Simplified guide to parental rights
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to parental rights

Under the Québec Parental Insurance Plan (QPIP) and the CUPE/SCFP (FTQ) collective agreement for the health and social services sector

Prepared by the Status of Women Committee of the Conseil provincial des affaires sociales
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Foreword

We are pleased to present the revised simplified guide to parental rights under the Québec Parental Insurance Plan and the CUPE/SCFP (FTQ) collective agreement for the health and social services sector.

We have maintained the question and answer format to help answer your members’ questions about parental rights.

The guide was designed as a user-friendly summary for all readers. For exceptional situations not addressed here, please consult the collective agreement.

We hope you enjoy the guide!

Your Status of Women Committee
Conseil provincial des affaires sociales
Royse Henderson, Chérie Thomas, Chantal Lavigne and Lise Gauvreau
# Table of Contents

**Québec Parental Insurance Plan** ............................................................................................................ 1  
Who is entitled? .................................................................................................................................................. 3  
Eligibility for the plan ......................................................................................................................................... 3  
Types of benefits available .............................................................................................................................. 3  
Choosing between two (2) plans ...................................................................................................................... 4  
When to apply for benefits ............................................................................................................................. 4  
How to apply? .................................................................................................................................................... 5  
Filing your application ........................................................................................................................................ 5  
Record of employment ..................................................................................................................................... 5  
How the benefit amount is set .......................................................................................................................... 5  
Payment of benefits ......................................................................................................................................... 6  
Earning income while on parental leave ......................................................................................................... 6  
Protective leave or the Québec Parental Insurance Plan ................................................................................ 7  

**What is provided in the collective agreement** .......................................................................................... 9  
Safe working conditions for a safe maternity experience: a right ............................................................ 11  
Protective leave ............................................................................................................................................... 11  
Special leave for doctor’s appointments ....................................................................................................... 13  
Maternity leave ................................................................................................................................................. 13  
Who is entitled to maternity leave? ................................................................................................................. 13  
Notice ................................................................................................................................................................. 14  
Duration of the leave .......................................................................................................................................... 14  
What are your employee benefits? ...................................................................................................................... 14  
Suspending or splitting your maternity leave .................................................................................................. 15  
If you have more than one employer ............................................................................................................. 15  
If you want to return to work after your maternity leave .............................................................................. 16  
If you want to stay home with your child .......................................................................................................... 16  
Paternity leave ..................................................................................................................................................... 20  
Who is entitled to paternity leave? .................................................................................................................. 20  
Notice ................................................................................................................................................................ 20  
Terms and conditions ....................................................................................................................................... 20  
Benefit amount .................................................................................................................................................. 20  
What are your benefits? ..................................................................................................................................... 21
Québec Parental Insurance Plan
After many lobbying efforts and years of demands spearheaded by unions and community groups, particularly those concerned with women’s and family issues, the Act respecting Parental Insurance was adopted in May 2001. Following an agreement reached by the federal government and Québec on March 1, 2005, the Québec Parental Insurance Plan (QPIP) came into force on January 1, 2006.

Who is entitled?

Eligible workers are entitled to maternity leave, paternity leave, parental leave or leave for adoption.

Eligibility for the plan

- You must reside in Québec and have accumulated insurable earnings of at least $2,000 in the fifty-two (52) weeks preceding the application, regardless of the number of hours worked;
- You must have paid premiums to the QPIP;
- You must have stopped working or had your usual weekly salary reduced by at least 40% of your usual weekly salary.

Types of benefits available

**At the birth of a child**

- Maternity benefits exclusively for the mother;
- Paternity benefits exclusively for the father;
- Parental benefits that can be shared between the parents.

**At the adoption of a child**

Adoption benefits that can be shared between the adoptive parents.
Choosing between two (2) plans

Parents must first choose between the two (2) benefits plans: i.e., the basic plan or the special plan. Your choice determines the number of weeks of benefits and the income replacement rate.

You have to make your choice when you apply, and it cannot be changed subsequently. It is very important to choose a plan that suits both parents.

<table>
<thead>
<tr>
<th>Type of benefit</th>
<th>Max. weeks of benefits</th>
<th>Income replacement</th>
<th>Max. weeks of benefits</th>
<th>Income replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic plan</strong></td>
<td></td>
<td></td>
<td><strong>Special plan</strong></td>
<td></td>
</tr>
<tr>
<td>Maternity</td>
<td>18</td>
<td>70%</td>
<td>15</td>
<td>75%</td>
</tr>
<tr>
<td>Paternity</td>
<td>5</td>
<td>70%</td>
<td>3</td>
<td>75%</td>
</tr>
<tr>
<td>Parental</td>
<td>7, 25 (7 + 25 = 32)</td>
<td>70%, 55%</td>
<td>25</td>
<td>75%</td>
</tr>
<tr>
<td>Adoption</td>
<td>12, 25 (12 + 25 = 37)</td>
<td>70%, 55%</td>
<td>28</td>
<td>75%</td>
</tr>
</tbody>
</table>

When to apply for benefits

- When you have stopped working (as of your last day of work) or as of the first day your usual weekly salary is reduced by at least 40%.
- Depending on the type of benefits you elect to have, you may be able to apply for benefits earlier.

