

Section/Number: Leave Management – 004	Approval Date: (DD/MM/YY)
Subject: Maternity Leave	Amendment Dates:
<p>Policy</p> <p>The Community Government provides maternity leave to employees who become pregnant.</p>	
<p>Definitions</p> <p>N/A</p>	
<p>Guidelines</p> <ol style="list-style-type: none"> <li>1. Employees who become pregnant are eligible for a total of 17 consecutive weeks of maternity leave.</li> <li>2. The leave may begin as early as 17 weeks before the due date and end up to 17 weeks after the date of birth.</li> <li>3. To be eligible for maternity leave, the employee must: <ol style="list-style-type: none"> <li>3.1. submit a written request for pregnancy leave at least four weeks before the day on which she intends to commence the leave; and</li> <li>3.2. provide a medical certificate confirming that she is pregnant and estimating the date of delivery.</li> </ol> </li> <li>4. Maternity Leave Allowance is available for a maximum of 17 weeks. This includes the two week waiting period required by Human Resources and Skills Development Canada (HRSDC). <ol style="list-style-type: none"> <li>4.1. The allowance will be added to regular EI benefits. The employee will receive xxx% of regular salary during the maternity leave allowance period.</li> <li>4.2. The Community Government will not be responsible for any consequences of an employment insurance benefit overpayment; nor will it be responsible for providing any additional payments in respect of maternity leave should the employee's benefits be affected by tax, employment insurance, or legislative provisions.</li> </ol> </li> <li>5. If the employee is entitled to, and agrees to, Maternity Leave Allowance, the employee must agree to return to work on a specific date for a period of at least six continuous months.</li> <li>6. If the employee takes 17 weeks of maternity leave along with 35 weeks of parental leave, the employee must return to work on the date of expiry of the parental leave for a period of twelve months.</li> </ol>	

7. If the employee does not fulfill the commitment outlined in Clause 5 or Clause 6 as appropriate, the amount received as maternity leave allowance will be recovered on a pro-rated basis.
  - 7.1. Full-time employees must return to work for the equivalent of six months full time.
  - 7.2. Part-time employees must return to work for the equivalent of six months of their part-time hours prior to the maternity leave.
8. The employee must inform his/her Supervisor in writing of her pregnancy at least four weeks before the expected start date of pregnancy leave.
9. The employee will complete an Application for Leave Form, attach a certificate from her doctor and submit it to the Supervisor for approval.
  - 9.1. The certificate must include the expected date of birth and state how long she can work before starting her leave.
10. The employee will advise the individual responsible for benefits that she will be on Maternity Leave in order to make arrangements for Maternity Leave Allowance.
11. The employee will sign the Maternity Leave Allowance Form.
12. The Senior Administrative Officer will approve the leave application for up to 17 weeks.
13. The leave application will be placed on the Employee's Personnel File.
14. The employee can apply to HRSDC for EI benefits.
15. No employee shall be laid off, transferred or relocated while on, or within six months of her return from, pregnancy leave without the consent of the employee and the Employer.

#### Attachments

Sample Leave Form

#### References

Employment Standards Act

<http://www.justice.gov.nt.ca/PDF/ACTS/Employment%20Standards.pdf>

**Sample Leave Form**

**Leave of Absence Request Form**

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_

Type of Leave Requested: \_\_\_\_\_

Start Date/Time of Leave: \_\_\_\_\_

Return to Work Date/Time: \_\_\_\_\_

Verification of Leave Credits: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_

Senior Administrative Officer Approval: \_\_\_\_\_

(If leave is denied, Senior Administrative Officer will advise in writing.)

**MATERNITY AND PARENTAL LEAVE AGREEMENT**

1. This is an Agreement between \_\_\_\_\_ and \_\_\_\_\_  
(employee name)  
\_\_\_\_\_  
(Senior Administrative Officer, Community Government)
2. The Employee undertakes to return to work on \_\_\_\_\_(date) and to remain in the employ of the Community Government for:
  - a) If the employee takes 17 weeks of maternity leave, the employee must return to work on the date of expiry of the maternity leave for six months.
  - b) If the employee takes 17 weeks of maternity leave along with 35 weeks of parental leave, she must return to work on the date of expiry of the parental leave for twelve months.
  - c) If the employee does not fulfill the commitment outlined above, the amount received as maternity leave allowance will be recovered on a pro-rated basis.
  - d) If the employee returns to work part-time she must return to work for the equivalent of the time taken of her hours prior to the maternity leave.
3. The return date specified in paragraph 2 can be amended only with the consent of the employing department. The employee understands that, in the event of an amended date, the period of employment undertaken in paragraph 2 will commence on the new return date.
4. The employee understands that if she fails to return to work or fails to remain employed with the Community Government for the required period as specified in paragraphs 2 and 3, she will be indebted to the Employer for the amounts received as maternity leave allowance and/or parental leave allowance and will repay such amounts.
5. The employee shall not be laid off, transferred or relocated while on, or within six months of her return from, maternity/adoption leave without the consent of the employee and the Employer.

Dated at \_\_\_\_\_  
(place)

this \_\_\_\_\_day of \_\_\_\_\_,  
(day) (month) (year)

\_\_\_\_\_  
(Senior Administrative Officer Signature)

\_\_\_\_\_  
(Employee Signature)