

Pregnancy, Family and Community Support Leave Policy

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Background & Intent

The Centre for Community Organizations (COCO) is committed to creating flexible policies that cultivate an atmosphere where employees can thrive professionally without sacrificing essential individual, community, and family needs or obligations. For these reasons, our *Pregnancy, Family, and Community Support (PFCS) Leave Policy* was drafted in Fall 2019. It was also our aim to create a policy that is considerate of the diverse realities of the lives of our employees, and inclusive of the realities of queer and trans families and communities. Our policy draws from multiple sources including:

- Montreal-based, Réseau d'action des femmes en santé et services sociaux
- Ottawa-based, Inter Pares
- Illinois-based, Arts Alliance Illinois

Structure

This policy has two main sections with its own definitions and conditions:

- Pregnancy, Adoption and Fostering Leave and Support
- Family & Community Support Leave

The sections of this policy in boxes detail the rights that employees have guaranteed under the *Loi sur les normes du travail*.

Employee Responsibility

While the Organization will do its best to support employees navigating the complexity of the situations below, it is ultimately the employee's responsibility to understand their rights, entitlements, and responsibilities under the law and outlined in this policy, including but not limited to:

- their eligibility to the Québec Parental Insurance Plan
- their responsibility to provide relevant notice to the Organization, when possible
- their responsibility to create a clear Leave plan, approved by the Organization, in a timely manner

Definitions

While recognizing the plurality of experiences, in the context of this policy:

- A **'Birthing Parent'** is someone who gives or gave birth.
- A **'Co-Parent'** is someone who shares the primary duties of parenting a child. This may include previously or currently married or common-law partners (married and common-law), Family, and/or Community members.
- **'Family & Community'** are people related by blood or affinity whose close association with the employee is the equivalent of a family relationship. For example:

- close parental figures;
- a close friend; or
- parents or children of an employee's partner.
- **'Due Date'** refers to the expected date of birth of a baby.
- **'Integration Date,'** more traditionally known as 'placement' date, refers to the date that a child comes into the care of a person or Family through adoption or fostering, either within or outside of government channels.
- The **'Organization'** refers to the Centre for Community Organizations.
- **'Job-Protected'** means that the Organization shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work.
- **'Paid Leave'** refers to time off from work where employees are paid by the Organization and are entitled to uninterrupted benefits. Additionally, they continue to accrue seniority and accumulate vacation while away.
- **'Unpaid Leave'** refers to time off from work during which employees do not receive pay through the Organization. Employee benefits, seniority accrual, and vacation accrual conditions during these periods are detailed below.

Leave Provisions

Upon termination of employment, the employee shall not be eligible for payment of any unused PFCS Leave.

If an employee is seeking Leave because of their own or a Family or Community member's health condition, the Organization may request a doctor's certificate that includes a statement that such person is unable to perform their job and/or requires care, and an estimate of the time that they will need to provide or receive care. This will only occur if there is reason to believe this Leave is being abused.

Employees are trusted to use this policy in good faith. The Organization may take disciplinary action, up to and including termination, against any employee who uses PFCS Leave for purposes other than described in this policy.

The Organization reserves the right to modify this policy at any time. Given the potential for changes in Leave entitlements guaranteed by law, the Organization's Pregnancy, Family, and Community Support (PFCS) Leave Policy should be reviewed, if necessary, by the Organization's Board of Directors every 3 years.

Legal Compliance

The Organization shall honour this policy in accordance with any applicable governing laws. Employees who avail themselves of PFCS Leave shall not be discriminated against on that basis, nor shall their salary or employment status at the Organization be

negatively affected.

Pregnancy, Adoption, & Fostering-Related Leaves

An employee who is pregnant or who becomes a parent through birth or adoption is entitled to Pregnancy, Partner, and/or Parental Leave.

Types of Leave

- **'Pregnancy Leave'** refers to an entitlement of pregnant employees, including birth mothers, trans fathers, and genderqueer/gender-nonconforming parents when they carry and birth a child. This leave is referred to as 'Maternity Leave' in Quebec Law.
- **'Partner Leave'** refers to an entitlement of employees who are non-birthing parents, spouses of Birthing Parents, or legal Co-Parents. This leave is referred to as 'Paternity Leave' in Quebec Law.
- **'Parental Leave'** refers to an entitlement of employees who are birth or adoptive parents, spouses of birthing or adoptive parents, and/or legal Co-Parents. This leave is referred to as 'Parental Leave' in Quebec Law.

Eligibility

All employees are entitled to their full Pregnancy, Partner and/or Parental Leave entitlements as protected under the *Loi sur les normes du travail*, regardless of their hire date.

