Guidelines for Maternity, Parental and Adoption Leave

A Few Facts to Note

BC’s Employment Standards Act (ESA) currently covers employees with regard to 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 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 ESA.
  - Maternity 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 baby occurs before the leave is scheduled to begin, the date of birth becomes the first day of the leave. The employee must notify their supervisor and rp_info@sfu.ca so the leave dates can be adjusted in their employee record.

- **Combining leaves.** Maternity Leave can be up to 17 consecutive weeks and Parental Leave can be up to 61 consecutive weeks. 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.

- **Required documentation.** The employee must provide the following:
  - A note from doctor or midwife stating the expected birth date.
  - Medical clearance from a doctor or midwife if returning to work early i.e., less than six weeks after the birth.

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;
   - Start and end date of the leave;
   - End date of leave – note that this must be equal to or less than the end of the appointment; and
   - 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)

2. For Maternity Leave, provide a note from the doctor, or midwife to their 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 they are a parent of the child. A note from the doctor is acceptable if the birth certificate is not immediately available.

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 Personnel Initiative team by email (rp_info@sfu.ca), copying the department/program/school. The email should contain the start and end date of the leave.
3. If the child is born before the probable date of birth, the supervisor must notify the RPI team 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.

RPI & Payroll Responsibility

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

1. RPI captures the requested leave dates in the employee’s record in myINFO.
2. RPI provides 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.
3. 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.

Additional Information

- Chart of ESA leaves for Research Assistants
- BC Employment Standards Act (Leaves of Absence)
- Service Canada (Employment Insurance)

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