

Parental Rights Guide



fneeq 

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GUIDE TO PARENTAL RIGHTS AND FAMILY LEAVE

This guide is intended for CEGEP teachers whose union is affiliated with the FNEEQ (CSN)

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Introduction

Introduction

This guide was prepared to facilitate understanding of Article 5-6.00 of the 2010-2015 Collective Agreement for FNEEQ (CSN) teaching personnel dealing with parental rights and of the clauses pertaining to family leave (5-9.06 and 5-9.07). However, in no way shall it take precedence over that collective agreement.

The guide is divided into five sections: maternity leave, paternity leave, adoption leave, extensions to maternity, paternity or adoption leave, and other parental and family leaves. Also included in appendix are a checklist for pregnancy and maternity leave periods, the list of recognized employers for the purposes of calculating 20 weeks of service, and various sample letters to simplify the process of applying for the different leaves or any extension thereof. For further details, refer directly to the collective agreement, the official text enshrining your rights.

This guide is intended solely for those living in Quebec who are eligible for the Quebec Parental Insurance Plan (QPIP)¹. It does not address the federal government's Employment Insurance program.

It should be noted that, throughout this guide, unless otherwise indicated, **hourly-paid** teachers in Continuing Education are considered as non-tenured teachers.

Finally, this guide describes typical cases. For additional information and to ensure that your rights are being respected, it is always recommended that you contact a member of your local union's executive committee, whenever needed.

This document is posted on the FNEEQ Website: www.fneeq.qc.ca

¹ www.rqap.gouv.qc.ca

² Your doctor must fill out a Medical Disability Report.



Maternity leave

Maternity leave

1. Pregnancy

The work environment is a factor that may have an effect not only on the health of the mother, but also on that of her unborn child. Therefore, at your first doctor's appointment (usually around the twelfth (12th) week of pregnancy), it is important to discuss your working conditions with your doctor in order to identify all of the risk factors that might affect your health or the development of your baby (5-6.17).

a) Schedule adjustments

During your pregnancy, you can ask the college to adjust your work schedule in order to take a prenatal or exercise class (5-6.59).

Sample letter 1

b) Time off for appointments with your doctor or midwife

You have the right to four (4) days off work without loss of salary, which may be taken as half-days, for pregnancy-related appointments with your doctor or midwife (5-6.18).

c) Leave due to complications with the pregnancy

If there is a complication with your pregnancy or the risk of miscarriage, you have the right to a special leave upon presentation of a medical certificate².

If you are seeing a midwife, you must obtain this report from a general practitioner or an obstetrician/gynaecologist. This special leave may not extend beyond the beginning of the fourth week prior to your expected delivery date (5-6.18). However, you are under no obligation to begin your maternity leave at this time. You may, for those last four (4) weeks, collect benefits under the salary insurance plan (5-6.19).

During this special leave, you are covered by salary insurance in accordance with the provisions of clause 5-5.19. You will receive a benefit payment equivalent to 85% of your base salary once a five-day waiting period has lapsed. These five (5) days may be taken from your bank of sick days (5-5.28 a).

d) For a Safe Maternity Experience program

If you believe that your working conditions present a danger (biological, chemical, ergonomic, physical or any other threat) to your health or that of your unborn child, you may avail yourself of the For a Safe Maternity Experience program. This program is not an extended maternity leave; it allows you to be reassigned to duties that do not present a risk to you or your child.

² Your doctor must fill out a Medical Disability Report.



If you cannot be reassigned to other duties, you will be paid a benefit that replaces your salary by the *Commission de la santé et de la sécurité au travail* (CSST)³ [Quebec Workers Health and Security Commission] up until the fourth (4th) week preceding your expected delivery date, at which time your maternity leave may begin **(5-6.17)**.

Preventative withdrawal

In order to benefit from an interim reassignment or preventative withdrawal leave, you must submit a medical certificate⁴ from a general practitioner or an obstetrician/gynaecologist to the college. This certificate must identify specific working conditions that present a danger to you or your unborn child and indicate why.

In addition, the doctor must provide a copy of this report to the CSST, which will then render a decision on your eligibility for the Safe Maternity Experience program.

If you work regularly in front of a cathode-ray screen, the college must consider the possibility of reducing your time in front of the screen to two hours per half-day. It can assign you to other duties you are able to perform.

N.B. When you return to work, you can also take advantage of a preventative withdrawal if you are breastfeeding and your working conditions present a danger for your child. The steps to follow are identical to those described above **(5-6.17)**.

Payment of benefit

If the college is unable to assign you to other duties by the date indicated on the medical certificate, you must contact the person at the CSST regional office responsible for the Safe Maternity Experience program before stopping work.

You will receive a replacement benefit equal to 90% of your net salary.

However, the CSST may reduce or interrupt payment of this benefit if:

- you perform other paid work during your preventative withdrawal; or
- the danger related to your working conditions no longer exists.

Preventative withdrawal shall not extend beyond the beginning of the fourth (4th) week preceding your expected delivery date. This would be a good time to begin your maternity leave so as not to find yourself without income.

e) Giving notice for your maternity leave

To avail yourself of your maternity leave, you must give the college written notice at least two (2) weeks before the date of your departure. This notice must be accompanied by a medical certificate or a report from a midwife attesting to the pregnancy and indicating the due date.

The time limit for giving prior notice may be reduced upon submission of a medical certificate stating that you must leave work sooner than planned **(5-646)**.

Sample letter 2 or 3

3

http://www.csst.qc.ca/portail/fr/prevention/informations_supplementaires/progrmatsansdang/progrmatsansdang.htm

⁴ Preventative Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker



2. Maternity leave

a) Length of leave

All pregnant teachers who are eligible for the QPIP are entitled to a maternity leave of twenty-one (21) weeks **(5-6.06)**.

