



UNIVERSITY OF WATERLOO

To: The University of Waterloo Community

From: Policy 14 Drafting Committee (PDC 14)

Date: 11 November 2020

Subject: Proposal for a revised Policy 14 – Pregnancy and Parental Leaves (including Adoption)

Dear Members of the UW Community,

At the direction of the Faculty Relations Committee (FRC) and the Staff Relations Committee (SRC), we are pleased to provide members of the UW community with the opportunity to review our draft revisions to Policy 14, a Faculty and Staff policy that governs pregnancy and parental leaves at the University of Waterloo. Please note that our revised draft policy has a new name: Pregnancy and Parental Leaves (including Adoption), and the Return to Work. The package, including this cover letter, also contains:

- A Fact Sheet, which provides a complete list of all the changes
- A Rationale document, which provides the rationale underlying the changes we are proposing
- The P14 draft proposal

The draft Policy 14 we present has been substantially enhanced to promote employment equity, especially given that UW is the only Canadian He4She academic institution and should thus strive to be a leader in terms of policies that support gender diversity among faculty and senior staff/administrative personnel. In 2018, UW was last among U15 Universities in terms of the percentage of faculty who were women and the aggressive new targets for CRC chairs (Fall 2019), requiring institutions like Waterloo to have 51% of both Tier 1 and Tier 2 CRCs be women by 2029, demand a progressive policy that supports employees, especially female-identified faculty members, and their families.

Our proposal for Policy 14 also improves the competitiveness of the benefits offered, especially since UW is currently last, among 18 Ontario universities, in terms of the amount of supplemental benefits provided to parents who are both UW faculty. Policy 14 was last updated in 2006, nearly 15 years ago, and since then many other academic institutions across Canada have continued to improve the supplemental benefits for pregnancy and parental leaves. The PDC-recommended changes will bring UW into the top three (3rd rank) in the province and locally these changes would move UW ahead of Wilfrid Laurier University in terms of supplemental benefits provided to faculty and staff employees.

In brief, this Policy 14 draft contains the following key changes:

- An increased number of weeks of supplemental maternity and parental benefits provided by the University to employees during their pregnancy and parental leaves - birth parents are now provided up to 35 weeks of supplemental benefits (*vs.* 23 in the current policy), while non-birth parents are now provided up to 20 weeks of parental benefits (*vs.* 17 weeks in current policy).
- Acknowledgement of employee commitments to the university by providing supplemental benefits relative only to length of expected employment
- No sharing of the supplemental parental benefits when both parents are UW employees
- Most new employees are now immediately eligible for P14 leaves and supplemental benefits, even if they are not yet eligible for Employment Insurance (EI)
- Updates to the Policy to account for 2017 changes to Parental EI (federal) benefits and ESA (provincial) Parental leaves (e.g. enabling employees to take a combined leave of up to 1.5 years)
- Clarification that Policy 14-based leaves are centrally funded for vast majority of employees, meaning such a leave confers no financial disadvantage to the unit responsible for the employee's salary
- Introduction of optional and much more flexible return-to-work arrangements, including 1) a temporary return-to-work option for the birth parent, between a pregnancy and parental leave; and 2) a temporary reduced workload option for parents returning from a parental leave
- Clearly delineated teaching workload adjustments for employees who have taken a Policy 14 leave

For a more complete list of changes contained in the draft policy, please see the fact sheet. For those keen to go beyond the extensive fact sheet list of changes and instead review the policy draft in detail, we suggest that a review of the policy is best carried out by reading the Rationale document side-by-side with the P14 proposal document. Some readers may prefer to begin their review of the policy draft by going straight to Table 1, which summarizes the available supplemental benefits for all employee eligibility categories. We hope that you will agree that this P14 proposal represents significant progress in supporting pregnant and parenting members of our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Glerum', with a long horizontal flourish extending to the right.

Moira Glerum, Chair
Policy 14 Drafting Committee



Fact Sheet: Summary of proposed Policy 14 changes

Below is a list of the changes, relative to the current Policy 14, in our submitted Policy 14 draft. The extensive lists below best highlight the proposed policy changes and are separated into a list of global changes, followed by changes that apply only to faculty and changes that apply only to staff.

Please keep in mind that the leaves of absence (e.g., birth and parental leaves) are job-protected leaves and these are, and must be, distinct from the supplemental benefit payments (e.g., maternity and parental benefits) in the policy.