<table>
<thead>
<tr>
<th>Type of benefit</th>
<th>Start date of benefit period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maternity (exclusively for the mother)</td>
<td>The 16th week before the expected date of delivery</td>
</tr>
<tr>
<td></td>
<td>In case of a pregnancy ending before term, the week that this occurs after the 19th week of pregnancy</td>
</tr>
<tr>
<td>Paternity (exclusively for the father)</td>
<td>The week the child is born</td>
</tr>
<tr>
<td>Parental (may be shared between the parents)</td>
<td>The week the child is born</td>
</tr>
<tr>
<td>Adoption (may be shared between the adoptive parents)</td>
<td>Adoption in Québec: the week the child comes into the care of one of the adoptive parents</td>
</tr>
<tr>
<td></td>
<td>Adoption outside Québec: two (2) weeks before the child comes into the care of one of the adoptive parents</td>
</tr>
</tbody>
</table>

Note: All the weeks of benefits must be taken before the child reaches the age of one (1) year. Moreover, the weeks may be taken non-consecutively, according to the parents’ choice.
How to apply?

Use the QPIP’s on-line services at www.rqap.gouv.qc.ca/Index_en.asp or call 1-888-610-7727.

Filing your application

You cannot file your application in advance. You must file during the calendar week (from Sunday to Saturday) in which you want to start your benefit period.

Example: You stop working on Friday, July 29, 2016, and you want your benefit period to start on Sunday, July 31, 2016. You have to file your application as of Sunday, July 31.

Each of the parents must apply for benefits.

It is possible to receive benefits for a period preceding the date you submit your application but for no more than three (3) weeks from the date you submit your application.

A maximum of 18 weeks’ benefits is granted following the week the child was born. Make sure to file your application without delay, to avoid losing any weeks of maternity leave.

Record of employment

Even if you haven’t received your record of employment, you can still file your application, as eligibility is established as of the date your application is filed.

Once you receive your record of employment, your application will be re-examined and if need be, your benefits will be adjusted.

How the benefit amount is set

The benefit amount is set based on the insurable earnings you received in the qualifying period, which is normally the fifty-two (52) weeks preceding the period for which a benefits application is filed.

The qualifying period may nonetheless be extended to 104 weeks (2 years) if you were unable to work and have not had insurable earnings, especially for one of the following reasons:

• You received indemnities from the Commission des normes, de l’équité, de la santé et de la sécurité du travail (CNE SST);
• You received employment-insurance benefits;
• You received benefits under the QPIP.
To find out the maximum amount of insurable earnings in effect each year, consult the QPIP website at www.rqap.gouv.qc.ca/Index_en.asp.

Payment of benefits

Payment of regular benefits is on Sunday and covers a period of two (2) calendar weeks (from Sunday to Saturday).

Any compensation or benefits that begin to be paid before a strike continue to be paid during such a strike.

Earning income while on parental leave

If you receive maternity benefits, each dollar earned or received is deducted from your benefit amount.

If you receive paternity, parental, or adoption benefits and your weekly benefits come to $200 or more, you are entitled to earn an income provided that it does not exceed 25% of the benefit amount. Any amount over 25% is deducted from your benefits.

Example: You receive $400 in QPIP benefits. If you receive $100 in remuneration in a given week, there are no cuts in benefits. However, if you receive $150 in remuneration, your benefits will be reduced by $50, since 25% of your benefit is $100.

By “remuneration” we mean the following amounts payable:

• Employment earnings and amounts payable as salary;

• Income replacement indemnities from the CNESST and the Société de l’assurance automobile du Québec (SAAQ) (except reduced income replacement indemnities)

• A severance payment received as a result of severance of all employment ties with a former employer, when this amount is considered in calculating average weekly income;

• A retroactive salary increase, when this amount is considered in calculating average weekly income.

The following is not deducted, however:

• Compensation paid to crime victims.
Protective leave\textsuperscript{1} or the Québec Parental Insurance Plan

Before the QPIP came into force, pregnant workers on protective leave obtained benefits from the CNESST until their date of delivery.

Since the advent of the QPIP, applications for maternity benefits must be filed as of the fourth week preceding your date of delivery.

The CNESST stops paying your benefits as of that date if you are eligible for the QPIP.

\begin{quote}
A tip

Suppose you are on protective leave and are due to give birth between Monday and Friday. It is better to ask your doctor to change your delivery date to the Sunday closest to your date of delivery, to avoid having your benefit period start only the week after your baby is born.
\end{quote}

Enjoy your leave with your baby!

\textsuperscript{1} Translator’s note: in Section III of the collective agreement, “retrait préventif” is translated as “special leave” for pregnant or breastfeeding workers, or as “protective leave”. At the CNESST, it is translated as “preventive withdrawal”.

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Simplified guide to parental rights

7
What is provided in the collective agreement
It is now time to look at the provisions of the collective agreement, particularly those in Article 22: Parental Rights. It is important to refer to it in order to know the rights, employee benefits and obligations of both parents when their child is born, as well as the employer’s responsibilities.

Safe working conditions for a safe maternity experience: a right

The CNESST program "For a Safe Maternity Experience" is a prevention program aimed primarily at keeping pregnant and breastfeeding workers at work without exposure to hazards. It is not a maternity leave.