Following the QPIP regulations, your leave may begin, at the earliest, in the sixteenth (16th) week preceding your expected due date and, at the latest, the week following the start of benefits paid to you by the QPIP **(5-6.08)**.

The weeks of your maternity leave must be consecutive, unless you decide to suspend or split your leave (see Suspending or splitting your leave, page 11).

Your maternity leave may last less than twenty-one (21) weeks. However, if you wish to return to work during the two (2) weeks following the birth of your child, the college may require you to produce a medical certificate that attests to your ability to safely do so **(5-6.16)**.

If you give birth or miscarry after the twentieth (20th) week of pregnancy, you also have the right to a maternity leave of twenty-one (21) weeks **(5-6.07)**.

A teacher whose pregnant spouse dies shall be granted the residual of the maternity leave **(5-6.06)**.

b) Indemnity

The benefit paid during a maternity leave varies as a function of:

- your eligibility for the QPIP⁵;
- the number of weeks you have worked at the college or in another college in the CEGEP system before the start of your maternity leave and the weekly salary that you have received during this period **(5-6.12)**;
- the length of your contract with the college if you are a part-time or hourly-paid teacher.

If you have accumulated twenty (20) weeks of service with the college⁶ and are eligible for the QPIP, you are entitled to a maternity leave of twenty-one (21) weeks and shall receive a benefit from the college equal to the difference between the benefit paid by the QPIP and 93%* of your base salary (5-6.12).

As each case is different, do not hesitate to contact your local union representative in charge of parental rights for information on the various options available to you.

QPIP procedures

Before the start of your maternity leave, you must send an application for maternity benefits to the QPIP, along with your employment record from the college.

⁵ If you are not eligible for QPIP benefits, refer to the provisions of Article 5-6.15 of the collective agreement.

⁶ Or with one of the employers in the public or parapublic sectors listed in Appendix II.

* This percentage (93%) is based on the fact that during her maternity leave, a teacher is exempt from making contributions to the pension plan and to the QPIP, which equals about 7% of her salary.



Once you have received your first payment from the QPIP, you must forward the statement of benefit to the payroll department of your college.

Sample letter 4

The amount of the benefit paid during your maternity leave will be increased if the date of a salary scale increase falls during your maternity leave **(5-6.44 d)** or if you receive a regional disparity premium **(5-6.45 and Appendix VI-2)**.

If you have worked for more than one employer during the last fifty-two (52) weeks, you must attach all of your employment slips. If you are receiving Employment Insurance benefits at the start of your maternity leave, you do not have to provide a copy of your record of employment; the QPIP will be responsible for obtaining the information required for you.

You may not receive a monetary or non-monetary benefit equal to more than what you would have received had you remained at work **(5-6.04)**.

If you are a non-tenured teacher

If you are a non-tenured teacher, you must satisfy the following criteria to receive a benefit paid by the college:

- you must have worked at least twenty (20) weeks for the college⁷ or for another employer listed in Appendix II before the start of your maternity leave **(5-6.44)**;

and

- you must be under contract with the college during your maternity leave.

Payment of benefits during the leave

The college will pay the difference between the benefit paid by the QPIP and 93% of your base salary for the twenty-one (21) weeks of your maternity leave or for the entire period that

you are under contract with the college. The calculation of the payment of the benefit shall be based on your weekly salary paid by the college or another college in the CEGEP system during the twenty (20) weeks preceding your maternity leave **(5-6.44 d)**. This is why an increase in your teaching load during your maternity leave will not affect the amount of the benefit you receive from the college.

If you work for more than one employer, you will receive a benefit from the college proportional to the salary you would have received from it in relation to the amount of weekly base salary paid by all of your employers **(5-6.13 b)**. You must produce for each employer a statement of your weekly salary payments paid by each one, as well as the benefits they paid you under the Act Respecting Parental Insurance **(5-6.12)**.

What happens at the end of your contract?

If your contract ends during your maternity leave, the college will stop paying you a maternity leave benefit from the date that your contract ends. Following this, if you are rehired as a result of your hiring priority, your maternity leave benefit will be re-established as of the starting date of your contract. Any weeks in between the two contracts will be subtracted from the twenty-one (21) weeks of payment to which you are entitled **(5-6.44 e)**.

If the start of your maternity leave falls between two contracts (within one semester or between two consecutive semesters), the maternity leave benefit shall be paid as of the starting date to the second contract, for the proportion of the twenty-one (21) weeks of maternity leave that remains **(5-6.44 f)**.

During your leave, the college must notify you of the workloads that are available **(5-1.10)**. You have the right to apply for and obtain a post or teaching load **(5-6.55)**.

⁷ Ibid.



Make sure that you follow your college's rules for application. You should also be aware that your maternity leave cannot result in a delay in acquiring tenure **(5-2.02)**.

If you are not eligible for the QPIP but have a **part-time workload** and have accumulated twenty (20) weeks of service with the college⁸, you are entitled to payment of a benefit equal to 95% of your weekly base salary over twelve (12) weeks⁹ unless you are exempt from contributing to the pension plan. In this case, the benefit shall be equal to 93% **(5-6.15)**.

If you have not accumulated twenty (20) weeks of service with the college¹⁰, you are entitled to a leave without pay of twenty (20) weeks (5-6.06).

If you are on leave with an anticipated or deferred salary plan and give birth during this leave, refer to Article **5-12.00** of the collective agreement.

c) Rights and benefits

During your twenty-one (21)-week maternity leave, all benefits and rights to which you are entitled are recognized as if you were at work: accumulation of seniority and experience; accumulation of time off for vacation and sick leaves; the maintenance of insurance coverage (life and health); and participation in the RREGOP and exemption from contributions to the latter for the duration of the leave **(5-6.55, 5-6.56 and 5-6.57)**.

Insurance

If you wish to modify your insurance coverage plan to include your newborn child, you must notify the college by no later than thirty (30) days following the birth of your child.

