

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 4.06.1
Section:	Benefits	Issued:	Jan 1, 2009
Subject:	PARENTAL/ADOPTION LEAVE - Alberta	Effective:	Jan 1, 2009
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Issued by:	Martin Moore	Dated:	

1 POLICY

- 1.01 (a) An employee who has been employed by **John Watson Ltd.** for at least fifty-two (52) consecutive weeks is entitled to parental or adoption leave without pay, up to a maximum period of thirty-seven (37) consecutive weeks. The employee is required to submit a written application for such leave at least six (6) weeks in advance of the date on which the parental or adoption leave is to commence unless the medical condition of the birth mother or child makes it impossible to comply with this requirement; or, in the case of adoption, the date of the child's placement with the adoptive parent was not foreseeable.
- (b) An employee who takes maternity leave and wishes to take parental leave must commence the parental leave immediately upon expiry of the maternity leave, without a return to work, unless agreed to otherwise by **John Watson Ltd.** and the employee. The employee's application for maternity leave is deemed to be notice of application for parental leave unless the application for maternity leave specifically excludes parental leave.
- 1.02 If both parents of the same child are employees, the parental or adoption leave granted under paragraph 1.01 may be taken wholly by one of the employees, or be shared by the employees. Only one employee may take parental or adoption leave at the same time. Employees who wish to share parental leave must advise **John Watson Ltd.** of their intention to do so. The total combined parental or adoption leave shall not exceed thirty-seven (37) weeks.
- 1.03 Parental/adoption leave must conclude not later than fifty-two (52) weeks after the day the child is born or comes into the custody, care and control of a parent for the first time.
- 1.04 (a) Unless specified otherwise herein, insured employee benefits programs are discontinued for the duration of any parental or adoption leave at the end of the month in which the leave commences.
- (b) If permitted and approved by the benefits provider, employees may make appropriate arrangements, in advance, to maintain insured benefit plans related to life insurance, accidental death insurance, extended health and/or dental benefits beyond the period specified in paragraph 1.04(a) by making suitable arrangements regarding payment of the necessary premiums, including **John Watson Ltd.'s** share, if any, prior to the commencement of the leave.

2 PURPOSE

- 2.01 The purpose of this Statement of Policy and Procedure is to establish effective procedures to be used by employees who become birth or adopting parents and wish to provide for the care and custody of a new-born or adopted child.

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3 SCOPE

3.01 This Statement of Policy and Procedure applies to all employees.

4 RESPONSIBILITY

4.01 Employees are responsible for providing the appropriate written notices required by this Statement of Policy and Procedure.

5 DEFINITIONS

- 5.01 “**Child**” means a new-born child of the parent and, in the case of an adopted child, a child who has not reached the age of eighteen (18).
- 5.02 “**Comparable position**” mean a position similar to the employee’s previous position in working conditions, wages, and responsibility.
- 5.03 “**Parent**” means the birth mother or birth father of a new-born child and includes a person with whom a child is placed for adoption and a person who is in a relationship of some permanence with a parent of a child and who intends to treat the child as his or her own.

6 REFERENCES AND RELATED STATEMENTS of POLICY and PROCEDURE

Employment Standards Code (Alberta) and Regulations
 SPP HR 4.02.AB — Vacation and Vacation Pay
 SPP HR 4.05.AB — Maternity Leave

7 PROCEDURE

7.01 Notice required

- (a) Eligible employees wishing to take a parental or adoption leave are required to give their immediate manager a minimum of six (6) weeks of written notice of their intention to take such leave.
- (b) If an employee stops working because a child comes into the employee’s custody, care and control for the first time earlier than expected,
 - (i) the employee’s parental or adoption leave begins on the day he or she stops working; and
 - (ii) the employee must, as soon as possible, give written notice that he or she is taking or has started parental or adoption leave.

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7.02 Leave commencement and conclusion

An employee who takes maternity leave and wishes to take parental leave must commence the parental leave immediately upon expiry of the maternity leave, without a return to work, unless agreed to otherwise by **John Watson Ltd.** and the employee. Parental or adoption leave must conclude not later than fifty-two (52) weeks after the day the child is born or comes into the custody, care and control of a parent for the first time.

7.03 Notice of return from leave

- (a) An employee is required to give **John Watson Ltd.** at least four (4) weeks' written notice of the date he/she intends to resume work. The employee shall be reinstated to the position most recently held or to a comparable position at not less than the earnings and other benefits that had accrued to the employee when the leave started.
- (b) In the event operations are suspended or discontinued when the leave ends, the employee will be reinstated in accordance with paragraph 7.03(a) if operations are resumed within fifty-two (52) weeks of the end of the employee's leave period.
- (c) An employee who does not wish to return to work following his or her leave period, must give **John Watson Ltd.** at least four (4) weeks' written notice of the intention to terminate employment.
- (d) An employee who fails to provide a written notice as required by paragraphs 7.03(a) and (c), or fails to return to work in accordance with his or her written notice to **John Watson Ltd.**, is deemed to have voluntarily resigned his or her employment coincident with the expiry of the leave, unless the failure to provide notice or return to work resulted from unforeseeable or unpreventable circumstances. In such a case, the employee must provide proof of such unforeseeable or unpreventable circumstances if so requested.

7.04 Affect of leave on length of service

Parental or adoption leave is included in any calculation of an employee's length of employment or seniority. The period of the leave is not included when determining whether the employee has completed a probationary period.

7.05 Benefits during leave

During parental or adoption leave, an employee who has elected to continue to participate in insured benefit plans (life insurance, accidental death insurance, extended health and/or dental plans) is responsible for paying both the employer and employee contributions to the premiums, if any, during the leave period. The employee will be required to provide either post-dated cheques or make other suitable arrangements regarding payment of the employer's and employee's portions of

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premiums for benefit coverage prior to taking leave or within two (2) weeks thereafter. If the employee notifies **John Watson Ltd.** in writing of his or her intention to discontinue contributions during the leave period, benefits coverage will be discontinued.

7.06 **Vacation and Leave Conflict**

- (a) An employee who is on parental or adoption leave may defer taking vacation until the leave expires or, if the employer and employee agree to a later date, until the later date, if
 - (i) under the terms of the employee's employment contract, the employee may not defer taking vacation that would otherwise be forfeited or the employee's ability to do so is restricted; and
 - (ii) as a result, in order to exercise a right to leave, the employee would have to forfeit vacation or vacation pay, or take less than his or her full leave entitlement.
- (b) Similarly, if an employee is on leave on the day by which his or her vacation must be completed, the uncompleted part of the vacation must be completed immediately after the leave expires or, if the employer and the employee agree to a later date, beginning on that date.
- (c) In the alternative, an employee may make a written request to forgo vacation and receive vacation pay rather than completing her vacation.

7.07 No employee who has completed the probationary period shall be terminated or laid-off solely because the employee has applied for leave in accordance with this policy.

8 APPENDICES

None.