Global changes to the policy:

- Policy title was updated to *Pregnancy and Parental Leaves (including Adoption), and the Return to Work*. Note the current Policy 14 title is *Pregnancy and Parental Leaves (including Adoption)*.
- State this policy does not apply to students
- State that when key provisions in either the provincial ESA legislation governing leaves of absence or the federal EI legislation governing EI maternity/parental benefits are updated, this should trigger an update to Policy 14
- Define explicitly, and hence more clearly than in current policy, employee eligibility for the leaves of absence & supplemental benefits with the creation of four employee eligibility categories
- Define that employee eligibility for supplemental benefits depends only on years of existing and expected employment, unlike the current policy in which the eligibility can vary between faculty and staff who have the same number of years of existing and expected employment
- Define how breaks in employment (e.g., between contracts) are to be handled for calculating years of existing or expected employment
- Note that employees having children should understand this policy, and may consult HR, prior to determining and discussing their plans with their manager
- Introduce new UW Pregnancy and UW Parental leaves of absence as enhanced versions of the mandatory minimum ESA Pregnancy and ESA Parental leaves of absence the current Policy 14 relies on. Key differences:
 - The UW Parental leave of absence is defined so that birth parents can temporarily return to work between their birth and parental leaves of absence (not allowed under the ESA leaves except in special circumstances). This equity enhancement aligns our leaves of absence with federal rules for EI, which allow birth parents to stop EI maternity benefits and restart EI parental benefits at a later date
 - A birth parent on UW Pregnancy Leave can now request a temporary return to work before they begin their UW Parental Leave (subject to certain conditions listed in the policy)
 - The 13-week waiting period for eligibility to take either a birth or parental leave is eliminated (no waiting period)

- Update policy for 2017 changes to the ESA legislation to provide the correct number of weeks of parental leave available (up to 61 or 63 weeks). Current policy incorrectly notes the available weeks of parental leave as up to 35 or 37.
- Provide details on rules surrounding leave start and end dates, as well as notice requirements, that are not provided in the current policy
- Elimination of an ambiguous section of the current policy (Section 5: Alternative leave arrangements) that we believe is not helpful, since triggering it implicitly requires negotiation. Instead, our policy largely eliminates the need for negotiating alternative leave arrangements by instead outlining the conditions under which 1) birth parents can temporarily return to work prior to their parental leave and 2) any parent on leave can return to work on a part-time basis after a parental leave.
- Numerous changes to the amount of, and the access to, UW Supplemental Maternity and Parental Benefits (e.g., see Table 1). UW supplemental benefits are what most employees understand to be the UW “top-up” to EI benefits. Key changes are:
 - Clearly state that the benefit amounts are relative to the employee’s “base pay”, not their “salary”, as in the current policy. Base pay is defined in Workday for employees and does not include various salary stipends.
 - Birth parents are now provided up to 35 weeks of supplemental benefits versus 23 in the current policy. This is broken down to:
 - 8 weeks of medically-related birth leave maternity benefits @100% pay (6 weeks in current policy)
 - 7 weeks of maternity benefits plus 20 weeks of parental benefits, both @95% pay (compared to a total of 17 weeks in current policy)
 - Non-birth parents now have 20 weeks of parental benefits @95% pay (compared to a total of 17 weeks in current policy)
 - For non-permanent employees with less than 5 years of employment (eligibility category 3), the weeks of available supplemental parental benefit are 4 weeks for every year of expected employment (years of employment plus remainder of current contract) yielding a maximum of 20 weeks total. No such prorating of benefits to expected employment period length is in the current policy.
 - UW employee couples no longer have to share the parental leave supplement; both parents are provided up to 20 weeks (current policy requires sharing of 17 weeks)
 - New employees (e.g., within their first year), no longer require EI eligibility in order to receive UW supplemental benefits
 - Updated for 2017 changes to the EI parental benefit legislation to account for the EI extended parental benefits option (over a maximum of 61 weeks); current policy is silent on what happens to UW supplemental benefit when employee takes these extended EI benefits.
 - Permanent employees (eligibility category 1) no longer have a waiting period of 6 months and are eligible for supplemental benefits as soon as they become an employee
 - Employees on a fixed-length contract (eligibility category 3) now have a waiting period of 12 months instead of 6 months
 - Employees receiving supplemental benefits are no longer required to return to work for 6 months (and sign paperwork to that effect); instead, only for employees who have been employed less than 5 years, we introduce supplemental parental benefit repayment requirements that, in short, require repayment for employees voluntarily terminating their employment earlier than expected. Note the current policy has a repayment clause (although it is quite different and less detailed than what we propose), so potentially

requiring employees to repay some of these benefits if they leave UW earlier than expected is not new.