In addition, from the date of birth of your first child, you are entitled to adhere to the life insurance plan, without proof of insurability, in the thirty (30) days following the birth of your child. If your union has a dental insurance plan, you must continue paying into it. It is a good idea to keep up your other insurance plans throughout your maternity leave. However, if you have not maintained your coverage, such as for disability insurance, for example, you will need to re-apply within the thirty (30) days following your return to work to avoid having to provide proof of insurability.

Sample letter 5

Pension plan

The maternity leave, special leave (due to a complication with the pregnancy or the risk of miscarriage) and disability period are credited for the purpose of the pension plan without any contribution on your part. This crediting is done automatically through the employer's annual declaration, but we suggest you verify your pension plan statement when it is sent to you by CARRA.

Vacation

You may defer part or all of the vacation weeks falling within your maternity leave to the end of your leave or to another time, with the agreement of the college. You must advise the college at least two (2) weeks before the end of your leave of the date to which you want to defer your vacation **(5-6.55)**. It is not permitted, however, to defer paid holidays that fall during your maternity leave, or the period between the fall and winter semesters, which is not considered to be a vacation period.

Sample letter 3

⁸ Ibid.

⁹ Once payment of these benefits has ended, you may request an employment slip from the college and thereby become eligible for the QPIP for the remainder of your parental leave.

¹⁰ Ibid.



If you are a part-time, non-tenured teacher, you are not entitled to defer your weeks of vacation if you do not have a contract after your maternity leave or if this leave ended while you were without a contract. Your vacation will have been paid to you during the course of the semester. Thus, if you had a teaching load for the semester, the college would normally have paid you your base salary every two (2) weeks, in twenty-six (26) instalments, which would have included your weeks of vacation.

If you are an hourly-paid teacher, only your accumulated seniority and experience will be recognized. Deferral of vacation does not apply, since the collective agreement does not define a specific vacation period for hourly-paid teachers (8-2.00).

d) Suspending or splitting your leave

Suspending with pay

If your child is hospitalized in the fifteen (15) days following his or her birth or is not able to leave the health-care facility after birth, you have the right to suspend your maternity leave and return to work up until your child is able to return home. The leave cannot be suspended more than once (5-6.10).

Suspending or splitting without pay

The QPIP rules also allow you to split your leave without returning to work for the reasons indicated below. However, this option is not very advantageous as you are considered to be on a leave without pay and therefore not entitled to disability benefits:

- if your child is hospitalized, for the duration of the hospitalization;
- if you suffer an accident or illness not related to your pregnancy. The maximum length of a suspension is twenty-six (26) weeks (or up to 104 weeks if you suffered serious bodily harm as the result of a crime);

If you have three (3) months of continuous service, you may suspend your leave for any of the reasons outlined in articles 79.8 to 79.12 of the Act respecting Labour Standards¹¹ (5-6.10B and 5-9.06B). When you resume your suspended maternity leave, the college will pay you the benefit amounts to which you are entitled for the number of weeks remaining in your leave (5-6.11). However, as this benefit is tied to the payment of QPIP benefits, make sure that the period of suspension or splitting of the maternity leave does not exceed the maximum extension allowable under the Act respecting Parental Insurance.

e) Returning to work

Four (4) weeks prior to the end of your maternity leave, the college will send you a notice indicating the expected date of expiry of the leave (5-6.47). You may decide to extend your maternity leave with a parental leave, as permitted by the QPIP. Unless you take another leave or deferred vacation time, you must return to work (5-6.54 and 5-6.55). See Chapter IV (Extending your maternity, paternity or adoption leave) for further information on this subject.

Sample letter 10

If you have not returned to work within four (4) weeks of the end of your leave, during which time you will have been on leave without pay, you shall be considered to have resigned (5-6.49).

¹¹ For details, see "Other parental and family leaves"



Paternity leave

Paternity leave

1. Five-day paternity leave

If your spouse is pregnant, you are entitled to a paid leave of up to **five (5) working days** for the birth. This leave is also granted in the case of miscarriage occurring after the beginning of the twentieth (20th) week preceding the expected due date. The leave may be split and must be taken between the day of the birth and fifteen (15) days following the mother or child's return to the home. One of the five (5) days may be used for the baptism or birth registration of the child. You must advise the college of your absence as early as possible **(5-6.20)**.

If your spouse dies during pregnancy, you are entitled to the residual of the twenty-one (21) weeks of maternity leave along with all related rights and benefits **(5-6.06)**.

You may not receive a monetary or non-monetary benefit equal to more than what you would have received had you remained at work **(5-6.04)**.

If you are a female teacher, you are also entitled to this leave if you are identified as one of the mothers of the child **(5-6.20)**.

Sample letter 6

2. Paternity leave of up to five consecutive weeks

a) Length of leave

You are entitled to a leave of up to five (5) weeks, which must be taken consecutively unless you suspend or split the leave **(5-6.23)**. This leave may be taken immediately following the five-day paternity leave (see above) or at another time, provided it is taken by no later than at the end of the fifty-second (52nd) week following the birth of the child **(5-6.21)**. You must submit a written request for this leave to the college two (2) weeks before the start of the leave **(5-6.21)**.

If you are a female teacher, you are also entitled to this leave if you are identified as one of the mothers of the child **(5-6.21)**.

Sample letter 7

b) Indemnity

If you are eligible for neither the QPIP nor the EIP, you are entitled to a benefit equal to your weekly base salary for the period of the leave **(5-6.27)**.

If you are eligible for the QPIP or the EIP, this leave must start no later than the week following the beginning of the benefit payments **(5-6.21)**.

During the paternity leave, you will receive a benefit equal to the difference between your weekly base salary and the QPIP benefits you receive or would receive were you to apply **(5-6.25)**.



The benefits paid out to you during your paternity leave will be increased if you are receiving a regional disparity premium **(5-6.45 and Appendix VI-2)**.

