave without pay, full-time leave without pay or a different arrangement of part-time leave without pay)*.

*(In the case of a request for part-time leave without pay)* This part-time leave without pay will be for \_\_\_\_ days a week, taken on \_\_\_\_\_ *(specify days)*.

*(For a second change, which has to be requested at the same time)* Furthermore, I am informing you that as of \_\_\_\_\_ I will change this leave to leave of \_\_\_\_ days a week, which I will then take on \_\_\_\_\_ *(specify days)*.

During this leave, I want *(or do not want)* to continue participating in the optional insurance plans in which I am currently enrolled.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

**N.B.**

This notice must be received by the employer at least 30 days before the planned change (22.27 a).

## Appendix A-7

### *Application to share leave without pay between two spouses*



Place and date

Human Resources Department,  
Address

**re: Application to share leave without pay**

Sir or Madam,

Following the birth (*or adoption*) of our child, my spouse is now on leave without pay (*or part-time leave without pay*).

Her (*his*) leave began on \_\_\_\_\_ and she (*or he*) has advised her (*his*) employer that she (*he*) will be returning to work on \_\_\_\_\_.”

Therefore, please consider this letter as an application for leave without pay (*or part-time leave without pay*) as provided for in clause 22.27 a) of the collective agreement. I will go on leave on \_\_\_\_\_ for a duration of \_\_\_\_\_.

During this leave, I want (*or do not want*) to continue participating in the optional insurance plans in which I am currently enrolled.

Thank you for your consideration.

Yours sincerely,

Signature and address

c.c. Union

#### **N.B.**

This notice must be received by the employer at least 3 weeks in advance for full-time leave without pay, and at least 30 days in advance for part-time leave without pay (22.31).

## Appendix A-8

### *Advance notice of a return from leave without pay*



Place and date

Human Resources Department,  
Address

**re: Advance notice of a return from leave**

Sir or Madam,

Further to the employer's notice that my leave without pay  
(or part-time leave without pay) ends on \_\_\_\_\_,  
I hereby inform you that I intend to return to work on  
\_\_\_\_\_.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

#### **N.B.**

This notice must be received by the institution at least 2 weeks before the expiry of the leave without pay. If you do not report for work on the scheduled date, you will be deemed to have resigned (22.32).

*Appendix A-9*

*Advance notice of termination  
of leave without pay before  
the scheduled date*



Place and date

Human Resources Department,  
Address

**re: Advance notice of a return from leave  
without pay before the scheduled date**

Sir or Madam,

My leave without pay (*or part-time leave without pay extending maternity, paternity or adoption leave, as the case may be*) was scheduled to end on \_\_\_\_\_, but I intend to terminate it before the scheduled date. I hereby notify you that I intend to return to work on \_\_\_\_\_.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

**N.B.**

This notice must be received by the employer at least 21 days before the date of the return to work (in the case of leave for less than 52 weeks) or 30 days before the date of the return to work (in the case of leave for 52 weeks or more) (22.32).

*Appendix A-10*

*Application for adoption leave  
Five days of leave*



Place and date

Human Resources Department,  
Address

**re: Application for 5 days of adoption leave**

Sir or Madam,

Following the adoption of my child on \_\_\_\_\_,  
I inform you that I will be absent on adoption leave on the  
following dates: \_\_\_\_\_.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

*Appendix A-11*

*Application for adoption leave  
Five weeks of leave*



Place and date

Human Resources Department,  
Address

**re: Application for 5 weeks of adoption leave**

Sir or Madam,

I am hereby applying for adoption leave. My adoption leave will begin on \_\_\_\_\_ and end on \_\_\_\_\_ (*5 weeks later*).

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

**N.B.**

This application must be submitted to the employer at least 3 weeks in advance (22.30 b).

## Appendix A-12

### *Application for leave without pay for adoption purposes*



Place and date

Human Resources Department,  
Address

**re: Application for leave without  
pay for adoption purposes**

Sir or Madam,

I am hereby applying for leave without pay for adoption,  
for a period of \_\_\_\_\_ weeks (*maximum 10 weeks*).

Given that the child will actually be placed in my care  
on or about \_\_\_\_\_, I wish to begin my leave on  
\_\_\_\_\_.

