

## **PATERNITY - RELATED LEAVES**

### **Leave related to the birth of a child**

A teacher is entitled to a leave with salary for a maximum period of five working days for the birth of his child. The teacher is also entitled to a paternity leave in cases where there is a miscarriage after the beginning of the 20th week prior to the expected date of delivery. While this leave need not be continuous, it must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the child's baptism or registration.

A female teacher whose spouse gives birth is also entitled to this leave if she is deemed to be one of the child's mothers.

### **Paternity leave**

A teacher is also entitled to a paternity leave for the birth of his child for no more than five weeks which must be taken consecutively. The leave must terminate no later than the end of the 52nd week following the week of the child's birth.

The paternity leave of a teacher who is eligible for QPIP or EIP benefits shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following start of parental insurance benefits payment.

A female teacher whose spouse gives birth is also entitled to this leave if she is deemed to be one of the child's mothers.

### **Suspension, division and extension of paternity-related leaves**

If the child is hospitalized, the teacher may suspend the paternity leave, upon agreement with the board, and return to work for the period during which the child is hospitalized.

Upon the teacher's request, a paternity leave may be divided into weeks if the child is hospitalized or if the teacher must be absent because of a situation covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (CQLR, chapter N-1.1).

The maximum number of weeks during which the paternity leave may be suspended corresponds to the number of weeks during which the child is hospitalized. For any other possible divisions of the leave, the maximum number of weeks during which the paternity leave is suspended is prescribed in the Act respecting labour standards (CQLR, chapter N-1.1) for such a situation.

During such a suspension, the teacher is considered to be on leave without

salary and shall not receive any allowances or benefits from the board. The teacher shall receive the benefits during the suspension.

- During a leave of absence without salary, the teacher shall accumulate seniority, shall retain experience and shall continue to participate in the applicable basic health insurance plan provided he or she pay all the premiums.
- During a leave of absence without salary for part of a year or a part-time leave of absence without salary, the teacher shall accumulate seniority on the same basis as prior to taking the leave, shall accumulate experience as a part-time teacher and shall continue to participate in the applicable basic health insurance plan provided he or she pay all the premiums.
- The teacher who takes a leave under one of the preceding paragraphs may continue to participate in the other applicable insurance plans, provided he or she so request at the beginning of the leave and pay all the premiums.
- Notwithstanding the preceding paragraphs, the teacher shall accumulate experience up to the first 52 weeks of a leave of absence without salary, a part-time leave of absence without salary or a leave of absence without salary for part of a year.

When the paternity leave suspended or divided resumes, the board shall pay the teacher the allowance to which he would have been entitled had his paternity leave not been suspended or divided for the number of weeks remaining.

A teacher who, before the expiry date of his paternity leave, sends his board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the teacher is considered to be on leave without salary and shall not receive any allowances or benefits from the board. The teacher shall receive the benefits during that period.

### **Advance notice and notice of paternity-related leaves**

The teacher must give the board, as soon as possible, advance notice of the leave for the birth of his child.

The paternity leave shall be granted following a written request submitted at least three weeks in advance. However, the time limit can be shorter if the birth occurs before the expected date of delivery. The request must specify the anticipated expiry date of the leave.

The teacher must report for work upon the expiry of his paternity leave, unless the leave was extended.

The teacher who does not comply with the preceding paragraph is considered to be on leave without salary for a period not exceeding four weeks. At the end of that period, the teacher who has not reported for work is considered to have resigned.

### **Return from paternity-related leaves**

Upon return from a paternity-related leave the teacher shall be reinstated in his position. If the position has been abolished, the teacher shall be entitled to the benefits he would have received had he been at work at that time.