The college must make the first payment to you fifteen (15) days after you provide it with proof that you are receiving QPIP benefits. However, no benefit can be paid during a vacation period in which you are remunerated **(5-6.44)**.

If you are a part-time teacher, your benefit shall be calculated on the basis of your average income over the preceding twenty (20) weeks **(5-6.44d)**.

You may not receive a monetary or non-monetary benefit equal to more than what you would have received had you remained at work **(5-6.04)**.

If you are a female teacher, you are also entitled to this leave if you are identified as one of the mothers of the child **(5-6.21)**.

c) Rights and benefits

During your paternity leave, all benefits and rights to which you are entitled are recognized as if you were at work: accumulation of seniority and experience; accumulation of time off for vacation and sick leaves; the maintenance of insurance coverage (life and health); and contributions to the RREGOP for the duration of the leave **(5-6.55 and 5-6.56)**.

The weeks of paternity leave are considered as time worked and paid **(5-6.57)**.

You may defer part or all of the vacation weeks falling within your paternity leave to the end of this leave or to another time, with the agreement of the college **(5-6.55)**.

If you are a non-tenured teacher or a teacher on availability (MED), you have the right to apply for a post or a teaching workload in accordance with the provisions of the collective agreement as if you were not on leave **(5-6.55)**. The college must forward to you the teaching workloads that are available **(5-1.10)**. Make sure to respect your college's application rules.

If you are an hourly-paid teacher, only your accumulated seniority and experience shall be recognized **(8-2.00)**.

d) Suspending or splitting your leave

The same provisions apply as for maternity leave, with adjustments as needed **(5-6.10 and 5-6.11)**.

e) Returning to work

When you return to work from your paternity leave, you resume your post or teaching load **(5-6.54)**. You may decide to extend your paternity leave with a parental leave, as permitted under the QPIP, or with another form of leave. See Chapter IV (Extending your maternity, paternity or adoption leave) for further information on this subject.

Sample letter 10

If you have not returned to work within four (4) weeks of the end of your leave, during which time you will have been on leave without pay, you shall be considered to have resigned **(5-6.49)**.



Adoption leave

Adoption leave

1. Leave for the purposes of adoption

a) Length of leave

If you must travel outside Quebec to prepare for an adoption, you may receive a leave without pay for the time required to travel. Your request should be submitted to the college two (2) weeks in advance, where possible **(5-6.37)**.

This leave shall end no later than the week preceding the start of payment of QPIP benefits **(5-6.37)**.

Sample letter 8

b) Indemnity

No indemnity will be paid during this leave.

c) Rights and benefits

During this leave, experience and seniority continue to be accumulated as if you were at work **(5-6.56)**.

Insurance

During your leave, you maintain your participation in your insurance plans, and must pay the applicable premiums **(5-5.01 and 5-5.15)**.

Pension plan

If your leave for the purposes of adoption less than thirty (30) days, you must keep up your participation in the pension plan and continue paying your premiums. For a leave for the purposes of adoption lasting more than thirty (30) days, you must make a request to buy back this time from CARRA by filing the required form, which can be obtained from the Human Resources department at your college. If you make this request in the six (6) months that follow your return to work, you will not be required to pay fees or interest. In addition, you will only have to pay your share of the contribution.

N.B. Remember to check the status of your participation in the pension plan when it is sent to you by CARRA following your buy-back request.

d) Returning to work

When you return to work from your leave, you resume your post or teaching load **(5-6.54)**. You may also decide to extend this leave with an adoption leave of ten (10) weeks.



2. Adoption leave

a) Five-day adoption leave

If you adopt the child of your spouse, you are entitled to a maximum leave of five (5) days, the first two (2) of which are paid (5-6.29).

If you adopt a child other than the child of your spouse, you are entitled to a paid leave of up to five (5) days. This leave may be split but cannot be taken later than fifteen (15) days following the child's arrival in the home. One (1) of these five (5) days may be used for the baptism or registration of the child (5-6.28).

b) Five-week adoption leave

If you legally adopt a child, you are entitled to a leave of five (5) weeks, which must be taken consecutively unless you suspend or split the leave (5-6.30 and 5-6.32).

If you are eligible for the QPIP, this leave must begin, at the latest, the week after payment of benefits begins (5-6.30).

If you are not eligible for the QPIP, the leave must occur after the placement order of the child or its equivalent for international adoptions, in accordance with an adoption plan or at any other time agreed to with the college (5-6.30).

Sample letter 9

c) Indemnity

During the five (5) weeks of an adoption leave, you receive 100% of your basic weekly salary whether or not you are eligible for the QPIP (5-6.34 and 5-6.36).

The benefit paid during your adoption leave will be increased if you are receiving a regional disparity premium (5-6.45 and Appendix VI-2).

If you are eligible for the QPIP, the college must make the first payment to you fifteen (15) days after you provide it with proof that you are receiving QPIP benefits. However, no benefit can be paid during a vacation period in which you are remunerated (5-6.44).

If you are a part-time teacher, your benefit payment is calculated on the basis of your average salary over the preceding twenty (20) weeks (5-6.44 d).

You may not receive a monetary or non-monetary benefit equal to more than what you would have received had you remained at work (5-6.04).



d) Rights and benefits

During your adoption leave, all benefits and rights to which you are entitled are recognized as if you were at work: accumulation of seniority and experience; accumulation of time off for vacation and sick leaves; the maintenance of insurance coverage (life and health); and contributions to the RREGOP for the duration of the leave **(5-6.55 and 5-6.56)**.

The five (5) weeks of adoption leave are considered as time worked and paid **(5-6.57)**.

You may defer part or all of the vacation weeks falling within your adoption leave to the end of this leave or to another time, with the agreement of the college **(5-6.55)**.

If you are a non-tenured teacher or a teacher on availability (MED), you have the right to apply for a post or a teaching workload in accordance with the provisions of the collective agreement as if you were not on leave **(5-6.55)**. The college must forward to you the teaching workloads that are available **(5-1.10)**. Make sure to respect your college's application rules.

