

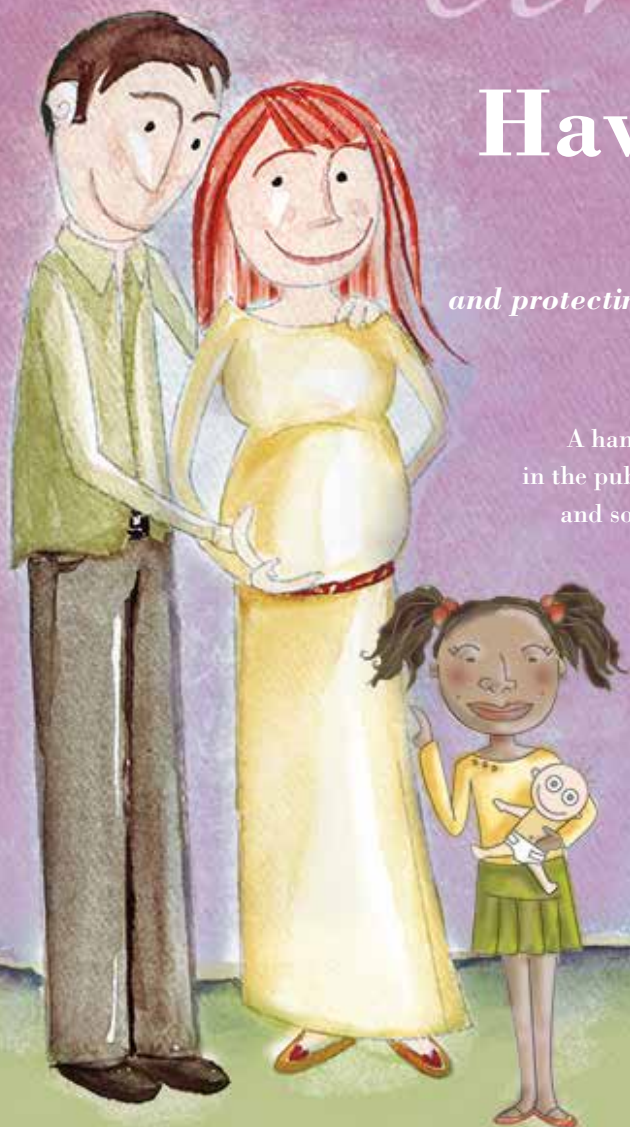
Once
upon a time

Having child

and protecting your rights...



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



Status of Women
Committee



♦♦♦♦

This handbook has been updated by the
Status of Women Committee of the Fédération
de la santé et des services sociaux – CSN.

♦♦♦♦

Graphics:
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♦♦♦♦

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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 2016-2020 national 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.¹ The new collective agreement contains important improvements to parental rights for our members, particularly with respect to leave, especially in terms of work-study-family balance.

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 national 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 national 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.

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.

¹ This guide brings together information on parental rights from government sources (QPIP, CNESST, etc.) and the CSN.

Table of contents

I'm pregnant	06
Protective leave or reassignment	08
Québec Parental Insurance Plan	11
Maternity leave	17
Consecutive maternity leave	21
I'm a Dad	23
I'm adopting a child	25
Extending leave	27
Other possibilities for leave without pay	30
Income and rights	33
A pregnancy that doesn't go as planned	37
Miscellaneous information and references	38
Appendices	39
Checklist	54

Acronyms

CNESST	Commission des normes, de l'équité, de la santé et de la sécurité du travail
AIAOD	Act respecting industrial accidents and occupational diseases
PIA	Act respecting parental insurance, or Parental Insurance Act
LSA	Act respecting labour standards, or Labour Standards Act
OHSA	Act respecting occupational health and safety, or Occupational Health and Safety Act
QPIP	Québec Parental Insurance Plan
RAE	Employment Insurance Plan
RREGOP	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:

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, gender identity, 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.

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. It should be noted that the FSSS collective agreement contains in section 3.02 a peculiarity that is not found in the collective agreements of other union organizations in the health and social services network, namely that discrimination is also prohibited for parental situation. This particularity could justify a request for accommodation in the event that a parental situation requires it.

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 to be temporarily assigned to another position, vacant or temporarily without a holder, with the same job title, or if agreed, with another job title or see whether it is possible to exchange positions with someone else (22.19). In all cases, 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. However, if an assignment becomes possible later, the special leave ends. (22.19 – 7th paragraph).