Pregnant or breastfeeding workers have the right to work in a hazard-free environment or to be immediately reassigned to other tasks that do not pose a danger and that they are capable of performing.

The employer's responsibility is to take the necessary measures to protect a worker's health and safety and physical well-being in her workplace.

Protective leave

Provisional assignment and special leave (articles 22.19 and 22.19A)

- A pregnant or breastfeeding worker consults her physician or the physician in charge of health services in the establishment where she works as soon as she thinks there is a danger for her or her child.
- She asks her physician to fill out the form "Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker" if the physician deems that there is any danger.
- The worker’s physician must consult the physician in charge of health services at the establishment where she works, or failing that, the physician designated by the public health director for the area in which her workplace is located. Without this consultation, the certificate is not valid.
- Once the certificate has been validated by the two (2) physicians, the worker presents her "Application for preventive withdrawal and reassignment" to the CNESST and to her employer.
- When the employer receives an "Application for preventive withdrawal", he immediately notifies the union, indicating the employee’s name and the grounds on which the application is based.
- The employer is obliged to eliminate any hazards in the workplace that are attested to by the certificate. He decides the appropriate means of action:
  - Eliminating the hazard

Translator’s note: in Section III of the collective agreement, "retrait préventif" is translated as "special leave" for pregnant or breastfeeding workers, or as "protective leave". At the CNESST, it is translated as "preventive withdrawal".
- Altering the employee’s duties
- Adapting the work station
- Reassigning the employee to another position that is vacant or temporarily without an incumbent within the same job title or, if the employee so consents, within another job title, subject to the applicable provisions of the collective agreement,

An employee reassigned to another position conserves the rights and privileges associated with her regular position.

It may nonetheless be impossible to alter the worker’s duties or work station or temporarily reassign her to another position. In that case, she has a right to temporarily stop working and to receive compensation from the CNESST.

The employer pays her usual salary for days normally worked, up to a maximum of five (5) working days in the first seven (7) calendar days following her temporary withdrawal from work. As of the 8th day, and for the subsequent fourteen (14) days in which he is required to pay her, the employer pays 90% of her net salary.

After that, the CNESST pays compensation directly to the worker.

For an employee who is eligible for QPIP benefits, her protective leave (“special leave” within the meaning of the collective agreement) ends as of the fourth (4th) week preceding the expected date of delivery.

The employer may reinstate the worker in her job at any time, if the dangers have been eliminated.

The employer may offer her a provisional reassignment at any time. The worker must accept it unless the new duties pose a danger or she judges that she is not reasonably able to perform them.

The employer must reinstate the worker in her usual job at the end of her reassignment or her temporary withdrawal from work.
Special leave for doctor’s appointments

During her pregnancy, a pregnant employee has to consult her physician. **Four (4) days of paid leave are granted** to the employee for medical appointments. These days off may be taken in half-days and are not deducted from the bank of sick days. If other time off is necessary, the bank of sick days may be used (article 22.20).

Maternity leave

Who is entitled to maternity leave?

An employee who has accumulated twenty (20) weeks of service^3 and who is eligible for benefits under the QPIP receives benefits calculated according to the following formula^4 for the twenty-one (21) weeks of her maternity leave:

1- By adding:
   a) 100% of the employee’s basic weekly salary, up to $225; and
   b) 88% of the difference between the employee’s basic weekly salary and the amount determined under sub-paragraph a);

2- And deducting from this sum the maternity or parental benefits the employee receives or would receive from the QPIP if she were to apply for them (article 22.10).

However, if a benefit amount paid by the QPIP is modified, the employer changes the amount of the benefit accordingly (article 22.10).

An employee whose spouse dies receives the remainder of the maternity leave and is entitled to all the related rights and compensation (article 22.05).

An employee whose pregnancy comes to an end after the beginning of the twentieth (20th) week preceding the expected date of delivery is also entitled to this maternity leave (article 22.06).

An employee who becomes pregnant while on leave without pay or part-time leave without pay is also entitled to this maternity leave and to the benefits provided in clauses 22.10, 22.11 and 22.11A), as the case may be (article 22.05).

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^3 An absent employee accumulates service if her absence is authorized, particularly for disability, and involves benefits or remuneration.

^4 This formula is used to take into account the fact that employees in this type of situation are exempted from contributing to the pension plan, the QPIP and the Employment Insurance program.
Notice (article 22.09)

You have to give advance notice in writing to the employer at least two (2) weeks before the date of departure.

This advance notice must be accompanied by a medical certificate signed by a midwife attesting to:

- the pregnancy
- the expected date of birth

The notice period may be reduced if a medical certificate certifies that the employee must leave her position immediately or earlier than scheduled.

Duration of the leave

Regardless of eligibility for the QPIP (article 22.05)

- A pregnant employee eligible for the QPIP is entitled to twenty-one (21) weeks of maternity that, subject to a few exceptions, must be taken consecutively.
- A pregnant employee who is not eligible for the QPIP is entitled to twenty (20) weeks of maternity leave that, subject to a few exceptions, must be taken consecutively.