If you are an hourly-paid teacher, only your accumulated seniority and experience shall be recognized **(8-2.00)**.

e) Suspending or splitting your leave

The same provisions apply as for maternity leave, with adjustments as needed **(5-6.10 and 5-6.11)**.

f) Returning to work

Unless you take another leave or have deferred vacation time, you must return to work **(5-6.49 and 5-6.55)**. See Chapter IV (Extending your maternity, paternity or adoption leave) for further information on this subject.

If you have not returned to work within four (4) weeks of the end of your leave, during which time you will have been on leave without pay, you shall be considered to have resigned **(5-6.49)**.



Extending your maternity, paternity or adoption leave

Your options

Parental or adoption benefits provided by the QPIP can be paid to either parent or split between the two after a maternity leave within fifty-two (52) weeks of the birth of the child. As the collective agreement does not include provisions for parental leaves, your request will be considered as a request for a **leave without pay**.

1. Full-time leave without pay

The mother or father of a child can take a leave without pay for up to two (2) years immediately following a maternity, paternity, or adoption leave. However, the period of this leave following a paternity or adoption leave may not exceed the 125th week after the birth or arrival in the home of the child, as the case may be **(5-6.38)**.

Sample letter 10

If you choose this option, your return to work must coincide with the beginning of a semester. Therefore, it is not possible to return during the course of a semester, except by agreement with the college and local union (for example, if a spouse loses his or her job). If you wish to end your full-time leave without pay before the planned date, you must give of least twenty-one (21) days of advance written notice, or at least thirty (30) days if you have been on leave for more than one (1) year **(5-6.51)**.

Sample letter 12

Four (4) weeks before the end of your leave, the college will send you a notice indicating the expected date of expiry of the leave. You must confirm your intention to return at least two (2) weeks in advance, otherwise you shall be considered to have given your resignation **(5-6.51)**.

If you are a non-tenured teacher, this leave without pay may have an impact on acquiring tenure **(5-2.02)**.

5-2.02 b) *A contract during which a teacher has been on full-time leave for one (1) full semester or more shall be considered a consecutive contract for the purposes of the preceding paragraph, but it shall not count toward obtaining tenure. However, a contract during which a teacher who, at the outset, had three (3) years' seniority for purposes of applying and interpreting article 5-4.00, and benefited from one (1) or more full-time leaves for one (1) semester or more in accordance with the provisions pertaining to parental rights, shall be credited towards obtaining tenure. The above credit shall not exceed one (1) year.*



2. Part-time leave without pay

The mother or father of a child may take a part-time leave without pay for up to two (2) years. However, the Voluntary Working Time Reduction Program (VWTRP) is more advantageous if you have at least three (3) years of seniority and a full-time teaching load for the whole year, or if you are in a post. First, the VWTRP allows you to be paid as a proportionately for your teaching load rather than by CI (50% time worked equals 50% weekly base salary paid). Second, while you are participating in the program, you accumulate seniority, experience and one (1) full year of service (for pension purposes) **(5-14.00)**.

Sample letter 13

3. Other options

If you wish to spend more time with your child but cannot afford to significantly reduce your salary, other options are available. If you have acquired tenure, you can take a Leave with deferred or anticipated salary **(5-12.00)**. As well, if you teach full-time and have at least three (3) years of seniority, you can participate in the Voluntary Working Time Reduction Program **(5-14.00)**.

Sample letter 14 or 15

4. Extending your leave for a sick child

If your state of health or that of your newborn child requires it, you have the right to extend your maternity leave for the period indicated on a medical certificate **(5-6.09)**.

This extension is considered as a leave without pay. For the first six (6) weeks, all of the benefits to which you are entitled are recognized as if you were at work: accumulated seniority, experience, sick days and vacations, insurance (life and health) and participation in the RREGOP and exemption from contributions to the latter for the duration of the leave **(5-6.55 and 5-6.57)**.

If you are an hourly-paid teacher, only accumulated seniority and experience are recognized.



5. Rights and benefits

In extending your maternity, paternity or adoption leave with a full-time or part-time leave without pay, your accumulated seniority and experience are recognized as if you were working full-time for up to a maximum of two (2) years **(5-6.56)**. Following such an extension, you can work half time for up to two (2) more consecutive years and have the right to the accumulated seniority and experience as if you had worked full time **(5-6.40 a)**.

Insurance

During your leave without pay, you continue to participate in all applicable insurance plans and must pay the associated premiums **(5-5.01 and 5-5.15)**.

N.B. Participation in the health insurance plan is mandatory, however it is possible, by providing written notice to the college, to stop participating in the health insurance plan if you can demonstrate that you are insured by another similar group health insurance plan. You should, however, note that you cannot return to the FNEEQ plan unless you show proof that you are no longer covered by the other insurance (for example, in the event your spouse has lost his or her job) (5-15.15).



Pension plan

Your maternity, paternity or adoption leave without pay may be recognized as time of service for pension purposes. In order to do so, you must make a request to buy back this service to CARRA by filling out a form that you can obtain from the Human Resources department at your college. If you make such a request within the six (6) months following your return to work, you will not be required to pay any fees or interest. In addition, you will only have to pay your share of the contributions.

N.B. Don't forget to check the status of your participation in your pension plan when it is sent to you by CARRA following your buy-back request.

Moving from one type of leave to another

During your leave without pay, you may, by submitting a written request at least thirty (30) days in advance, ask for just one change in the type of leave, which must coincide with the beginning of a semester. The following changes are permitted: switching from a full-time leave without pay to a part-time leave without pay (or vice versa); or switching from a part-time leave without pay to a different part-time leave without pay (**5-6.38**).



