

REGULATION 4152.4

MATERNITY AND PARENTHOOD LEAVE

When maternity or parenthood leave is requested, the following regulations must be observed:

1. All requests for maternity leave shall be submitted in writing to the Superintendent of Schools, or their delegate, as soon as the condition of pregnancy has been confirmed, together with a certificate from a medical practitioner stating that the employee is pregnant and estimating the probable date of birth of the child.
2. When a teacher requests maternity leave, the provisions of the Employment Standards Act, Section 51, must be adhered to:
 - “51 1) An employee, on her written request supported by a certificate of a medical practitioner stating that the employee is pregnant and estimating the probable date of birth of the child, is entitled to a leave of absence from work without pay, for a period of 18 consecutive weeks or a shorter period the employee requests, commencing 11 weeks immediately before the estimated date of birth or a later time the employee requests.
 - 2) Regardless of the date of commencement of the leave of absence taken under subsection (1), the leave shall not end before the expiration of 6 weeks following the actual date of birth of the child unless the employee requests a shorter period.
 - 3) A request for a shorter period under subsection (2) must be given in writing to the employer at least one week before the date that the employee indicates she intends to return to work

and the employee must furnish the employer with a certificate of a medical practitioner stating that the employee is able to resume work.

- 4) Where an employee gives birth or the pregnancy is terminated before a request for leave is made under subsection (1), the employer shall, on the employee's request and on receipt of a certificate of a medical practitioner stating that the employee has given birth or the pregnancy was terminated on a specified date, grant the employee leave-of-absence from work without pay, for a period of 6 consecutive weeks, or a shorter period the employee requests, commencing on the specified date.
 - 5) Where an employee who has been granted leave-of-absence under this section is, for reasons related to the birth or the termination of the pregnancy as certified by a medical practitioner, unable to work or return to work after the expiration of the leave, the employer shall grant to the employee further leaves-of-absence from work, without pay, for a period specified in one or more certificates but not exceeding a total of 6 consecutive weeks.
3. A teacher may be required to take leave, without pay, prior to the expected birth of the child, as determined by the attending medical practitioner in regard to their physical well-being, and by the Superintendent of Schools, or their delegate, in regard to their ability to perform their teaching duties.
Absence directly attributable to the pregnancy is NOT to be reported as sick leave.

Section 52 of the Employment Standards Act states:

"52. An employer may require an employee to commence a leave-of-absence under section 51 where the duties of the employee cannot reasonably be performed because of the pregnancy and to continue the leave-of-absence until the employee provides a certificate from a medical practitioner stating that [they are] able to perform [their] duties."

4. Coverage for Benefits During Maternity Leave

Section 53 of the Employment Standards Act states:

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"53. The services of an employee who is absent from work in accordance with this Part shall be considered continuous for the purpose of sections 36, 37 and Part 5 and any pension, medical or other plan beneficial to the employee, and the employer shall continue to make payment to the plan in the same manner as if the employee were not absent where:

- a) the employer pays the total cost of the plan, or
- b) the employee elects to continue to pay [their] share of the cost of a plan that is paid for jointly by the employer and the employee."

5. Reinstatement

Section 54 of the Employment Standards Act states:

- "54 (1) An employee who resumes employment on the expiration of the leave of absence granted in accordance with this Part shall be reinstated in all aspects by the employer in the position previously occupied by the employee, or in a comparable position, and with all increments to wages and benefits to which the employee would have been entitled had the leave not been taken.
- (2) Where the employer has suspended or discontinued operations on the expiry of the leave-of-absence under this Part and has not resumed operations on the expiry of the leave of absence, the employer shall, on resumption of operations and subject to seniority provisions in a collective agreement, comply with subsection (1)."

Every effort will be made by the district and school administration to reassign the teacher to [their] former position, school or grade level. Placement will, however, depend upon the district's needs at the time of the teacher's return.

6. Extension of Leave

Maternity leave may be granted for the remainder of a school year with the option of extending the leave as parenthood leave for a period of up to two school years and thereafter annually for a total inclusive period not to

exceed five years. Notification of intent to extend the leave must be made to the Instruction-Administration Office on or before March 31st of each year. Only the first year of parenthood leave shall be allowed as credit for seniority purposes.

In the event of District staff reductions, those teachers on parenthood leave will be subject to the provisions of Section 153 of the School Act and the relevant Board Policies and Regulations at the time staff reduction decisions are made.

7. Parenthood Leave for Fathers

Parenthood leave, without pay, may also be granted to a male teacher, for a period of one year with the possible extension of a second year. Requests for parenthood leave, and extension of that leave, must be submitted in writing to the Superintendent of Schools or [their] delegate.

8. Adoption

The same regulations concerning maternity and parenthood leave shall apply to adoption.

Greater Victoria School District

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