- Description of the current practice surrounding who funds these benefits/leaves, which says that, for all employees (except those on soft money), supplemental benefits are paid centrally and we note that while the employee is on leave, the ongoing salary budget for the related position is maintained.
- Language ensures that the payment schedule of supplemental benefits to employees is not arbitrarily impacted by the time of year (e.g., surrounding Christmas holiday period)
- In the current policy, content in Section 3 (Salary and Vacation Entitlement) is revised and slightly expanded upon in the proposed policy (Section 11 - Performance Appraisal and Vacation Entitlement). Revisions also point readers to the relevant binding agreements defining how performance appraisal and vacation entitlements work for FAUW and CUPE.
- Staff and faculty are both provided optional return to work arrangements allowing them to transition back to work by first returning to work part-time, though they are not equivalent arrangements. With regards to pension and benefit processes during these arrangements, we use the same pension and benefit processes defined in Policy 59 (section 3).

Changes in the policy applying only to faculty:

- The time to tenure decision extensions were updated as follows in the proposed policy:
 - one year on notification to the Chair/Director and Dean for any pregnancy leave (also available under the current policy)
 - one year on notification to the Chair/Director and Dean for any parental leave for a non-birth parent spanning 20 or more weeks (current policy language does not specify length of leave required to trigger this, enabling non-birth parents to access a year extension for any arbitrarily short leave length)
 - one or two years, as decided by the faculty member, on notification to the Chair/Director and Dean for pregnancy plus parental leave spanning 72 or more weeks when combined (maximum tenure extension of one year in current policy)
- Additional detail for determining sabbatical and administrative leave credits for faculty on leave was added to the proposed policy (current policy simply indicates that such credit will be earned during each leave)
- Procedures for determining teaching duty arrangements for faculty associated with a leave are detailed in order to improve transparency and equity. While the current policy says that teaching duties will be reduced in proportion to the length of each leave, recognizing these leaves usually span fractional academic terms, we instead translate various leave lengths into number of terms where there should be no teaching (mainly whole terms, not fractional) – see Table 2 in the draft policy; procedures to translate those terms with no teaching into annual teaching load reductions (i.e., number of teaching tasks) are provided.
- We explicitly prohibit chairs/directors from deviating from the teaching duty arrangement procedures described above in order to enhance equity and circumvent the negotiation of other arrangements that may be desired by either faculty member or the chair/director
- We detail some new workload assignment protocols in order to improve transparency. In particular, building from the current policy (which states that a faculty member returning from leave should be required to teach in no more than two of the ensuing three terms), we clarify that the limitation of teaching in no more than two of the ensuing three terms upon returning to work only applies to regular faculty if their normal sequence of teaching duties involves one non-teaching term per year.

- Recognizing that 1) faculty members on leave are very rarely replaced with a new, temporary FTE faculty member to replace them and 2) the ESA allows for job-protected leaves that could extend for 78 weeks, we designed a temporary reduced workload arrangement (with a concomitant proportional salary reduction) specific to faculty within the policy. No such explicit arrangement is outlined in the current policy although the language is there enabling faculty members to attempt to negotiate for such an arrangement. Details are as follows in the proposed policy:
 - The period of reduced workload arrangement is limited such that the length of time the faculty member is actually on leave *plus* the length of the temporary reduced workload period does not exceed the maximum allowable length of leave the faculty member was eligible to take.
 - We recognize the need to align this increase in flexibility with the timing of the academic year by requiring that all such temporary arrangements will be scheduled to end in a) December, b) April, or c) August.
- Recognizing that the salary budget for almost all faculty on leave continues to be available, we direct faculty planning a leave, who have research program continuity concerns (e.g., due to field or laboratory supervision requirements), to have discussions with their Dean about ongoing research supports during the leave.

Changes in the policy applying only to staff:

- In recognition of the small number of staff instructors teaching courses, we instruct managers to adapt the teaching duty adjustment process to staff instructors as closely as possible.
- Staff on fixed-term contracts are now eligible for supplemental benefits (we understand they have not been given access to these benefits under the current policy)
- Recognizing that 1) staff are often replaced with a temporary FTE staff member and 2) the ESA allows for job-protected leaves that could extend for 78 weeks and 3) staff, like faculty, would derive important benefits from a temporary reduced workload arrangement upon their return to work, we designed a temporary reduced workload arrangement (with associated proportional salary reduction) specific to staff within the policy. This arrangement enables a reduction to a 50% FTE with a corresponding proportional salary reduction for a period of up to 20 reduced working days.