Other parental and family leaves

Other parental and family leaves

1. Other parental leaves

a) Leave for parental responsibilities

A full-time teacher who has a child or a dependent with health problems may take a leave for parental responsibilities. This part-time leave cannot exceed 25% of a full-time workload (5-6.60 and 5-6.61).

b) Leave for the care of a minor child

You may obtain, on request, a full-time or part-time leave without pay for up to one (1) year in order to be with your minor child who has socio-affective problems, is handicapped or has a long-term illness that requires your presence (5-6.43).

N.B. The Voluntary Working Time Reduction Program described in Article 5-14.00 may be more advantageous.

2. Family leaves

These leaves are provided for under articles 79.7 to 79.12 of the Act respecting Labour Standards.

a) Short-term leave

You can be absent from work for up to ten (10) days per year for family obligations associated with childcare, the health or education of your child or the child of your spouse, or with the health of your spouse, mother, father, sibling or grandparent. In such cases, you must inform the college as soon as possible.

These days can be deducted from your annual bank of sick days up to a maximum of six (6) days) or may be taken without pay. These days may be split and taken as half-days (5-9.06A).

b) Long-term leave

Leave in the event of serious illness or accident

A leave without pay for up to twelve (12) weeks within a twelve (12)-month period shall be granted if your presence is required to care for your child or the child of your spouse, or for your spouse, parent, parent of your spouse, sibling or grandparent in the event of serious illness or accident. This leave without pay may be extended up to 104 weeks if your minor child is suffering from a serious, life-threatening illness, as attested by a medical certificate, or has suffered serious bodily harm rendering him or her unable to function normally as the result of a criminal act (5-9.06B).

You may obtain up to six (6) weeks of compassionate care benefits if you must be absent from work to care for or assist a family member suffering from a serious illness that could result in death within the next twenty-six (26) weeks. These benefits are not provided for under the collective agreement.

To find out if you are entitled to compassionate care benefits, visit the Canada Employment Insurance site at: www.servicecanada.gc.ca/eng/ei/types/compassionate_care.shtml

Leave in the event of the disappearance of a child

You are entitled to a leave without pay for up to fifty-two (52) weeks if your minor child disappears. If the child is found before the end of the fifty-second (52nd)-week period, the leave shall end on the eleventh (11th) following his or her discovery (5-9.06B).



Leave in the event of suicidal death

A leave without pay of up to fifty-two (52) weeks shall be granted in the event of the death of your child or spouse by suicide **(5-9.06B)**.

Leave in the event of death from a criminal act

A leave without pay of up to 104 weeks shall be granted in the event of the death of your child or spouse as the result of a criminal act **(5-9.06B)**.

For all long-term leaves, you are required to inform the college as soon as possible and provide, upon request, proof justifying the absence **(5-9.06B)**.

c) Rights and benefits

During all family leaves, your seniority and experience continue to be accumulated. You are also entitled to apply for and obtain a post or teaching load in accordance with the provisions of the collective agreement as if you had been working. You maintain your participation in the health insurance plan and may continue to be part of the other insurance plans available to you by so requesting at the beginning of your leave and by continuing to pay your premiums **(5-9.07)**.

d) Returning to work

When you return to work from your leave, you either resume your post or teaching load or the post or teaching load for which you applied and were hired, subject to the provisions in the collective agreement respecting hiring and job security **(5-9.07)**.



Maternity, paternity and adoption leave checklist

Maternity, paternity and adoption leave checklist

Event	Notice	Sample letter
Start of pregnancy		
Request for work schedule adjustment		Sample letter 1
Request for a half-day off for a medical appointment		
Sending of notice of departure and medical certificate indicating expected due date to the college	2 weeks before the start of the leave	Sample letter 2 or 3
Start of maternity leave		
Request for maternity benefits to QPIP	After receiving your record of employment	
Sending proof of QPIP eligibility to the college	After receiving your first QPIP benefit payment	Sample letter 4
Expected date of maternity leave		
Request for modification to the health insurance plan	After the birth of the child	Sample letter 5
Reception of notice of return to work from the college	4 weeks before the end of the leave	
Request to defer vacation	2 weeks before the end of the leave	Sample letter 3
Start of paternity leave		
Request for 5-day paternity leave	As soon as possible	Sample letter 6
Request for paternity leave of up to 5 weeks	3 weeks before the start of the leave	Sample letter 7
Start of adoption leave		
Request for a leave without pay for the purposes of adoption	2 weeks before the start of the leave	Sample letter 8
Request for a 5-day adoption leave	As soon as possible	
Request for a 5-week adoption leave	3 weeks before the start of the leave	Sample letter 9



Event	Notice	Sample letter
Extension of maternity, paternity or adoption leave		
Request for extension	3 weeks before the end of the leave	Sample letters 10 and 11
Return to work before the expected date	21 or 30 days before the expected end of the leave	Sample letter 12
Reception of notice of return to work	4 weeks before the end of the leave	
Notice to college of intent to return to work	2 weeks before the end of the leave	
Return to work	Beginning of the semester or academic year	
Request to buy back time of service to CARRA	Upon return to work or with 6 months of returning	



List of recognized employers for the purposes of calculating 20 weeks of service

Time of service is calculated from all of the employers of the public and parapublic sectors (public service, education, health and social services), health and social service agencies, organizations which by law are required to follow the salary scales and premiums set by the government (see the list below), the *Office franco-québécois pour la jeunesse*, the *Société de gestion du réseau informatique des commissions scolaires* as well as the following organizations¹²:

