

PARENTAL RIGHTS

When considering the parental rights of teachers, it is useful to think of four separate categories:

- a) leaves for the mother only (preventive leave, leave due to pregnancy complications, leave for visits to the doctor, maternity leave);
- b) leaves for the father/child's other parent only (paternity leaves);
- c) adoption leave; and
- d) extended parental leaves.

The outline which follows describes the rights prescribed in our collective agreement. Where there are differences between rights and definitions prescribed in our collective agreement and those of the QPIP (Quebec Parental Insurance Plan), then it is those of the collective agreement that prevail, because the collective agreement guarantees all the rights of the QPIP and adds to them in the context of the particular situation of teachers.

a) Leaves for the Mother Only

i) Preventive Leave:

A female teacher is entitled to preventive leave when the workplace represents a danger to the pregnancy and no reassignment is possible. In the case of teachers, such a danger is considered to exist if the teacher has no immunity to the 5th disease or if there is a physical risk, such as the presence of students with certain behavioral problems. In the former case, a medical test ordered by the teacher's attending physician determines the risk. (The teacher goes on leave while awaiting the results.) In the latter case, the risk must be reported by the teacher to their attending physician, who will fill out the necessary CNESST form if they deem it advisable.

During a preventive leave, the teacher receives full salary for the first 5 days, and then 90% of net salary thereafter until the beginning of the 4th week preceding the week of the birth date, at which point the maternity leave is deemed to begin. As of July 1, 2018, teachers receiving CNESST benefits during a preventative leave receive these benefits directly from the CNESST.

ii) Leave due to Pregnancy Complications:

If there is a risk to the pregnancy because of a personal medical condition not related to the workplace, then the teacher may go on sick leave until the beginning of the 4th week preceding the week of the birth date. As with any other sick leave, the first 5 days are covered by the sick-leave bank of days at full salary, and 75% of salary is paid thereafter. The maternity leave is deemed to begin at the beginning of the 4th week preceding the week of the birth date.

iii) Leave for Visits to the Doctor:

The pregnant teacher is entitled to 4 days of special leave without loss of salary for visits to their doctor during the pregnancy. These leaves may be taken as full-days or half-days.

iv) Maternity Leave:

Under the collective agreement, a mother is entitled to 21 weeks of maternity leave. During these 21 weeks, the mother will receive their QPIP benefit and the School Board will "top up" the revenues to bring the total to approx. 88% of normal gross salary. (Since your pension plan is credited free during

this period, the net salary is in fact equivalent to almost full salary.) If some of the 21 consecutive weeks happen to fall during the summer vacation period, then up to 8 of these weeks may be recuperated at the end of the 21 weeks, with the same “top up” (to approx. 88%).

v) In the event of miscarriage:

In the event of a miscarriage before the 20th week, a teacher is entitled to salary insurance for the period of absence prescribed by the doctor. If the miscarriage occurs after the 20th week, the teacher is entitled to maternity leave as described in section iv above.

b) Leaves for the Father/Child’s other parent only

Paternity Leaves:

Under the collective agreement, the father/child’s other parent is entitled to 5 days of leave related to the birth of the child, paid for entirely by the School Board. These 5 days must be taken between the time that delivery begins and the 15th day following the return home of the mother or child. The father/child’s other parent is then also entitled to choose another 5 consecutive weeks of paternity leave from the School Board, during which time he may receive up to 5 weeks of paternity benefit from the QPIP, with a top-up (to 100% of salary) paid by the School Board.

c) Adoption Leave

An adopting parent is entitled to paid adoption leaves which are the same as paternity leaves with pay.

An adopting parent may also take the same extensions of leave of absence as is the case following a maternity or paternity leave. (See Extended Parental Leaves below.)

d) Extended Parental Leaves

After a maternity leave, paternity leave or adoption leave, a teacher may begin a further leave of absence. Let’s call these further leaves “extended” parental leaves. They are without salary from the School Board (though one or other or both of a parental pair may still be entitled to some continuing QPIP benefits). Under our collective agreement there are basically 4 “paths” for these extended leaves, which are adapted to the situation of teachers. Just prior to the end of a maternity, paternity or adoption leave, the School Board is entitled to know which path of extended leaves the teacher wishes to follow.

Option a: Full-time leave without salary

To the end of the current school year and for a maximum of two more school years.

Option b: Full-time leave without salary for a maximum of 52 consecutive weeks

The duration of the leave may vary from 1 to 52 weeks taken consecutively, but not beyond 70 weeks following the birth of the child. The leave can occur at any time after the birth and does not have to immediately follow the maternity, paternity or adoption leave. This can be useful for the father/child’s other parent.

Option c: Leave without salary for part of the year over a period of not more than two years

This option allows me to take leave for a given period (e.g., August to December, January to June).

Option d: Part-time leave without salary

Part-time work (part of the week or part of the day) for a maximum of two full years. If my leave without salary begins during the course of the year, I have to wait until the following year to begin part-time work. In the interim, I have the choice of full-time leave without salary or working full time.

For options “a)”, “c)”, or “d)”, I may change my option, but only once, subject to certain conditions. The request must be made prior to the preceding June 1st; the change must occur at the beginning of the school year and cannot result in extending the original duration of my leave.

These leaves are explained in greater detail in the document entitled “[My Parental Rights and QPIP](#)”, found in the “Publications” section on the QPAT website (www.qpat-apeq.qc.ca).