Protective leave or reassignment for a pregnant worker ends in the 4th week preceding her due date, if the worker is eligible for QPIP benefits (22.19 – 7th 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 – 11th 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 OHSA.

The employer pays the worker her full salary for the first 5 days she would normally work (OHSA, 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 20th 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 CNESST (22.19 – 9th 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 – 2nd 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 OHSA 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 \$76 500 in 2019. 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. 33).

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 CNESST, 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.

If you meet certain conditions, you could request that the qualifying period be changed if your usual insurable earnings have decreased for a certain period. You could also ask that the reference period taken into account for the calculation of your benefits correspond to the 52 week period preceding the first week in which the most recent inability to receive part of your income occurs for certain reasons. 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 16th 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

They can be granted to the mother who gave birth.

Paternity benefits

These may be paid to the spouse of the mother who gave birth, 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 mother who gave birth 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.

Benefits during a termination of pregnancy

In the event of a termination of pregnancy, the mother may be entitled to maternity benefits. This interruption must have taken place after the 19th week of pregnancy.

Barring exceptions, the benefit period ends no later than 18 weeks after the week in which the termination of pregnancy occurs.

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.rqap.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
- you could lose weeks of benefits if you delay filing your claim
- the type of benefits requested determines the date on which you can make your request as well as the date on which the payment of your benefits ends;
- if you receive indemnities from the prevention program “For a safe motherhood” from the CNESST, you can make your request as of the fourth week preceding the week of your expected delivery;
- if you have had pregnancies or adoptions in short periods, we invite you to contact the QPIP Customer Service Center for more information on your second benefit request.

There are 2 ways to apply for benefits:

- by using the QPIP’s on-line services, 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 – 4th 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 16th week preceding the due date and ends 13 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 4th 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 4th 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. 32-33).

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. (22.12d – 1st paragraph, 22.21D et 22.25).

Benefits while the worker is on protective leave or reassignment or salary insurance benefits are calculated as if the worker had received 100% of her base salary (22.12 d).

In all cases, weeks without pay are excluded (22.12d - 3rd paragraph).

A worker who is eligible for the QPIP

The employer pays a complementary indemnity to the worker benefiting from the QPIP. This compensation is equal to the difference between the amount of QPIP benefits that she receives or that she would have received, subtracted from the sum of the following 2 amounts:

- *the amount representing 100% of the basic weekly salary up to a maximum of \$ 225.*
- *the amount representing 88% of the difference between the weekly salary and the amount established in subparagraph 22.10 a)*

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 calculated as follows:

By adding :

- *the amount representing 100% of the basic weekly salary up to \$ 225*
- *the amount representing 88% of the difference between the basic weekly salary and the amount established (in subparagraph 22.11 a)*

For each of the following weeks until the end of the 20th week of maternity leave, the employer pays her complementary benefits calculated as follows:

This compensation is equal to the difference between the amount of the employment insurance plan benefits that she receives or that she would have received, subtracted from the sum of the following 2 amounts:

- *the amount representing 100% of the basic weekly salary up to \$ 225*
- *the amount representing 88% of the difference between the basic weekly salary and the amount established in subparagraph 22.11 a)*

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

A worker who has accumulated 20 weeks of service but who cannot benefit from the QPIP and the Employment Insurance Plan is still entitled, for 12 weeks, to an indemnity which is calculated as follows:

By adding :

- *the amount representing 100% of the basic weekly salary up to \$ 225*
- *the amount representing 88% of the difference between the basic weekly salary and the amount established in subparagraph 22.11 a)*

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 – 3rd paragraph).

The collective agreement stipulates that to be eligible for maternity leave, an employee must have accumulated 20 weeks of paid service (22.10 – 1st paragraph, 22.11 – 1st paragraph, 22.11A – 2nd and 3rd 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.

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 CNESST, 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, worker is entitled to complementary benefits for 12 weeks if she does not receive benefits under a parental rights plan established by another province or territory (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 20th week on before the due date.

This leave may be taken non-continuously and must be taken between the birth and the fifteenth (15th) 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 52nd 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 – 3rd paragraph and 22.21A – 3rd 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 – 2nd 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 or the Employment insurance plan and who has completed 20 weeks of service, the benefits payable by the employer are equal to the difference between his basic weekly salary and the amount of benefits received or that he will receive from the QPIP or by the Employment insurance plan if he makes the demand (22.21B). A worker who is not eligible for the QPIP receives benefits equal to his basic weekly salary (22.21C), if he has completed 20 weeks of service.