Employees are entitled to the full additional Pregnancy, Partner, and/or Parental Leave provisions outlined below, provided that they:

- were hired at least 90 days before the child's Due Date or Integration Date, or
- were hired at least 90 days before commencing Pregnancy, Partner or Parental Leave.

Employees hired less than 90 days before the child's Due Date or Integration Date can access the additional pregnancy-related leave provisions on a prorated basis, calculated based on the average number of hours per week worked to date.

New employees who start working at the Organization after their child's Due Date or Integration Date and who have remaining Partner or Parental Leave weeks are protected in taking their Leave. They are not entitled to the additional leave provisions as provided by the Organization. However, they may refer to the Family & Community Support Leave Policy for additional entitlements relating to childcare.

Notice

Pregnancy, Partner, and Parental Leave may be taken after giving notice of not less than three (3) weeks to the employer, stating the date on which the Leave will begin and the date on which the employee will return to work.

However, notice of the Leave may be shorter if:

- in the case of Partner Leave, the birth of the child occurs before the expected date;
- in the case of Parental Leave, the employee must stay with the newborn child or newly adopted child, or with the Birthing Parent, because of the state of health of the child or of the Birthing Parent; and
- in the case of Pregnancy Leave, the medical certificate attests that the employee needs to stop working within a shorter time.

Eligible employees shall notify, in writing, the Human Resources (HR) Coordinator of the need for a Pregnancy, Partner or Parental Leave and include estimated timing and duration of such leave at least 90 days in advance. This allows the Organization to arrange staffing for the duration of the Leave.

- The HR Coordinator will subsequently communicate the relevant information to the Staff Team and Board of Directors.
- If the HR Coordinator is not available, the eligible employee will notify their Staff Buddy, who will then communicate the relevant information to the Staff Team and Board of Directors.
- If the need for such leaves is unplanned, the employee must give notice as soon as possible.

The employee may return to work before the date mentioned in the notice provided that they have given the HR Coordinator written notice not less than 3 weeks of the new date of their return.

The employee may resume their work on a part-time or intermittent basis if the employer gives consent.

Employees on Parental Leave will be contacted by the Organization 90 days before the end of their projected Leave. Within 30 days of this communication, Employees must confirm in writing their date of return or their plan to extend their Parental Leave.

Pregnancy and Adoption Related Leaves

This section outlines employee Paid and Unpaid Leave entitlements relating to pregnancy and adoption, including Pregnancy Leave, Partner Leave, and Parental Leave.

It is the responsibility of the employee to determine whether they are eligible and to apply for benefits through the Quebec Parental Insurance Plan (QPIP).

Employees may combine any accrued vacation with the Leave described below in this section, but not personal days. Please refer to the Organization's Personal and Sick Time Policy for more information regarding the distribution of personal days.

Pregnancy Leave

Duration of Leave:

- Birthing Parents are entitled to 18 consecutive weeks of Job-Protected Unpaid Pregnancy Leave.
- The maximum length of a Pregnancy Leave is 18 weeks, and it can start either before or after the birth of the child.

Start and End Date of Leave:

- Pregnancy Leave can begin at the earliest 16 weeks before the expected Due Date. Pregnancy Leave must end at the latest 18 weeks after birth.
- In the case of a high risk pregnancy, if an employee has to stop working before their entitled Pregnancy Leave, they may be able to take a Special Pregnancy Leave.

Pregnancy Leave may be combined with Parental Leave.

Benefits, Seniority & Vacation:

Employees on Pregnancy Leave are entitled to uninterrupted benefits, covered fully by the Organization. Additionally, they continue to accrue seniority and vacation.

Partner Leave

Unpaid Partner Leave

Duration of Leave:

- An employee is entitled to an Unpaid Leave of five (5) consecutive weeks following the birth of their child.
- An employee may be absent from work for five (5) days at the birth of their

child. The first two (2) days of absence shall be paid.

- Partner Leave cannot be interrupted without the consent of the Organization.

Start and End Date of Leave:

- Partner Leave may begin no earlier than the week of the birth of the child and end no later than 52 weeks later.

Partner Leave may be combined with Parental Leave.

Benefits, Seniority & Vacation:

- Employees on unpaid Partner Leave are entitled to uninterrupted benefits, covered fully by the Organization. Employees continue to accrue seniority and accumulate vacation.