Non-eligibility for the QPIP and the Employment Insurance Plan (article 22.11A)

A full-time employee who is not eligible for benefits under the QPIP or the Employment Insurance program is entitled to benefits calculated according to the following formula, for a period of twelve (12) weeks, if she does not receive benefits from a parental rights plan established in another province or territory:

By adding:

a) 100% of the employee’s basic weekly salary, up to $225;

b) and 88% of the difference between the employee’s basic weekly salary and the amount determined under sub-paragraph a).

If the amount of QPIP benefits has changed, the employer must adjust the benefits accordingly.

What are your employee benefits?

During your maternity leave, you are entitled to the following benefits insofar as you are normally entitled to them:

- Life insurance
- Salary insurance, provided you pay your contribution
- Accumulation of vacation
• Accumulation of sick leave
• Accumulation of seniority
• Accumulation of experience
• Accumulation of seniority for the purposes of job security
• Right to apply for and obtain a posted position in accordance with the provisions of the collective agreement as if you were at work (article 22.13)
• Regional disparities premium (article 22.35)

SUSPENDING OR SPLITTING YOUR MATERNITY LEAVE

• You may suspend your maternity leave by returning to work if your child is not ready to leave the health-care institution or is hospitalized. You may take the rest of your maternity leave when your child comes home (article 22.08).

• If your child is hospitalized for a reason provided under sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards, your maternity leave can be segmented into weeks. During periods of maternity leave suspension, you are considered to have taken a leave without pay and are not entitled to any compensation or benefits from your employer (article 22.08A).

IF YOU HAVE MORE THAN ONE EMPLOYER (ARTICLES 22.10 AND 22.10A)

The rules set out in the section on "Who is entitled to maternity leave?" apply. However, you must provide each of your employers with a statement of the weekly salaries paid by each of them along with the amount of benefits payable to you under the Act respecting parental insurance.

The total amount received by an employee during maternity leave in QPIP benefits and other benefits and salary may not, however, exceed the gross amount obtained in sub-paragraph 1 of the first paragraph of clause 22.10. This formula must be applied to the aggregate of basic weekly salaries received from her employer or employers, as the case may be, pursuant to clause 22.10.

GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN (RREGOP)

An employee on maternity leave is exempted from making contributions: that is, she can accumulate up to 135 days of service without paying contributions.

A part-time employee will accumulate days of service proportionally to time worked. The percentage is calculated according to whether the employee worked the month preceding the beginning of the maternity leave. The employer will write this percentage on the “Application for Buyback” form.

As of July 1, 1989, maternity leave is automatically credited (135 days) through the employer’s annual report.
If you want to return to work after your maternity leave

Notice from the employer [article 22.17]

During the fourth (4th) week preceding the end of your maternity leave, the employer must send you notice indicating the date on which your maternity leave is scheduled to end.

Unless you want to extend your maternity leave by means of leave without pay or part-time leave without pay, you must report for work at the end of your maternity leave.

An employee who does not report to work at the end of her maternity leave is deemed to be on leave without pay for a period of no more than four (4) weeks. At the end of that period, an employee who has not reported to work is presumed to have resigned.

Note: Few employers send notice of the end of the maternity leave. You can only rely on yourself to calculate the date your maternity leave ends.

Return to work [article 22.18]

Upon returning from maternity leave, an employee resumes work in her position or, as the case may, a position obtained during her leave. If her position has been abolished, or if she is bumped, the employee is entitled to the benefits she would have received had she been at work.

Upon returning from maternity leave, an employee who does not hold a position resumes the assignment that she had at the time she went on leave, if the duration of the assignment continues after the end of the maternity leave. If the assignment is finished, the employee is entitled to any other assignment, in accordance with the provisions of the collective agreement.

If you want to stay home with your child

Leave without pay or part-time leave without pay

It is possible to extend your maternity leave by taking a leave without pay or part-time leave without pay of up to a maximum of two (2) years immediately following the maternity leave. If you work part time, you are also entitled to part-time leave without pay (article 22.27 a)).

An employee who decides not to take such leave may take a maximum of fifty-two (52) weeks of continuous leave without pay starting at a time decided by the employee and ending no later than seventy (70) weeks after the child’s birth (article 22.27 b)).

Advance notice [article 22.31]

A written request must be submitted to the employer at least three (3) weeks in advance to obtain leave without pay and at least thirty (30) days in advance for part-time leave without pay. The request must specify the date for returning to work and how the leave is to be organized in terms of the position held by the employee.
Changes (article 22.27 a))

For the duration of the leave, an employee is authorized to make one of the following changes once, after submitting a written request to her employer at least thirty (30) days in advance:

- Change a leave without pay into a part-time leave without pay or vice versa, where applicable;
- Change a part-time leave without pay into a different part-time leave without pay.

It is still possible for her to change her leave without pay or part-time leave without pay a second time, provided it was indicated in her first request to make a change.

Organization of the leave

- In the event of a disagreement with the employer over the number of days of leave per week, a full-time employee is entitled to a maximum of two-and-a-half (2 1/2) days per week or the equivalent thereof, for up to two (2) years. In the event of disagreement with the employer over the scheduling of these days, the employer will schedule them. An employee and the employer may agree at any time to reorganize the part-time leave without pay (article 22.31).
- In the event of a disagreement with the employer over the number of days of work per week, a part-time employee must work the equivalent of two-and-a-half (2 1/2) days if the employee’s position exceeds that number of days (article 22.27 a)).

