

Complete Policy Title: **Pregnancy and Parental Leaves Policy for Faculty and MUFA Librarians**

Policy Number (if applicable):
SPS C4

Approved by:
**Senate
Board of Governors**

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Responsible Executive:
Provost and Vice-President (Academic)

Enquiries:
[University Secretariat](#)

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I Intent

The Pregnancy and Parental Leaves 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.

II Scope

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

III Definitions

A “parent” is defined as:

- (i) a birth parent; or
- (ii) an adoptive parent (whether or not the adoption has been legally finalized); or
- (iii) a person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as their own. This includes same-sex couples.

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 their intent to take such a leave.

Pregnancy leave begins no later than the earlier of the anticipated delivery date or the date of the birth of the child (or children) and no sooner than 17 weeks prior to the anticipated delivery date, except that the birth parent 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 12 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 parents 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 their intent to take such a leave.

A Faculty Member who has taken a pregnancy leave must begin their parental leave when their pregnancy leave ends unless the child (or children) has (have) not yet come into their care, custody, and control for the first time. A Faculty Member who has not taken a pregnancy leave for the same child (or children), must begin their parental leave no later than 78 weeks after the date the baby was born or, the date the child first came into their care, custody, and control.

Birth parents who take pregnancy leave are entitled to take up to 61 weeks of parental leave. All other new parents are entitled to take up to 63 weeks of parental leave. 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 Non-Statutory Approved Leave

If a pregnancy or parental leave falls within or overlaps the period of any non-statutory approved leave, except for a Research 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 the benefits section, below.

A Faculty Member who takes a pregnancy or parental leave when their 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 below:

PREGNANCY LEAVE

- * For each week of pregnancy leave up to the 11th week, inclusive, the University will pay 95% 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 their EIA entitlement is less than the EI Max, their weekly payment from the University will be 95% of regular salary less the amount of their EIA entitlement.

PARENTAL LEAVE

- * For each week of parental leave up to the 19th week, inclusive, the University will pay 95% of regular salary less the maximum amount of weekly pay any employee is eligible to receive in accordance with standard parental benefits provisions of 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 their EIA entitlement is less than the EI Max, their weekly payment from the University will be 95% of regular salary less the amount of their EIA entitlement.

PREGNANCY AND PARENTAL LEAVE COMBINED

- * The total period of eligibility for financial benefits through a combination of pregnancy leave and parental leave is 30 weeks (11 + 19). Subject to section V(ii), below, if a Faculty Member takes both pregnancy leave and parental leave for the same child (or children, in the case of multiples), the Faculty Member will have the option to elect that the period of eligibility be combined and financial benefits be administered without interruption (i.e. to receive an "advance" of parental leave benefits).

PARENTAL LEAVE COMBINED WITH ANY OTHER STATUTORY LEAVE

- * Subject to section V(ii), below, a Faculty Member taking any other statutory leave immediately preceding a parental leave will have the option to elect that the period of eligibility be combined and any financial benefits be administered without interruption (i.e. to receive an "advance" of parental leave benefits).

ii. Administrative Details Regarding “Advance” of Parental Benefits

- A Faculty Member who elects to receive an “advance” of their parental benefits while on another statutory leave of absence will not receive more than 95% of their base salary while in receipt of those benefits;
- If a Faculty Member who elects to receive an “advance” of their parental benefits does not ultimately take parental leave in a duration equivalent to the benefits so received, they will be required to repay any excess benefits;
- McMaster is not liable if a Faculty Member’s choice to elect an “advance” negatively impacts their Employment Insurance benefits.

iii. Other Benefits

A Faculty Member who takes pregnancy and/or parental leave(s) 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 their 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(s) 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, pregnancy and/or parental leave(s) shall normally have academic decisions relating to that individual’s career development (e.g., tenure review) deferred until the next decision period following the leave(s). If the Faculty Member so chooses, they 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 period of the leave(s). A Faculty Member wishing to be considered for tenure and/or promotion or permanence during the calendar year in which they return from a pregnancy and/or parental leave must ensure that their

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 pregnancy and/or parental leave(s) and did not take any or all of those leaves may request to have academic career decisions relating to their 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 leave(s) 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.

For the period of time during pregnancy and/or parental leave(s) and the year following return from pregnancy and/or parental leave(s), 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 their Chair of the elected option in writing at the time of the annual report submission.

VII Return to Work

When pregnancy and/or parental leave(s) end, the Faculty Member will normally return to the same role and duties that they performed prior to the leave(s). 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 they taught previously.

VIII Information

For questions on the administration of this policy contact the Manager, Faculty Appointments and Records in the Office of the Provost at Extension 23065.