Paid Partner Leave

Duration of Leave:

- Employees are entitled to an additional four (4) cumulative paid weeks of Partner Leave.
- These additional weeks of paid Partner Leave must be taken consecutively, unless the employer consents to an alternative plan co-created by the employee and the HR Coordinator.
- The remuneration during each of these weeks will be paid at a rate equal to the employee's hourly wage times the average number of hours per week that they worked during the 13 weeks immediately preceding the Parental Leave.

Start and End Date of Leave:

- This paid Partner Leave may begin up to two (2) weeks before the child's Due Date, and may end no later than 52 weeks later.

Parental Leave

Unpaid Parental Leave

Duration of Leave:

- Each parent of a newborn or a newly adopted child is entitled to a Job-Protected Unpaid Parental Leave of up to 52 consecutive weeks.

Start and End Date of Leave:

- Parental Leave cannot begin before the week of the birth or, in the case of adoption, before the week when the child enters the employee's care.
- Parental Leave must end at the latest 70 weeks after the child is born or, in

the case of adoption, 70 weeks after the child enters the employee's care.

Parental Leave is not part of Pregnancy Leave. A Birthing Parent may take both Pregnancy and Parental Leave. Similarly, Parental Leave is not part of Partner Leave, so an employee who qualifies for Partner Leave may take both Partner and Parental Leave.

Benefits, Seniority & Vacation:

- Employees on Unpaid Parental Leave are entitled to uninterrupted benefits, covered fully by the Organization.
- Employees continue to accrue seniority and accumulate vacation during the first year of Leave; both seniority and vacation are prorated to 50% of the leave, and calculated based on the average of hours worked per week for the previous 12 months.
- Unless agreed upon, vacation days accrued during the unpaid Parental Leave must be used prior to returning to work, thus extending the continuous Leave period.
- Employees must use any unused vacation days prior to the end of a calendar year despite planned Partner, Pregnancy, and Parental Leave. If an employee's Parental Leave extends to the end of a calendar year or beyond, the employee must arrange to use their unused vacation days before their Leave begins.

End of Leave, Extension of Leave and Reintegration

The Organization will contact the employee on Parental Leave 90 days before the projected end of the Leave. The employee on Leave must confirm in writing their return date at least 60 days in advance of returning (i.e., within 30 days of contact). At this time, Employees taking Parental Leave may extend their leave by a maximum of one (1) unpaid year.

Extension of Leave

Employees may request to extend their Parental Leave for up to one (1) Job-Protected unpaid year.

Benefits, Seniority & Vacation:

If an employee requests an extension, they are entitled to uninterrupted benefits, but on the condition that the associated premiums are paid by the employee. Employees accrue no seniority and accumulate no vacation throughout this period.

Reintegration

Employees on any Pregnancy or Adoption Related Leave may request that the employer consent to a flexible reintegration schedule. To do so, the employee shall collaborate with the HR Coordinator to co-create a reintegration schedule and plan for

a graduated return to work that is amenable to both parties. This plan should be finalized and accepted at least 30 days before the employee returns.

Foster Child Integration

An employee who is a foster parent is entitled to up to five (5) days of Paid Leave in connection with the integration of a child, which can be distributed before and after the child's arrival. An additional one (1) paid day is added for every additional child, up to a maximum of ten (10) paid days.

This category applies to children who come into someone's primary care either within or outside of Government channels.

Pregnancy-Related Medical Examinations

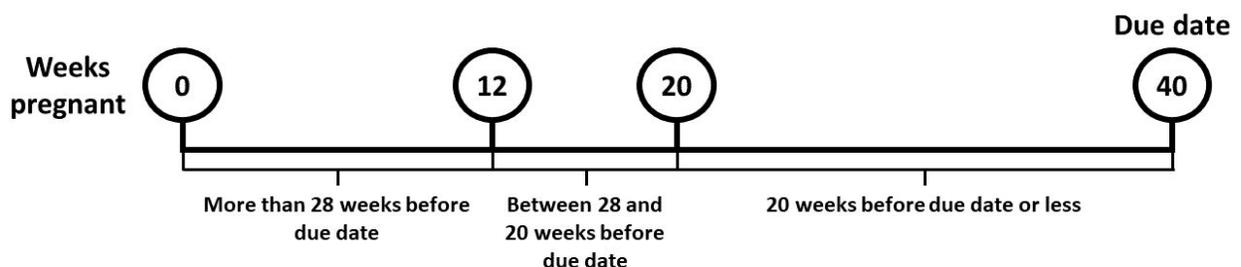
An employee may be absent, without pay, as often as is needed for examinations related to pregnancy, whether they are to be conducted by a midwife or a physician.

Pregnant employees are entitled to two (2) cumulative paid weeks off for these appointments.