Sharing leave without pay or part-time leave without pay with your spouse (article 22.27 a))

An employee who does not make use of her leave without pay or part-time leave without pay may choose to take leave without pay or part-time leave without pay for the portion of leave that her spouse has not used, by following the same procedures for advance notice as those stipulated in clause 22.31.

If your spouse is not from the public sector (article 22.27 a))

When an employee’s spouse is not a public sector employee, the employee may choose a leave without pay or part-time leave without pay whenever she so chooses in the two (2) years following the birth of the child, without, however, exceeding the maximum of two (2) years after the date of birth.

Employee benefits during leave without pay (article 22.28)

An employee enjoys the following benefits:

- **Accumulates seniority**
- **Accumulates experience** for the purposes of determining her salary, during the first fifty-two (52) weeks of leave without pay, and subsequently only retains her experience
- **Continues to participate in the applicable basic health insurance plan** if she pays her share of the premiums for the first fifty-two (52) weeks of the leave and then the full amount of the premiums for the following weeks
• **May continue to participate in applicable optional insurance plans** if she so requests at the beginning of the leave and pays the full amount of the premiums

• **May apply for a posted position** and obtain it in accordance with the provisions of the collective agreement, as if she were at work

• During the second year of leave without pay, may register on the recall list and is not subject to the minimum availability rules (**article 22.27 c**)  

**Reminder for when you return to work**

For the duration of the leave without pay, there are no employee benefits in regard to the pension fund except for the possibility of redeeming (or buying back) years of service. An employee must pay her share of the contributions as well as the amount her employer would have paid. Retraite Québec, upon receiving the duly completed form "Application for Buyback" *[Demande de rachat de service]*, will send a proposal indicating the cost of redeeming service.

In the vast majority of cases, it is advantageous for the employee to buy back her years of service. However, it is important to analyse each case individually. The employee has to submit her buyback application immediately upon returning to work or as soon thereafter as possible.

**Employee benefits during part-time leave without pay** (**article 22.28**)  

During part-time leave without pay, an employee enjoys the following benefits:

• **Accumulates seniority**

• **Accumulates experience** for the purposes of determining her salary during the first fifty-two (52) weeks of a part-time leave without pay

• **Has the right to apply for a posted position** and to obtain it in accordance with the provisions of the collective agreement

**Reminder**

During part-time leave without pay, by virtue of working, an employee is governed by the rules applicable to part-time employees.

**RREGOP**

During part-time leave without pay, an employee contributes to the pension fund according to her earnings. At the end of a part-time leave without pay, a full-time employee may buy back the portion of her/his years of service that are missing. Retraite Québec, upon receiving the duly completed form "Application for Buy-back" *[Demande de rachat de service]*, will send a proposal indicating the cost of redeeming service. This step must be taken immediately upon returning to work, or as soon thereafter as possible.
Return to work

**Notice and advance notice (article 22.32)**

An employee to whom the employer has sent notice of the end of leave without pay four (4) weeks in advance must give prior notice of her return to work at least two (2) weeks before the date the leave is scheduled to end; otherwise, she is deemed to have resigned.

**Return before the planned date (article 22.32)**

An employee who wants to end the leave without pay before the scheduled date must give advance notice in writing at least twenty-one (21) days before returning to work. In the case of leave without pay of more than fifty-two (52) weeks, the prior notice is at least thirty (30) days.

**Return to your position (article 22.29A)**

At the end of your leave without pay or part-time leave without pay, you return to your position or to a position you obtained in accordance with the provisions of the collective agreement, as the case may be. If the position has been abolished or if you have been bumped, you are entitled to the benefits you would have received if you had been at work.

An employee who does not hold a position returns to the assignment that she held when she went on leave if that assignment continues after the end of the leave. If the assignment has ended, the employee is entitled to any other assignment in accordance with the provisions of the collective agreement.
Paternity leave

Who is entitled to paternity leave? (articles 22.21 and 22.21A)

An employee is entitled to a maximum of five (5) working days of paid leave when his child is born.

He is also entitled to this leave if the pregnancy comes to an end after the beginning of the twentieth (20th) week preceding the expected date of birth.

He is entitled to paternity leave of up to five (5) weeks, which must be taken consecutively, subject to certain exceptions.

A female employee whose spouse gives birth is also entitled to these leaves if she is designated as one of the child’s mothers.

Notice (article 22.30B)

Paternity leave must be requested in writing at least three (3) weeks in advance. The request must indicate the scheduled date of the leave. The date could be pushed forward if the birth occurs before the scheduled date.

Terms and conditions

The paid leave may be taken non-continuously and must be taken between the beginning of the delivery 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 (article 22.21).

Paternity leave must begin no later than the week following the start of the payment of parental insurance benefits and must be completed by the end of the fifty-second (52nd) week after the week in which the child was born (article 22.21A).

Benefit amount

During paternity leave, the employee who has completed twenty (20) weeks of service ⁵ receives benefits corresponding to the difference between his/her basic weekly salary and the amount of benefits she/he receives or would have received, if she/he so requested it, under the QPIP or under the Employment Insurance program (article 22.21B).