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 (22.34). 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 has completed 20 weeks of service 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 – 2nd 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 – 3rd 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 and who has completed 20 weeks of service, 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 or the amount she will receive if she makes the demand or by the Employment insurance plan (22.23).

A person who is not eligible for the QPIP or the Employment insurance plan receives benefits equal to her or his basic weekly salary if the person has complete 20 weeks of service (22.24).

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 (22.34). 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 – 1st 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 – 2nd 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 – 2nd 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 125th 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.*

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 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).

Family-work-study balance leave with salary averaging

The purpose of this leave is to allow an employee to spread her or his salary over a specified period in order to be able to benefit from a leave for the purpose of family-work-study balance under certain conditions (letter of agreement No. 39).

Local committee on family-work-study balance

The negotiating parties favor taking into account the family-work-study balance in the organization of work and encourage the local parties to a better conciliation among others of parental and family responsibilities in the determination of the working conditions and their application (letter of agreement No. 15.). We invite you to consult your union regarding local measures.

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	QPIP + employer
	Last 3 weeks (first 3 weeks of QPIP parental benefits*)	The employee receives 70% in parental benefits + supplementary benefits	
Paternity	5 days	100%	Employer
	5 weeks	70% + supplementary benefits	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	QPIP + employer
	7 weeks	70%	QPIP
	25 weeks	55%	
Adoption (spouse's child)	1 st 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.

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

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

Cases not eligible for the QPIP but eligible for the Employment Insurance Plan

<i>Worker's status</i>	<i>Duration</i>	<i>Benefits paid by the employer</i>
<i>The employee with 20 weeks of service</i>	<i>20 weeks of maternity leave</i>	<i>An indemnity is paid for each week of the waiting period provided in the Employment Insurance Plan and each week following the waiting period (22.11)</i>

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>Worker with 20 weeks of service</i>	<i>12 weeks</i>	<i>Benefits paid 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 – 2nd paragraph), pregnancy-related appointments (22.20 – 1st 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 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 – 1st 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 – 1st paragraph).

- accumulation of seniority (22.28 – 1st and 2nd paragraphs);
- accumulation of experience for one year (22.28 – 3rd paragraph);
- the right to apply for and obtain a position (22.28 – 4th 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 – 2nd 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 Retraite Québec web site at www.retraitequebec.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 4th week preceding the date the baby is due (22.19A a);
- a natural or induced interruption of pregnancy before the 20th 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 – 2nd paragraph). In the event of a miscarriage after the start of the 20th 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 – 4th paragraph).





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

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
web site:
www.mfa.gouv.qc.ca

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

web site:
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 July 10, 2016 to March 31, 2020

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 CNESST. Available on the web site: www.cnesst.gouv.qc.ca/

Québec Parental Insurance Plan – Brochure and Checklist, available through the QPIP web site, at www.rqap.gouv.qc.ca

Becoming a parent. Available on the web site of Services Québec: www4.gouv.qc.ca/FR/Portail/Citoyens/Evenements/DevenirParent

Act respecting occupational health and safety, R.S.Q., c. S.2.1, available from the web site: 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

Appendix A



Standard letters and forms

The following letters and forms are available as Word files from our web site: 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

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

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-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

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

N.B.