- Any unused personal days may be used to attend additional examinations.
- Further paid time off to attend examinations may be requested, if necessary, in exceptional circumstances.

An employee whose partner, spouse, or Co-Parent is pregnant is entitled to one (1) cumulative paid week off to attend these examinations.

Miscarriages, Stillbirths, and Termination



This section outlines employee entitlements relating to miscarriages, stillbirths, and terminations. The emotional impact of these difficult situations are hard to predict. As such, if agreed upon by the Staff Team, exceptions and changes to the below can be instituted to ensure a flexible process and that Employees are well-supported.

Employees on Leave related to miscarriage, stillbirth, and termination are entitled to uninterrupted benefits, covered fully by the Organization. Employees continue to

accrue seniority and accumulate vacation.

Unless otherwise agreed upon between the employee and the HR Hub, in all cases of miscarriage, stillbirth or termination:

- Leave begins the week the pregnancy ended, and
- begins no later than the date of the miscarriage, stillbirth, or termination.

It is the responsibility of the employee to determine their eligibility and to apply for benefits through the Quebec Parental Insurance Plan (QPIP).

20 weeks before the Due Date or less

Duration of Leave:

- An employee who has a miscarriage, stillbirth, or termination 20 weeks before their Due Date or later is entitled to 18 weeks of Job-Protected Unpaid Leave.

An employee whose partner, spouse, or Co-Parent has a miscarriage, stillbirth, or termination 20 weeks before their Due Date or later is entitled to four (4) weeks of Paid Leave. They are entitled to an additional two (2) weeks of Unpaid Leave.

Between 28 and 20 weeks before Due Date

An employee who has a miscarriage or termination between 28 and 20 weeks before their Due Date is entitled to up to four (4) weeks of Paid Leave. They are also entitled to an additional two (2) weeks of Unpaid Leave.

An employee whose partner, spouse, or Co-Parent has a miscarriage or termination between 28 and 20 weeks before the Due Date, is entitled to up to two (2) weeks of Paid Leave. They are entitled to an additional two (2) weeks of Unpaid Leave.

More than 28 weeks before Due Date

An employee who has a miscarriage or termination more than 28 weeks before their Due Date is entitled to up to one (1) week of Paid Leave. They are entitled to an additional two (2) weeks of Unpaid Leave.

An employee whose partner, spouse, or Co-Parent has a miscarriage or termination more than 28 weeks before their Due Date is entitled to up to one (1) week of Paid Leave. They are entitled to an additional one (1) week of Unpaid Leave.

Family & Community Support Leave

Family & Community Support Leave supports employees who are providing care or support to Family or Community members. Family and Community Support Leave is *distinct* from the Organization's Personal and Sick Time Policy and Bereavement Policy. Employees entitled to Pregnancy-related Leaves are additionally entitled to Family & Community Support Leave. Please refer to the Organization's Emergency Leave Policy for situations relating directly to the employee's welfare.

Employees may combine any accrued vacation to the Leave below in this section, but not personal days. Please refer to the Organization's Personal and Sick Time Policy for more information regarding the distribution of personal days.

During Paid Leave, employees are remunerated at a weekly rate equal to their hourly wage times the average number of hours per week worked during the year preceding the start of the Leave.

Eligibility

Employees are entitled to the full Family & Community Support Leave regardless of their hire date.

Notice & Leave Considerations

Unpaid Leave

Employees shall provide written notice to the Human Resources (HR) Coordinator at least 30 days prior to an unpaid Family & Community Support Leave period, and shall include an estimated start date and duration. This allows the Organization to make alternative staffing arrangements during the Leave period.

The HR Coordinator will subsequently communicate any necessary information regarding the Leave period to the Staff Team.

If the HR Coordinator is not available, the employee taking Leave will notify their Staff Buddy, who will then communicate any necessary information to the Staff Team.

If the need for such leaves arises on short notice, the employee must provide notice to the HR Coordinator or their Staff Buddy as soon as possible.

Paid Leave

Employees must submit a written request to the HR Coordinator for a paid Family & Community Support Leave period. The request must indicate the estimated start date and duration and be submitted at least 30 calendar days in advance of the start date, or if this is not possible, as soon as possible.

The HR Coordinator shall discuss the request with the Staff Team when appropriate. Paid Family & Community Support Leave will be granted on a case-by-case basis, based on the Staff Team's assessment of organizational finances and staff capacity to absorb the workload.

If the employee requires greater confidentiality, they may instead ask the HR Coordinator to assess the request with a smaller group of at least two (2) employees and two (2) board members, ideally those on either the Finance or HR committees. If the Leave period is approved, the information communicated to the rest of the Organization Staff will be limited to what is strictly necessary.

