



Tables 1, 2 and 5

Maternity and Parental Leave Without Pay

What are our demands?

- Waive the allowance repayment provisions if a term worker is re-hired within six months following the end of a term.
- Allow employees who move elsewhere in the public service to retain their maternity/parental leave allowance.
- Remove the restriction of parental leave without pay to a single period of up to thirty-seven consecutive weeks.
- Extend parental leave in situations of hospitalization.

Why have we proposed these demands?

Treatment of term workers

The current five day rule in the collective agreement treats term workers as if they were casual employees. This is clearly unfair and inconsistent with all of the other rules regarding continuous employment – particularly the *Terms and Conditions of Employment Regulations* – which clearly indicate a minimum of three months as constituting a break in service. The five day rule makes it very easy for the employer to interrupt an employee's service between contracts in order to be able to avoid paying or to reclaim the employer top-up in cases of maternity or parental leave without pay and effectively deprive term workers of maternity and parental benefits.

Term employment over three months has increased to 15% of all employment in 2001. Imposing a five day rule effectively denies a benefit to a group of workers most likely to use the allowance, given that the term population has a lower average age and a higher proportion of female workers compared to the public service as a whole.

Some federal employers make recurring use of term workers every year. The union is proposing a six month period because we do not want to exclude these workers, who might regularly work between six and eight months every year, from the maternity and parental benefits by adopting a three-month rule.

Mobility rights

The formation of separate employers, particularly large agencies, has created barriers to the movement between these employers and Treasury Board. A Public Service



BARGAINING ISSUE

Commission Mobility Working Group has specifically identified the repayment of maternity/parental leave allowances as an impediment to mobility that should be addressed.

The only way to remove this impediment is to allow employees who move elsewhere in the public service during, or shortly after a period of maternity or parental leave, the right to retain their allowance. This change would be consistent with agreements already achieved with Treasury Board that address the mobility of vacation leave credits.

Non-consecutive period of parental leave

The collective agreement language that restricts parental leave without pay to a single period of up to thirty-seven consecutive weeks is inconsistent with the provisions of the *Canada Labour Code*.

The requirement that the leave be taken in a single period is also inconsistent with the provisions of the *Employment Insurance* Parental Leave benefits program which specifically allows these benefits to be split into more than one period. It is particularly galling for our members who administer the Parental Leave program to be denied this right by their own employer.

Other federal employers including the Office of the Auditor General and the Canadian Museum of Nature have already allowed parental leave without pay to be taken in two or more periods.

Extension of leave in situations of hospitalization

This change is required in order to be consistent with the legislative provisions of the *Employment Insurance Act*. The Act allows parents to shift the 52 week period following the birth of a child by an amount equal to the period of hospitalization, provided that no extension is longer than 104 weeks.

What has been the employer's response?

The employer has tentatively agreed at some Tables to the extension of parental leave in situations of hospitalization. However, the other proposed changes remain outstanding.

