Guidelines for Maternity, Parental and Adoption Leave-Postdoctoral Fellows

A Few Facts to Note
BC’s Employment Standards Act (ESA) covers employees with regard to unpaid maternity, parental and adoption leaves (details can be found here). This document provides general guidance for SFU requirements; provincial and federal legislation is updated periodically, and those requesting or managing leaves should review the relevant websites for current parameters.
While such leaves typically unpaid, these are job-protected and the dates requested must be granted if the ESA requirements are met. An appointment may not be terminated when an employee requests a leave, although note that a Record of Employment (ROE) is generated for these requests in case the employee will apply for Employment Insurance (EI).

Pregnancy/Maternity Leave for Birth Parents

- **Definition.** Parents expecting the birth of a child are entitled to Maternity Leave (may also be referred to as Pregnancy Leave).

- **Length and dates of leave.** Birth parents determine the length of the desired leave(s), within the parameters determined by the ESA.
  - Entitled to 17 weeks.
  - Maternity/Pregnancy Leave may commence up to 13 weeks before the projected birth date but no later than the actual birth date.
  - The leave must end no later than 17 weeks after its start date.
  - The end date of the leave must be before the appointment’s end date, and in no case can it extend beyond the appointment’s end date.
  - If the birth of the child occurs before the leave is schedule to begin, the date of birth becomes the first day of the leave. The employee must notify their supervisor and postdoc@sfu.ca so the leave dates can be adjusted in their employee record.

- **Required documentation**
  - A note from a doctor or midwife indicating the expected probable date of birth.
  - Medical clearance from a doctor or midwife if returning to work if within 6 weeks after the birth.

- **Combining leaves.** Maternity/Pregnancy Leave can be up to 17 consecutive weeks and Parental Leave can be up to 61 consecutive weeks after the maternity/pregnancy leave. These can be combined for a total of 78 weeks, and in this case, the Parental Leave period must begin at the end of the Maternity Leave period, unless otherwise agreed between the employee and their supervisor. As Maternity and Parental are separate and distinct leaves, a request for a combined leave must be made clear in the initial written request.

Parental Leave for Non-Birth Parents or Adopting Parents

- **Definition.** Non-birth parents who are expecting a child, whether by birth or adoption, are entitled to Parental or Adoption Leave.

- **Length and dates of leave.** Up to 62 consecutive weeks of Parental Leave is available to be taken within 78 weeks of the birth of the child or the official date of custody of the adoptive child. The
Leave’s end date must fall within the appointment term – it must be less than or equal to the end of the appointment.

- **Required documentation.** The employee must provide the following:
  - Birth certificate and evidence of parental status.

**Employee Responsibility**

Whether the employee is a birth parent, non-birth parent or adopting parent, they are responsible to:

1. Submit a written leave request to their supervisor at least four (4) weeks in advance of the start of the leave, and provide the following information:
   - Type of leave e.g. maternity/pregnancy, parental or adoption;
   - If you hold an external grant, determine if your grant provides for paid parental leave, make application for approval, receive approval, and let your department and/or PI know.
   - Provide the start and end date of your paid leave if applicable.
   - For internal PDF’s – the start and end date of the unpaid leave(s) – (top up/reimbursement information provided below);
     - Note that the if appointment end date is before the return from leave date, then the leave will end when the appointment ends. If the appointment end date is anticipated to be extended beyond the leave dates, then contact the supervisor or postdoc@sfu.ca.
     - Indication of whether the continuation of extended health and/or dental benefits is desired for the duration of the leave (applies only to those currently enrolled in a benefits plan.) Note If you plan to take any vacation in conjunction with your leaves, please notify of those dates.
   - Note that vacation time must be pre-approved by your supervisor.

2. For Maternity Leave, provide a note from a doctor, or midwife to your supervisor, indicating the probable date of birth. If the child is born before the probable date of birth, the supervisor must be notified so the leave dates can be adjusted.

3. For Parental or Adoption Leave, provide a birth certificate and proof that you are a parent of the child. A note from the doctor is acceptable if the birth certificate is not immediately available.

4. Apply for the Employment Insurance Benefit (through Service Canada directly).

**Supervisor/ Principal Investigator Responsibility**

When the supervisor receives a written request for a maternity/pregnancy or adoption leave, they are responsible to:

1. Send an email to the employee acknowledging the request for a leave. Remember this is a job-protected leave and must be granted.

2. Forward the information provided by the employee and the acknowledgement of the leave request to the Research People Team (RPT) by email (postdoc@sfu.ca), copying the faculty,
department/program/school. The email should contain the start and end date of the leave. The PDF Leave form can also be used.

3. If the child is born before the probable date of birth, the supervisor must notify the RPT so the date can be adjusted.

The email’s subject line should start with the word “Leave”, and be followed by the employee’s name and the Leave start date e.g., Leave – Last name, first name – yyyy/mm/dd.

**Research People Team & Payroll Responsibility**

When the RPT receives the written request and acknowledgement of request from the supervisor, they are responsible to:

1. Capture the requested leave dates in the employee’s record in myINFO.

2. Provide the employee with a letter confirming the leave dates and any information related to extended benefits if applicable, with a copy to Payroll and the Department. Note: If you are enrolled in Extended Health and/or Dental, SFU will continue to pay your benefit premiums.

3. The employee will receive a Pacific Blue Cross Change Form to add the child to their extended health and/or dental plan. Enrollment is not automatic.

4. Payroll submits Record of Employment (ROE) to Service Canada to facilitate Employment Insurance (EI) claims, should the employee be eligible/interested. Note that this is a Service Canada requirement to verify the leave and calculate any benefits.

**Top-Up Maternity/Parental benefits Reimbursement**

This section deals with the eligibility for a top-up reimbursement provided by SFU, to maternity/parental benefits over and above those available through Employment Insurance. PLEASE NOTE: in order to be eligible, the applicant must have been in receipt of benefits from Employment Insurance (EI) for the period of pregnancy/parental leave of up to 17 weeks. If you are externally funded and are not contributing to EI you will need to check with Employment Insurance re your eligibility to collect benefits.

NOTE: The Tri-Agencies and other granting agencies may provide parental leave supplements and or paid parental leave. If your grant provides this benefit you will not be eligible to receive top up from SFU as the intent of the SFU top up is to help bridge the gap for those who’s grants do not provide for paid leaves.

The SFU supplementary maternity/parental leave benefit is a top up of EI benefit received to 95% of your salary before your leave for a maximum of 17 weeks for the birth parent, the non-birth parent or the adoptive parent.

Eligibility:

- Must be an internal PDF employed at least 13 weeks prior to taking leave.
Must return to work for a minimum of 1 month before making application and meet eligibility requirements.

Requesting SFU Top-Up Maternity/Parental Benefits Reimbursement
Once you are back at work, you may submit a written request to postdoc@sfu.ca for a top-up of the difference between your Employment Insurance (EI) benefits received and 95% of your salary to a maximum of 17 weeks. In your request, you must include a summary of EI payments received stating the GROSS weekly amount. To retrieve this statement, log onto “My Service Canada Account” and going to My Past Claims>My Past Claims Details.

RPT will calculate the SFU top-up reimbursement amount and notify payroll. If you have any questions about pregnancy/maternity and/or parental leave or the top-up process, please contact postdoc@sfu.ca.

Additional Information
• BC Employment Standards Act (Leaves of Absence)
• Service Canada (Employment Insurance)