Family & Community Obligations

Employees are entitled to ten (10) unpaid days per year to fulfill obligations:

- related to the care, health, or education of their children or their spouse's children, or
- due to the state of health of a relative or a person for whom they act as a natural caregiver.

Employees are entitled to five (5) cumulative paid days a year to fulfill the obligations described above.

If they have more than one (1) child (or person for whom they are a caregiver), they are entitled to an additional two (2) paid days for each such additional child or person, up to a maximum of ten (10) paid days for Family and Community obligations.

- Employees must notify the HR Coordinator if there is either an increase or decrease in the number of children or people for whom they are the primary caregiver so that the internal tracking is up-to-date.

Employees are additionally entitled to five (5) cumulative unpaid days a year to fulfill such obligations.

Serious Illness, Accident, and Crisis Support for Family and Community

Employees have the right to be absent from work for 16 weeks per year, without pay, when their presence is required owing to an accident or serious illness involving a relative or a person for whom they act as a natural caregiver.

Employees can be absent, without pay, for up to 27 weeks if a professional working in the health and social services sector attests that they must stay with a relative, other than their minor child, because that person is suffering from a serious and potentially fatal illness, attested by a medical certificate. The employee may qualify

for Compassionate care benefits through Employment Insurance. If the person suffering from such an illness is their minor child, they may be absent for up to 104 weeks.

Employees may request up to two (2) cumulative paid weeks a year to support close Family or Community members who are experiencing:

- Medical care, serious illness or accident; or
- A significant crisis, including (but not limited to):
 - domestic or sexual violence;
 - issues relating to immigration status (deportation, etc.);
 - police-related violence;
 - overdose;
 - environmental disaster (flooding, fires, earthquake, etc.); or
 - mental health crisis.

Gender-Affirming Procedures Support

In addition to the above, employees may request up to one (1) cumulative paid week a year to support a close Family or Community member going through gender-affirming medical procedures.

Family and Community Pregnancy-Related Support

Employees may request up to two (2) paid days a year to support Family and Community members **in partnerships or co-parentships** who are either pregnant, have given birth within the last month, are preparing to receive a child into their care through fostering or adoption, or for whom a child has entered their care through fostering or adoption within the last month.

Employees may request up to one (1) paid week a year to support **mono-parental** Family and Community members who are either pregnant, have given birth within the last month, are preparing to receive a child into their care through adoption, or for whom a child has entered their care through adoption within the last month.

Family and Community Pregnancy Termination Support

All employees are entitled to two (2) days Paid Leave to support a close friend or Family member through a pregnancy termination, with a limit of two times per calendar year for each employee.

Travel Consideration

For the below scenarios, an additional one (1) day of Paid Leave will be granted if the person being supported is located more than 500 km from Montreal or across an international border, and an additional two (2) days of Paid Leave if the person is located outside of North America or visiting them involves a flight lasting longer than four (4) hours.

The emotional impact of these difficult situations are hard to predict. As such, if agreed upon by the Staff Team, exceptions and changes to the above can be instituted to ensure a flexible process and that employees are well-supported.

Travel Support

The Staff Team and Board may approve up to \$250 in exceptional circumstances (to be determined by the HR Hub in conjunction with the Finance Coordinator) to support travel costs to support Family and/or Community members, with a limit of \$750 per calendar year for the whole Staff Team.

Employees must provide receipts for all expenses approved for travel support.

Benefits, Seniority Accrual, and Vacation Accumulation

Employees on Paid Family & Community Leave are entitled to uninterrupted health, disability, life insurance, and retirement benefits. Additionally, they continue to accrue seniority and accumulate vacation while away.

Board Member Leave

In the spirit of this PFCS Leave Policy, any member of the Organization's Board of Directors who is pregnant or has become a parent, or who is providing care or support for Family and Community members, is encouraged to take time off from their Organization-related responsibilities within the limits of its by-laws and their legal obligations to the Organization.

Appendix 1

Summary Table

Appendix 2

Sample agreement to be co-created by the HR Coordinator and an Employee taking Pregnancy, Partner, and/or Partner Leave. The agreement should include:

- The planned start date and duration of Leave
- A plan for reintegration and graduated return to work
- Agreements regarding communication between the Employee and the organization during the Leave period
- An understanding that an Employee on Parental Leave will be contacted by the Organization 90 days before the end of their projected leave. Within 30 days of this communication, Employees must confirm in writing their date of return or their plan to extend their Parental Leave.