P14 - Pregnancy and Parental Leaves (including Adoption), and the Return to Work

Rationale Document

This working document provides rationale and justification for proposals contained in the P14 – Pregnancy and Parental Leaves (including Adoption), and the Return to Work draft document, which would replace the existing P14 document last updated 15 February 2006. This document has been used by the policy review committee as a record of our discussions and decisions. While this document is not perfect or exhaustive, we have decided to include it as part of the P14 draft submission process to SRC and FRC to provide rationale for the decisions made by the committee.

The first section of this document summarizes much of our high-level motivation and rationale for developing a completely revised policy, with the remaining motivations described in our two-page cover letter submitted to FRC/SRC with the draft policy. This document further provides specific drafting committee rationale for draft policy content items and decisions, organized by section number in the draft policy. We also flag a handful of decisions/suggestions that FRC/SRC might wish to consider providing our committee with specific direction on.

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Introduction and Motivation for Policy Improvements

Through the [Strategic Plan](#), UW commits to be a people-centered institution committed to genuine care, concern, respect, inclusivity and well-being for all. That pledge is reflected throughout this updated policy. This policy draft also supports the University of Waterloo’s vision of “connecting imagination with impact for a better world by building on UW’s

unconventional foundation, recognizing the reality of diverse community, connected through research, teaching and shared experiences”, and creating an “inclusive community for students, faculty, staff and alumni”. In keeping with the current benefits framework at UW, this policy applies to both Staff and Faculty, meaning that there is *one plan for all*. There are, however, portions of this document that are specific to female faculty members, an under-represented segment of the academic population that is crucial to UW’s future success and Strategic Plan implementation but is much smaller than other constituencies.

As part of the HeforShe framework in 2015, the University committed to:

- *Enhancing female faculty representation to improve the campus environment, driving towards parity in the future*
- *Attracting and advancing female leaders into senior academic and administrative university positions*

Fulfilling this commitment requires recognition of the specific challenges associated with pregnancy, parental leave, and adoption. Parental and family responsibilities are a documented key impediment to achieving gender equity in academia and professional aspects of life. The HeforShe movement, for which UW is the sole North American academic partner, invites people to implement specific, locally relevant solutions for the good of all humanity. It is therefore incumbent upon the University of Waterloo to take a leadership position in supporting people of all genders and identity expressions in pregnancy and parental leaves, including adoption.

Statistics Canada’s most recent data (2019) for Canadian universities show that, of full-time teaching staff (i.e. faculty), 41% were women, compared to 47% women in the Canadian workforce at large. In addition, the statistics also reveal the loss of women at higher ranks in the academy, with women representing 50% of assistant professors, 44% of associate professors and only 28% of full professors. Canadian universities have undoubtedly made progress as compared to 2008-12 (see [Figure 1](#)), when women comprised 32.6% of full-time faculty, accounting for 43% of assistant professors, 36.% of associate professors and 22% of full professors, (Council of Canadian Academies, 2012). When considered from the perspective that at that time 57.1% of students at the Bachelor’s level, 54.5% at the Master’s level and 46.7% at the doctoral level, respectively, were women (Council of Canadian Academies, 2012), it is clear that gender parity in the student population more than a decade ago has not yet translated into parity throughout the academy. Compared to Ontario universities (the U15 group of institutions), UW ranks last, significantly behind the 14th ranked institution, with women representing about 30% of the faculty complement ([Figure 2](#)) in 2018. While this represents an increase from 25.8% in 2011, it is still below the female faculty representation of most of the comparator institutions in 2011, demonstrating the clear need for policies to better support the drive towards gender parity in the professoriate here at UW. As suggested by the study panel for the Council of Canadian Academies (2012), “continued institutional transformation is ... important, in order to offer better support for a more diverse group of scholars and researchers,...” and we are now afforded such an opportunity through a revision of P14, which has not been updated since 2006.

The “Back to Work” report identified inconsistencies and inequities in handling of P14 leaves across the UW campus, between departments and faculties (Boluk et al, 2019). This report was based on interviewing 15 female faculty at UW who recently completed a leave under P14, a number approximately equal to the average annual number of female faculty taking a P14 leave. According to the authors, the current P14, which dates from February 2006, lacks clarity on several fronts, including performance review expectations for faculty on leave and allocation of salary funds for the individual on leave.