During this leave, I want (*or do not want*) to continue  
participating in the optional insurance plans in which  
I am currently enrolled.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

Appendix A-13

*Application for leave without pay  
for the travel time required for  
adoption purposes*



Place and date

Human Resources Department,  
Address

**re: Application for leave without pay for  
travel outside Québec (for adoption purposes)**

Sir or Madam,

I am hereby applying for leave without pay for the time required to travel outside Québec to take actual custody of a child.

I will therefore be absent from \_\_\_\_\_ until \_\_\_\_\_ . Normally, I should be back in Québec on \_\_\_\_\_ .

During this leave, I want (*or do not want*) to continue participating in the optional insurance plans in which I am currently enrolled.

Thank you for your consideration.  
Yours sincerely,

Signature and address

c.c. Union

**N.B.**

This application must be submitted to the employer 2 weeks in advance if possible (22.25 – 2<sup>nd</sup> paragraph).



# Appendix B

## "Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker" form



This protective leave or reassignment form is available from physicians' offices and CLSCs.

<b>CSST</b>		<b>Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker</b>	
<b>A - Identification of worker and purpose of consultation</b>		<b>CSST</b> No. 114	
Surname and given name of the #12345		Maternity number	
		Social Insurance Number	
		Trade code	Job code
		Microphone number	
Application category	<input type="checkbox"/> Pregnancy Device	<input type="checkbox"/> Breast-feeding	Date of last consultation
Address of the employer Supplied by the number		Signature of worker	
<b>B - Identification of workplace and description of worker's occupation</b>			
Address of workplace			
Telephone and fax numbers			
Work duties and description of the worker's job duties		Title of position	
MOR (MOS) code of the worker's job duties		Job code	
<b>C - Compulsory consultation under the Act</b> (The physician's change of health services for the establishment need not complete this section if he issues the certificate.)			
Name of the doctor consulted			
Name of the hospital, clinic, service, etc.		<input type="checkbox"/> On <input type="checkbox"/> Out of town	<input type="checkbox"/> Public health district
Designation of the doctor		Designated physician	
Date of the consultation		Time	
<b>D - Medical report</b>			
I certify, on pain of perjury, that the worker is physically incapable of performing the duties of her job or is at risk of physical harm due to her pregnancy?			
If yes, if necessary, health services may need to be organized by these conditions:			
Is the worker physically capable of working? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>REASSIGNMENT</b> For preventive withdrawal or reassignment, the worker must be capable of working.			
<b>E - Attestation</b>			
I certify that the medical conditions of this worker are physically incapable of performing the duties of her job or are at risk of physical harm due to her pregnancy?		This pregnancy only Indicate the number of weeks of pregnancy at the date of the worker's withdrawal or reassignment.	
Attestation of physician	Physician's design or last name	Medical specialty (if applicable)	Signature of designated physician
Signature	Date	Time	Date and time delivered to the worker
Suggestions for withdrawal, reassignment, working conditions and dates of withdrawal.			
The worker must retain the original copy and make a copy for the employer. However, the date and signature of the CSST physician are not subject to verification.			
1120-0002		<b>Worker - See information ovallet</b>	

Having a child and protecting your rights...

# Checklist

for keeping track of your pregnancy

## **Event**

Positive pregnancy test

Doctor's appointment

Visit to a health-care professional  
(4 days that can be taken by half-days)

Notice to the employer,  
with medical certificate (Appendix 1)

Maternity leave

Protective leave or reassignment  
form filled out by the physician

Form submitted to the employer  
and request for reassignment

Reassignment to other duties

Protective leave authorized

Due date

Actual date of birth

Notice of return to work  
received from the employer

Reply to the employer following his notice of return to work  
in the case of leave without pay only (Appendix A-8)

Request to postpone weeks of vacation (Appendix A-2)

Application for leave without pay (Appendix A-5)

Request for a change in leave without pay (Appendix A-6)

Application for QPIP benefits

Advance notice of termination of  
leave without pay (Appendix A-9)

Date of return to work

Buyback of leave without pay from the CARRA



# The End

This handbook is available through the FSSS web site  
[www.fsss.qc.ca](http://www.fsss.qc.ca)

Status of Women  
Committee



MIX

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