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⁵ An absent employee shall accumulate service if his/her absence is authorized, particularly for disability, and involves benefits or remuneration.
An employee who is not eligible for paternity benefits under the QPIP or the Employment Insurance program receives benefits equal to her/his basic weekly salary, if this employee has completed twenty (20) weeks of service (article 22.21C).

What are your benefits?

During paternity leave, the employee is entitled to the following benefits insofar as she/he would normally be entitled to them:

- Life insurance
- Salary insurance, provided that the employee pays the applicable contribution
- Accrual of vacation time
- Accrual of sick leave
- Accrual of seniority
- Accrual of experience
- Accrual of seniority for job security purposes
- Right to apply for and obtain a position in accordance with the provisions of the collective agreement as if the employee were at work (article 22.34)
- Regional disparities premium (article 22.35)

Suspending, splitting or extending your paternity leave

- If your child is hospitalized, you may suspend your paternity leave by returning to work, further to an agreement with your employer (article 22.33).
- The paternity leave may be split into weeks before the end of the first fifty-two (52) weeks (article 22.33A).
- You are also entitled to this right if your child is hospitalized or if a situation occurs that is covered by articles 79.1 and 79.8 to 79.12 of the Act respecting labour standards. During the suspension, you are considered to be on leave without pay and do not receive any benefits or compensation from the employer (article 22.33A).
- If your child’s state of health requires it, you are entitled to extend your paternity leave for the time period indicated on the medical certificate. During this period, you are considered to be on leave without pay and do not receive any benefits or compensation from the employer (article 22.33C).
If you want to return to work after your paternity leave

Return to work (article 22.30)

The employee must report to work at the end of the paternity leave, as provided under article 22.22A, unless the leave is extended as provided under article 22.31.

An employee who does not comply with the preceding paragraph is deemed to be on leave without pay for a period of no more than four (4) weeks. At the end of this period, an employee who has not reported for work is deemed to have resigned.

If you want to stay home with your child

Leave without pay or part-time leave without pay

An employee may extend a paternity leave by taking a leave without pay or a part-time adoption leave without pay for a maximum of two (2) years immediately following the paternity leave. However, the leave must not extend beyond the 125th week after the birth of the child (article 22.27 a) 2)).

If an employee decides not to take a leave without pay of up to a maximum of two (2) years, he may take a maximum of fifty-two (52) weeks of continuous leave without pay starting at a time decided by the employee and ending no later than seventy (70) weeks after the birth of the child (article 22.27 b)).

The same rules apply as for those for leave without pay or part-time leave without pay. It is important to refer to the section on leave without pay or part-time leave without pay in the Maternity leave section when requesting a leave without a pay or a part-time leave without pay following a paternity leave.
Leave for adoption

Who is entitled to leave for adoption? (articles 22.22 and 22.22A)

An employee is entitled to paid leave for a maximum of five (5) working days on the occasion of the adoption of a child other than the child of her/his spouse.

An employee who legally adopts a child other than the child of her/his spouse is entitled to a maximum of five (5) weeks of leave for adoption that, subject to some exceptions, must be consecutive. The leave ends no later than the end of the fifty-second (52nd) week after the child arrives in the home.

For an employee who is eligible for the QPIP, this leave occurs simultaneously with the period during which benefits are paid and must begin no later than the week following the start of payment of these benefits.

For an employee who is not eligible for the QPIP, the leave must be taken after the child’s placement order or its equivalent for an international adoption has been issued or at another time agreed upon with the employer.

Notice (article 22.30B)

The adoption leave must be requested in writing at least three (3) weeks in advance and indicate the expected date of the leave. The period of advance notice may be reduced if the birth occurs before the due date.

Terms and conditions

The leave may be non-continuous and may not be taken later than fifteen (15) days after the child arrives in the home. One of the five (5) days may be used to attend the baptism or registration of birth (article 22.22).

Adoption leave must begin no later than the week following the start of the payment of parental insurance benefits and must be completed by the end of the fifty-second (52nd) week after the week in which the child arrives in the home (article 22.22A).
Benefit amount

An employee who has completed twenty (20) weeks of service\(^6\) receives benefits equal to the difference between her/his basic weekly salary and the amount of benefits that she/he receives, or would receive if she/he were to apply for them, under the QPIP or the Employment Insurance program (article 22.23).

An employee who is not eligible for adoption benefits under the QPIP or for parental benefits under the Employment Insurance program receives benefits equal to her/his basic weekly salary if this employee has completed twenty (20) weeks of service (article 22.24).

What are your benefits?

During adoption leave, you are entitled to the following benefits insofar as you would normally be entitled to them:

- Life insurance
- Salary insurance, provided that the employee pays the applicable contribution
- Accrual of vacation time
- Accrual of sick leave
- Accrual of seniority
- Accrual of experience
- Accrual of seniority for job security purposes
- Right to apply for and obtain a position in accordance with the provisions of the collective agreement as if the employee were at work (article 22.34)
- Regional disparities premium (article 22.35)

Suspending, splitting or extending your adoption leave

- If your child is hospitalized, you may suspend your leave by returning to work, further to an agreement with your employer (article 22.33).
- The leave for adoption may be split into weeks before the end of the first fifty-two (52) weeks (article 22.33A).
- You are also entitled to this right if your child is hospitalized or if a situation occurs that is covered by articles 79.1 and 79.8 to 79.12 of the Act respecting labour standards. During the suspension, you are considered to be on leave without pay and do not receive any benefits or compensation from the employer (article 22.33A).