- Agence des partenariats public-privé du Québec
- Agence métropolitaine de transport
- Autorité des marchés financiers
- Bibliothèque et Archives nationales du Québec
- Caisse de dépôt et placement du Québec
- Centres d'aide juridique
- Commission de la capitale nationale
- Commission de la construction du Québec
- Commission de reconnaissance des associations d'artistes et des associations de producteurs
- Commission des droits de la personne et des droits de la jeunesse
- Commission des services essentiels
- Corporation d'hébergement du Québec
- Corporation d'urgence-santé de la région de Montréal Métropolitain
- École nationale de police du Québec
- École nationale des pompiers du Québec
- Financement-Québec
- Fondation de la faune du Québec
- Fonds de la recherche en santé du Québec
- Fonds d'indemnisation du courtage immobilier
- Fonds québécois de la recherche sur la nature et des technologies
- Fonds québécois de la recherche sur la société et la culture
- Héma-Québec
- Hydro-Québec
- Institut national de la santé publique
- Investissement Québec
- Musée d'art contemporain de Montréal
- Musée de la civilisation
- Musée national des beaux-arts du Québec
- Office de la sécurité du revenu des chasseurs et piégeurs cris
- Office Québec-Amériques pour la jeunesse
- Protecteur du citoyen
- Régie de l'énergie
- Régie des installations olympiques
- Société de la Place des Arts de Montréal
- Société de télédiffusion du Québec (Télé-Québec)
- Société des alcools du Québec
- Société des établissements de plein air du Québec
- Société des loteries du Québec
- Société des traversiers du Québec
- Société du Centre des congrès de Québec
- Société du Grand théâtre de Québec
- Société du Palais des congrès de Montréal
- Société du parc industriel et portuaire de Bécancour
- Société immobilière du Québec
- Société Innovatech Régions Ressources
- Société Innovatech Québec et Chaudière-Appalaches
- Société Innovatech du sud du Québec
- Société québécoise d'assainissement des eaux
- Société québécoise d'information juridique
- Société québécoise de récupération et de recyclage
- Sûreté du Québec

¹² This list is provided for information purposes only.



Sample letter 1

Request for a work schedule adjustment

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for a work schedule adjustment

Dear Sir/Madam,

In accordance with clause 5-6.59 of the teachers' collective agreement, I would like to obtain an adjustment to my work schedule for the _____ (identify fall or winter) semester in order to attend _____ (specify prenatal or prenatal exercise) classes taking place on _____ (indicate day and time).

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union



Sample letter 2

Request for maternity leave

Notice: Two weeks before starting your leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for maternity leave

Dear Sir/Madam,

In accordance with clause 5-6.06 and 5-6.46 of the teachers' collective agreement, I would like to inform you that I will be starting my maternity leave of twenty-one weeks on _____ (state date).

During my maternity leave I wish to maintain the rights and benefits defined under clause 5-6.55 of the collective agreement.

I attach to this letter a medical certificate attesting to my pregnancy and to the expected date of birth.

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union



Sample letter 3

Request for maternity leave with deferred vacation

Notice: Two weeks before the start of your leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for maternity leave

Dear Sir/Madam,

In accordance with clauses 5-6.06 and 5-6.46 of the teachers' collective agreement, I would like to request a twenty-one week maternity leave from ____ (start date) to _____ inclusively (end date). In accordance with clause 5-6.55, I would like to defer my _____ (state number of weeks) weeks of vacation that fall within my maternity leave. During my maternity leave I wish to maintain the rights and benefits defined under clause 5-6.55 of the collective agreement.

I attach to this letter a medical certificate attesting to my pregnancy and to the expected date of birth.

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union

Please note: The teacher vacation period usually falls between June 15 and September 1 of each year. The intersession period between the fall and winter semesters is not a vacation period.



Sample letter 4

Forwarding proof of QPIP eligibility to the college

Notice: After receiving your first QPIP payment

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Proof of QPIP eligibility

Dear Sir/Madam,

In accordance with clause 5-6.12 of the teachers' collective agreement, you will find attached proof that I am receiving QPIP maternity benefits.

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union



Sample letter 5

Request for a change in insurance coverage

Notice: Following the birth of your child

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for a change in insurance coverage

Dear Sir/Madam,

Following the birth of my child on _____ (indicate date of birth), I would like to obtain a copy of the group insurance's coverage modification form in order to change my current status of _____ (specify whether you currently have individual or couple coverage). (If this is your first child, you may also wish to add dependant life insurance (without having to provide proof of insurability).

In order to insure my child without having to provide proof of insurability, I understand that this form must be sent to the insurance company before the 30th day following the birth of my child.

Sincerely yours,

_____ (Name and Address)

cc Teachers' union



Sample letter 6

Request for five-day paternity leave

Notice: Two weeks before the start of your leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for a five-week paternity leave

Dear Sir/Madam,

My spouse is expecting to give birth on or about _____ (state the expected date of birth). Therefore, I would like to take a paternity leave in accordance with clause 5-6.20 of the teachers' collective agreement.

As this leave of five working days must take place between the day of birth and the 15th day following the return home of the mother and child, I will be sure to advise you of my absence as soon as possible.

I attach to this letter a medical certificate attesting to my spouse's pregnancy and to the expected date of birth.

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union



Sample letter 7

Request for paternity leave of up to five weeks

Notice: Two weeks before the start of your leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for paternity leave of up to five weeks

Dear Sir/Madam,

I am the father of a child born on _____ (state date of birth). In accordance with clause 5-6.21 of the teachers' collective agreement, I would like to take ____ (indicate the number of weeks) weeks of paternity leave. As per clause 5-6.48 of the collective agreement, I am informing you that I will be absent from _____ to _____ (indicate dates).

During this leave, I understand that I shall be entitled to the rights and benefits provided for under clause 5-6.55 of the collective agreement. (If you are a non-tenured teacher, add:) In addition, in accordance with clause 5-1.10, I would like to be informed of the posts and teaching loads available during my leave should I wish to submit my application.

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union



Sample letter 8

Request for leave without pay for the purposes of adoption

Notice: 15 days before the start of your leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for unpaid leave for the purposes of adoption

Dear Sir/Madam,

In accordance with clause 5-6.37 of the teachers' collective agreement, I would like to take a leave without pay for the purposes of adoption in order to travel outside Quebec. I wish to take this leave from _____ to _____ inclusively (indicate start and end dates of leave).

