

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 4.06.2
Section:	Benefits	Issued:	Jan 1, 2009
Subject:	PARENTAL/ADOPTION LEAVE – British Columbia	Effective:	Jan 1, 2009
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1 POLICY

- 1.01 (a) An employee who is the birth mother of a new-born child is entitled to Parental/Adoption Leave without pay, up to a maximum period of thirty-five (35) consecutive weeks in the case of an employee who takes Pregnancy Leave or thirty-seven (37) consecutive weeks if no pregnancy leave is taken.
- (b) An employee who is the birth father of a new-born child or an adopting parent of a child is entitled to Parental/Adoption Leave without pay, up to a maximum period of thirty-seven (37) weeks following the birth of a child or when a child comes into the custody, care and control of a parent through adoption.
- (c) If the child has a physical, psychological or emotional condition requiring an additional period of parental care, the employee is entitled to an additional five (5) consecutive weeks of unpaid leave beginning immediately after the parental leave ends.

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.

3 SCOPE

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

4 RESPONSIBILITY

- 4.01 Employees are responsible for providing at least four (4) weeks of written notice when requesting a Parental/Adoption Leave.

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 majority (age 19).
- 5.02 “**Parent**” means the birth father or birth mother 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.

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6 REFERENCES AND RELATED STATEMENTS of POLICY and PROCEDURE

British Columbia *Employment Standards Act* and Regulations

SPP HR 4.02 — Vacation and Vacation Pay

SPP HR 4.05 — Pregnancy Leave

7 PROCEDURE

- 7.01 (a) Employees, upon giving their immediate manager a minimum of four (4) weeks of written notice of their intention to take a Parental/Adoption leave, shall be granted the requested leave for a maximum period of up to thirty-five (35) consecutive weeks in the case of an employee who also takes Pregnancy Leave or thirty-seven (37) consecutive weeks for an employee who does not take Pregnancy 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/Adoption Leave begins on the day he or she stops working; and
 - (ii) the employee must, within two (2) weeks after stopping work, give written notice that he or she is taking Parental/Adoption Leave.
- 7.02 An employee who takes Pregnancy Leave and wishes to take Parental Leave must commence the Parental Leave immediately upon expiry of the Pregnancy Leave, without a return to work, unless agreed to otherwise by **John Watson Ltd** and the employee. Otherwise Parental/Adoption leave must commence 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 (a) On expiry of a Parental/Adoption Leave, an employee who returns to work shall be reinstated in the position occupied by that employee at the commencement of the leave, or if that position is not available, in a comparable position.
- (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) when operations are resumed.
- (c) On return to work the employee shall receive a pay rate that is equal to the greater of,
- (i) the rate the employee most recently earned; and
 - (ii) the rate the employee would be earning had he or she worked throughout

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the leave.

- 7.04 Parental/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 the Probationary Period.
- 7.05 During Parental/Adoption Leave, an employee who is eligible to participate in pension plans, life insurance plans, accidental death plans, extended health plans, and/or dental plans, may continue to participate in those plans unless the employee elects in writing not to do so, or the employee provides written notice that he or she does not intend to pay the required contributions, if any, to the plan(s). If employee contributions are required, the employee is responsible for paying those contributions 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 An employee may end a Parental/Adoption Leave earlier than planned by providing at least four (4) weeks of written notice of the date on which the leave is to end.
- 7.07 Unless an employee provides a written notice of termination, an employee who fails to return to work upon the expiry of a Parental/Adoption Leave is deemed to have voluntarily resigned his or her employment coincident with the expiry of the leave.
- 7.08 **Vacation and Parental Leave Conflict**
- (1) An employee who is on parental 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
 - (a) 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
 - (b) as a result, in order to exercise a right to leave, the employee would have to,
 - (i) forfeit vacation or vacation pay, or
 - (ii) take less than his or her full leave entitlement.
 - (2) 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

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a later date, beginning on that date.

- (3) An employee may also begin their vacation accrued and earned in the current period prior to the commencement of the parental/adoption leave.

7.09 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