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\(^6\) An absent employee shall accumulate service if his/her absence is authorized, particularly for disability, and involves benefits or remuneration.
• If your child’s state of health requires it, you are entitled to extend your adoption leave for the time period indicated on the medical certificate. During this period, you are considered to be on leave without pay and do not receive any benefits or compensation from the employer (article 22.33C).

Adoption of your spouse’s child (article 22.24A)

An employee who adopts her/his spouse’s child is entitled to a maximum of five (5) working days of leave, the first two (2) of which are paid.

This leave may be non-continuous and cannot be taken more than fifteen (15) days after the adoption request is submitted.

Leave without pay (article 22.26)

An employee is entitled to a maximum of ten (10) weeks of leave without pay in view of the adoption of a child, beginning on the date she/he effectively takes charge of the child, unless it is the child of her/his spouse.

Leave without pay for adoption outside Québec (article 22.26)

An employee who travels outside Québec to adopt a child other than the child of her/his spouse obtains, upon written request to the employer two (2) weeks in advance if possible, leave without pay for the time required for the trip.

The leave without pay ends no later than the week following the start of payment of QPIP or Employment Insurance benefits, at which time the adoption leave begins to apply.

If you want to return to work after your adoption leave

Return to work (article 22.30)

The employee must report to work at the end of the leave for adoption, as provided under article 22.22A, unless the leave is extended as provided under article 22.31.

An employee who does not comply with the preceding paragraph is deemed to be on leave without pay for a period of no more than four (4) weeks. At the end of this period, an employee who has not reported for work is deemed to have resigned.
If you want to stay home with your child

Leave without pay or part-time leave without pay

An employee can extend an adoption leave without pay or a part-time adoption leave without pay for a maximum of two (2) years immediately following the adoption leave. However, the leave must not extend beyond the 125th week after the child arrives in the home (article 22.27 a) 3).

An employee who decides not to take a leave without pay that extends up to two (2) years may take a maximum of fifty-two (52) weeks of continuous leave without pay starting at a time decided by the employee and ending no later than seventy (70) weeks after receiving custody of the child (article 22.27 b)).

The terms and conditions are the same as those for leaves without pay or part-time leaves without pay following a maternity leave. It is important to refer to the section on leave without pay or part-time leave without pay in the Maternity leave section when requesting a leave without a pay or a part-time leave without pay following an adoption leave.
Leave for parental responsibilities

Leave without pay or part-time leave without pay (article 22.29B)

Upon presentation of a supporting document, up to one (1) year of leave without pay or part-time leave without pay is granted to an employee whose minor child is:

- Emotionally disturbed
- Handicapped
- Suffering from a prolonged illness and whose condition requires the presence of the employee

The terms and conditions are the same as those for leaves without pay or part-time leaves without pay following maternity leave. It is important to refer to the section on leave without pay or part-time leave without pay in the Maternity leave section when requesting a leave without a pay or a part-time leave without pay.

Days off without pay (article 25.09)

An employee may, after notifying the employer as soon as possible, take up to ten (10) days off work per year, without pay to fulfill obligations relating to the care, health or education of the employee’s child or the child of the employee’s spouse.

The days thus used are deducted from the employee’s bank of sick leave or are taken without pay, at the employee’s choice.

The days off may be taken in half days, with the employer’s consent.
Timelines
<table>
<thead>
<tr>
<th>Event</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>As soon as you are pregnant</td>
<td>Begin steps for protective leave if necessary. Request for reassignment (22.19)</td>
</tr>
<tr>
<td><strong>4 weeks before the expected date of delivery</strong></td>
<td>The CNESST stops paying benefits. QPIP benefits begin.</td>
</tr>
<tr>
<td><strong>The first 18 weeks of the maternity leave</strong></td>
<td>QPIP benefits</td>
</tr>
</tbody>
</table>
| **After the first 18 weeks of maternity leave: parental leave** | 1) Return to work. **In order to avoid being penalized in your pension fund, do not forget to fill out the form available from the personnel office.**  
2) Start your leave without pay (parental leave benefits begin). Postpone your annual vacation and leaves to the end.  
3) If you have not applied for leave without pay and you do not report to work, you will be on leave without pay for up to a maximum of four (4) weeks. At the end of this period, you will be considered to have resigned. |
| **The first 3 weeks of parental leave** | The employer continues to pay you the difference in pay between your benefits and your usual salary, according to the agreed formula. |
| **As of the 4th week of parental leave** | QPIP benefits only |
| **After your parental leave begins** | By following the required procedure, you can:  
1) Change your leave without pay into a part-time leave without pay or vice versa (once, by giving notice in writing 30 days ahead of time)  
2) End your leave before the scheduled date, by giving notice 30 days ahead of time to your employer  
3) Make a second change to your leave without pay or part-time leave without pay, provided that this was mentioned in your first request to make a change |
| **The 4th week before the end of the leave** | Receive notice from the employer advising you of the date your leave is scheduled to end |
| **The 2nd week before the end of the leave without pay** | Give notice to the employer of your return to work |
| **The end of the leave** | Return to work. **In order to avoid being penalized in your pension fund, do not forget to fill out the forms available at the personnel office.** |
Sample letters
(Municipality), date, 20xx

(Employer’s name)
(Address)
City (Province)  Postal Code

Reference: Request for provisional reassignment (22.19)

Madam,
Sir,

Please find enclosed my medical certificate attesting to my pregnancy and formalizing my request for provisional reassignment as stipulated in the collective agreement, until my protective leave* is implemented.