During this leave, I wish to maintain my participation in the group insurance plan and will continue to pay the premiums. [As I will not be contributing to my pension fund during this period, I understand that I may, if I so choose, make a request to CARRA to buy back this time when I return to work.] [If you are a non-tenured teacher, add:) In addition, in accordance with clause 5-1.10, I would like to be informed of the posts and teaching loads available during my leave should I wish to submit my application.]

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union

Please note: This unpaid leave may be converted into a paid leave if it results in an adoption.



Sample letter 9

Request for five-week adoption leave

Notice: Three weeks before starting your leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for a five-week adoption leave

Dear Sir/Madam,

In accordance with clause 5-6.30 of the teachers' collective agreement, I would like to take a five-week adoption leave from _____ to _____ inclusively (indicate start and end dates of leave).

During this leave, I understand that I shall be entitled to the rights and benefits provided for under clause 5-6.55 of the collective agreement. (If you are a non-tenured teacher, add:) In addition, in accordance with clause 5-1.10, I would like to be informed of the posts and teaching loads available during my leave should I wish to submit my application.

Sincerely yours,

_____ (Name and Address)

cc Department coordinator
Teachers' union



Sample letter 10

Request for full-time leave without pay immediately following maternity, paternity or adoption leave

Notice: Three weeks before the start of the leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for full-time leave without pay immediately following maternity, paternity or adoption leave

Dear Sir/Madam,

I would like to extend my _____(maternity, paternity or adoption) leave, which would otherwise end on _____(indicate scheduled end date of leave). In accordance with clause 5-6.38 of the teachers' collective agreement, I would like to take a full-time leave without pay_____ (indicate until the end of the semester, end of the next academic year or for the next two academic years), in other words from ____ to_____.

During this leave, I wish to maintain my participation in the group insurance plan and will continue to pay the premiums. [As I will not be contributing to my pension fund during this period, I understand that I may, if I so choose, make a request to CARRA to buy back this time when I return to work.] [If you are a non-tenured teacher, add:) In addition, in accordance with clause 5-1.10, I would like to be informed of the posts and teaching loads available during my leave should I wish to submit my application.]

Sincerely yours,

_____ (Name and Address)

cc Department coordinator
Teachers' union



Sample letter 11

Request for part-time leave without pay immediately following maternity, paternity or adoption leave

Notice: Three weeks before the start of the leave

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for part-time leave without pay immediately following maternity, paternity or adoption leave

Dear Sir/Madam,

I would like to extend my _____(maternity, paternity or adoption) leave, which would otherwise end on _____ (indicate scheduled end date of leave). In accordance with clause 5-6.38 of the teachers' collective agreement, I wish to take a part-time leave without pay _____ (indicate until the end of the semester, end of the next academic year or for the next two academic years), in other words from ____ to_____.

I request to be assigned a teaching load equivalent to _____ FTE. As per clause 5-6.57 of the collective agreement, I understand that I will be entitled to a paid vacation equivalent to the proportion of time I will have worked. [(If you are a non-tenured teacher, add:) In addition, in accordance with clause 5-1.10, I would like to be informed of the posts and teaching loads available during my leave.]

Sincerely yours,

_____ (Name and Address)

cc Department coordinator
Teachers' union



Sample letter 12

Notification of an earlier than expected return to work

Notice: 21 days (for 52 weeks or less) or 30 days (for more than 52 weeks) before the scheduled return date

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Notice of an earlier than expected return to work

Dear Sir/Madam,

In accordance with clause 5-6.51 of the teachers' collective agreement, I would like to inform you of my intention to end my unpaid leave that immediately followed my _____ (maternity, paternity or adoption) leave earlier than expected. As a result, I will return to work on ____ (indicate date of return to work from leave without pay, which must coincide with the start of a semester, unless otherwise agreed with the college and local union).

Sincerely yours,

_____ (Name and Address)

cc Department coordinator
Teachers' union



Sample letter 13

Request for participation in the Voluntary Work Reduction Program

Notice: May 15 for the fall semester or November 15 for the winter semester

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for participation in the Voluntary Work Reduction Program

Dear Sir/Madam,

In accordance with clause 5-14.00 of the teachers' collective agreement, I would like to take a voluntary workload reduction from _____ (indicate date of the start of leave) to _____ (indicate date of the end of leave).

I request to be assigned a teaching load equivalent to _____ FTE (specify a workload between 0.4 and 0.9 FTE for an annual leave and a workload equal to or less than 0.8 FTE for a one-semester leave).

During my participation in this program, I understand that I shall be entitled to the rights and benefits provided for under clauses 5-14.08 to 5-14.14 of the collective agreement.

Sincerely yours,

_____ (Name and Address)

encl. Medical certificate

cc Department coordinator
Teachers' union



Sample letter 14

Request for leave with deferred or anticipated salary

Place and Date _____

Human Resources Department

Reference No. _____ (EMPLOYEE NUMBER OR SOCIAL INSURANCE NUMBER)

RE: Request for leave with deferred or anticipated salary

Dear Sir/Madam,

In accordance with clause 5-12.00 of the teachers' collective agreement, I wish to take a leave with a _____(deferred or anticipated) salary of a length of _____ (6 or 12 months) from _____ (indicate date of the start of the leave) to _____ (indicate date of the end of the leave).

My participation in this program will be for a duration of _____ (indicate 2, 3, 4 or 5 years) and will begin _____ and end _____(indicate start and end dates of program). During my participation in this program, I understand that I shall be entitled to the rights and benefits provided for under clauses 5-12.11 and 5-12.12 of the collective agreement.

Sincerely yours,

_____ (Name and Address)

cc Department coordinator
Teachers' union



GUIDE TO PARENTAL RIGHTS AND FAMILY LEAVE

This guide is intended for CEGEP teachers whose union is affiliated with the FNEEQ (CSN)

Fédération nationale des enseignants et des enseignantes du Québec (CSN)

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