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

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

Appendix B

“Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker” form



CNESST		CERTIFICAT VISANT LE RETRAIT PRÉVENTIF ET L'AFFECTATION DE LA TRAVAILLEUSE ENCEINTE OU QUI ALLAITE	
Remplir à l'aide d'un crayon ou d'un stylo à pointe dure en appuyant fortement			
A - Identification de la travailleuse et objet de la consultation			
Nom et prénom à la naissance	N° de dossier CNESST de la travailleuse		
Adresse	N° d'assurance maladie		
N° de téléphone	N° d'assurance sociale		
	Code postal		
Catégorie de la demande	<input type="checkbox"/> Grossesse	Date prévue de l'accouchement	<input type="checkbox"/> Allaitement
			Date de naissance de l'enfant allaité
Nature des dangers appréhendés par la travailleuse	Signature de la travailleuse		
Décrite :			
B - Identification du lieu de travail et description de l'emploi de la travailleuse			
Raison sociale de l'employeur			
Adresse du lieu de travail		Code postal	
Poste de travail et service où la travailleuse exécute ses tâches		Titre de l'emploi	
Nom et fonction de la personne avec qui l'on peut communiquer dans l'entreprise			N° de téléphone
C - Consultation obligatoire en vertu de la loi (Le médecin responsable des services de santé de l'établissement n'a pas à remplir cette section s'il émet le certificat)			
Nom du médecin consulté		En qualité de : <input type="checkbox"/> médecin responsable de l'établissement <input type="checkbox"/> directeur de la santé publique <input type="checkbox"/> médecin désigné	
Nom de la direction de la santé publique		N° de téléphone	
Médicton du Rapport de consultation		Date	
<input type="checkbox"/> par téléphone		<input type="checkbox"/> par écrit	
D - Rapport médical			
Selon vous, quelles sont les conditions de travail comportant des dangers physiques pour l'enfant à naître ou allaité ou pour la travailleuse à cause de son état de grossesse ?			
Indiquer, s'il y a lieu, les problèmes de santé pouvant être aggravés par ces conditions de travail.			
Est-ce que la travailleuse est apte médicalement à faire un travail ? <input type="checkbox"/> Oui <input type="checkbox"/> Non IMPORTANT Pour bénéficier d'un retrait préventif ou d'une affectation, la travailleuse doit être apte à un travail.			
E - Attestation			
<input type="checkbox"/> J'atteste que les conditions de travail de la travailleuse comportent des dangers physiques pour elle-même, à cause de son état de grossesse, ou pour l'enfant à naître ou allaité.		Pour les cas de grossesse seulement Indiquer le nombre de semaines de grossesse à la date du retrait préventif ou de l'affectation.	
Date du retrait préventif ou de l'affectation			
<input type="checkbox"/> Médecin traitant	<input type="checkbox"/> Médecin responsable de l'établissement	Nom du médecin (en lettres moulées)	N° de corporation
			N° de téléphone
Signature		Date de remise du certificat à la travailleuse	
Suggestion(s) à l'employeur pour faciliter l'affectation (conditions de travail et tâches à modifier).			
1166 (2019-04) La travailleuse doit remettre ce certificat dûment rempli à son employeur. Toutefois, l'absence de suggestions faites à l'employeur n'invalide pas le certificat.			

N.B.

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

Checklist
for keeping track of your pregnancy

Event	Date	Notes
<i>Positive pregnancy test</i>		
<i>Doctor's appointment</i>		
<i>Visit to a health-care professional (4 days that can be taken by half-days)</i>		
<i>Notice to the employer, with medical certificate (Appendix 1)</i>		<i>At least 2 weeks before the start of the leave (22.09)</i>
<i>Maternity leave</i>	<i>From</i> <i>To</i>	
<i>Protective leave or reassignment form filled out by the physician</i>		
<i>Form submitted to the employer and request for reassignment</i>		
<i>Reassignment to other duties</i>		
<i>Protective leave authorized</i>		
<i>Due date</i>		
<i>Actual date of birth</i>		
<i>Notice of return to work received from the employer</i>		<i>4 weeks before the end of the leave (22.32)</i>
<i>Reply to the employer following his notice of return to work in the case of leave without pay only (Appendix A-8)</i>		<i>2 weeks before the end of the leave (22.32)</i>
<i>Request to postpone weeks of vacation (Appendix A-2)</i>		<i>2 weeks before the end of the leave (22.14)</i>
<i>Application for leave without pay (Appendix A-5)</i>		<i>3 weeks before the end of the parental leave for full-time leave without pay and 30 days for part-time leave without pay (22.31)</i>
<i>Request for a change in leave without pay (Appendix A-6)</i>		<i>30 days before the planned change (22.27 a))</i>
<i>Application for QPIP benefits</i>		
<i>Advance notice of termination of leave without pay (Appendix A-9)</i>		<i>at least 21 days for leave lasting less than 52 weeks, or 30 days for leave lasting 52 weeks or more (22.32)</i>
<i>Date of return to work</i>		
<i>Buyback of leave without pay from the Retraite Québec</i>		<i>Ideally, within 6 months of the end of the leave</i>

The End

This handbook is available through the FSSS we site
www.fsss.qc.ca

Status of Women
Committee