I am willing to accept a reassignment that respects the Act respecting occupational health and safety and the collective agreement.

I look forward to your response, and would appreciate receiving it in writing.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province)  Postal Code

c.c.  Local XX (CUPE/SCFP)

__________________________
*This protective leave is also referred to as “special leave” in the collective agreement, and as “preventive withdrawal” by the CNESST.
(Municipality), date, 20XX

(Employer’s name)
(Address)
City (Province)  Postal Code

Reference: Notice of maternity leave (22.09)

Madam,
Sir,

Please find enclosed my medical certificate attesting to my pregnancy. My expected date of delivery is ____________________.

I wish to take my maternity leave as of ______________. During this leave, I will continue to participate in the health insurance plan by paying my share. Please indicate to me what amounts I have to pay so that we can come to an arrangement on this subject.

In addition, please send me my record of employment as soon as possible so that I can take steps to apply for the Québec Parental Insurance Plan.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province)  Postal Code

c.c.  Local XX (CUPE/SCFP)
(Municipality), date, 20XX

(Employer’s name)
(Address)
City (Province) Postal Code

Reference: Request for leave without pay extending maternity leave (22.27)

Madam,
Sir,

This is to notify you that I wish to take a leave without pay following my maternity leave, as stipulated in clause 22.27 of my collective agreement.

I will return to my post on ___________________ or approximately on ____________________.

During my leave without pay, I will continue to participate in the health insurance plan by paying my share. Please indicate to me what amounts I have to pay so that we can come to an arrangement on this subject.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province) Postal Code

cc. Local XX (CUPE/SCFP)
(Municipality), date, 20XX

(Employer’s name)
(Address)
City (Province) Postal Code

Reference: Request for part-time leave without pay extending maternity leave (22.27)

Madam,
Sir,

This is to notify you that I wish to take a part-time leave without pay following my maternity leave, after taking my accumulated vacation time, statutory holidays and floating holidays.

I wish to continue working in my post ____ days a week.

I will be returning to my post on ________________ or approximately on __________________.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province) Postal Code

c.c. Local XX (CUPE/SCFP)
(Municipality), date, 20XX

(Employer’s name)
(Address)
City (Province) Postal Code

Reference: Request to change my leave without pay into part-time leave without pay extending maternity leave (22.27)

Madam,
Sir,

This is to notify you that I wish to convert my leave without pay following my maternity leave into a part-time leave without pay starting on ______________________.

During my part-time leave without pay, I wish to continue to work in my post _____ days a week.

I will be returning to my post on ________________ or approximately on ________________.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province) Postal Code

c.c. Local XX (CUPE/SCFP)
Reference: Request to convert my leave without pay into part-time leave without pay and to make a change in the part-time leave without pay extending maternity leave (22.27)

Madam,
Sir,

This is to notify you that I wish to convert my leave without pay following my maternity leave into a part-time leave without pay starting on ________________.

During the first part of my part-time leave without pay, I wish to continue to work in my post ____ days a week. This leave will be from _______________ to ________________.

As of ________________, I wish to change my part-time leave without pay to ____ days a week.

I will be returning to my post on ________________ or approximately ________________.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province) Postal Code

c.c.  Local XX (CUPE/SCFP)
(Municipality), date, 20XX

(Employer’s name)
(Address)
City (Province) Postal Code

**Reference:** Return to work End of leave without pay or part-time leave without pay (22.32)

Madam,
Sir,

This is to notify you that I wish to end my leave without pay or part-time leave without pay before the date initially set.

I will therefore be returning to my post on ________________.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province) Postal Code

c.c. Local XX (CUPE/SCFP)
(Municipality), date, 20XX

(Employer’s name)
(Address)
City (Province)  Postal Code

Reference: Request to share a leave without pay (22.27)

Madam,
Sir,

As stipulated in the collective agreement, I wish to take a part-time leave without pay for the portion of leave that my spouse has not used, starting on ________________.

During my part-time leave without pay, I wish to continue to work in my post ____ days a week.

I will be returning to my post on ________________.

I hope everything is to your satisfaction.

Sincerely,

________________________________________
(Employee’s name)
(Address)
City (Province)  Postal Code

c.c. Local XX (CUPE/SCFP)
(Municipality), date, 20xx

(Employer’s name)
(Address)
City (Province) Postal Code

Reference: Leave for adoption (22.22)

Madam,
Sir,

This is to notify you that I wish to take the five (5) weeks of paid leave for adoption stipulated in the collective agreement.

The leave will begin on _____________________ and is scheduled to end on _____________________ . During this leave, I wish to continue to participate in the insurance plan. Please send me all the information and forms required for me to do so.

I hope everything is to your satisfaction.

Sincerely,

__________________________
(Employee’s name)
(Address)
City (Province) Postal Code

C.c. Local XX (CUPE/SCFP)
Simplified guide to parental rights