The current benefits provided by P14 at UW are not competitive when compared to any other post-secondary institution in Ontario. For example, when compared to supplemental benefits available to faculty at other Ontario Universities, UW ranks 16/18 in terms of the benefit value to an individual employee. When viewed through the lens of a couple, both of whom are employed at the University, UW ranks last at 18/18. We estimate that the top 4 institutions (Carleton, Ottawa, Guelph, Brock), provide 50-123% more supplemental benefits to a female faculty member taking pregnancy and parental leaves.

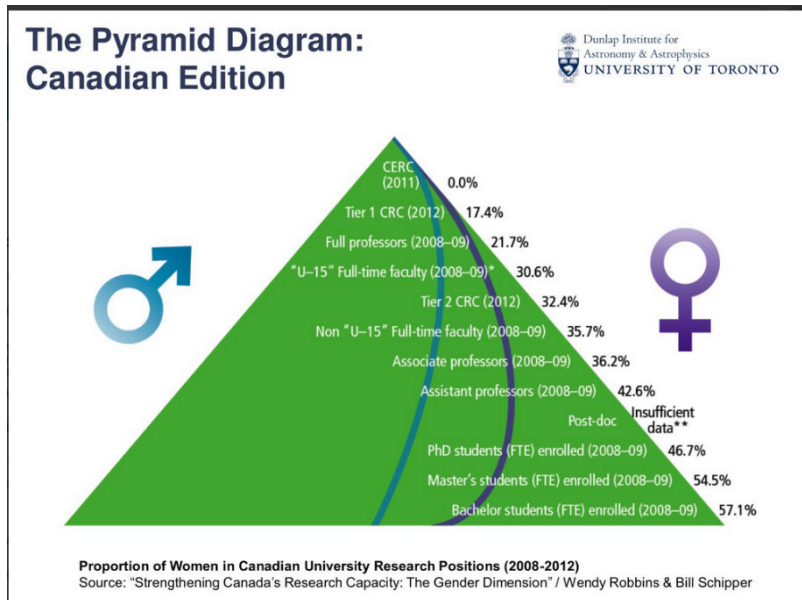


Figure 1. [Female Representation in University Research \(2008-12\)](#)

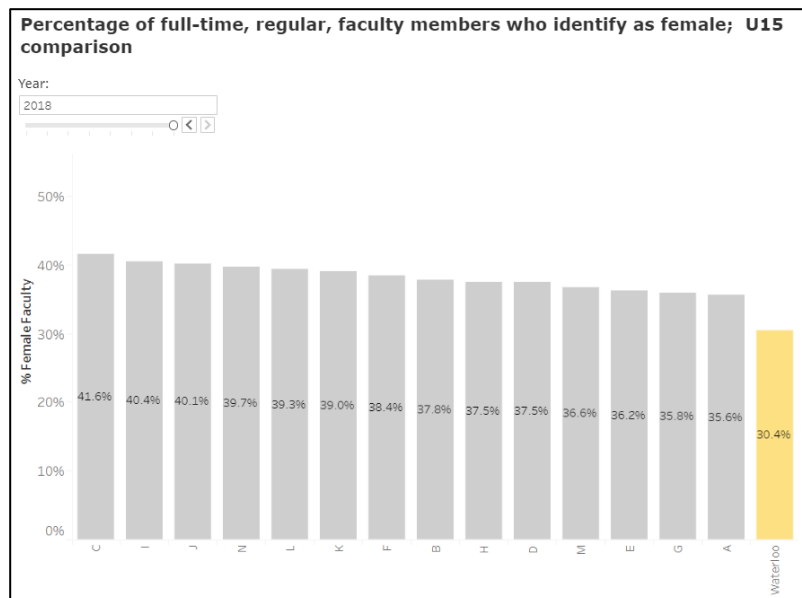


Figure 2. [Percentage of full-time, regular, faculty members who identify as female; U15 comparison.](#)
Source: <https://uwaterloo.ca/institutional-analysis-planning/university-data-and-statistics/faculty-data/faculty-gender>

An abundance of anecdotal evidence – and data in the peer-reviewed literature – support the understanding that the use of pregnancy/parental leaves comes at a ‘cost’ that is greater for women and especially so for those in STEAM fields. A feature article in the British Medical Journal stated that “institutions, from universities and research funders to health services and

laboratories, will thrive if they stop penalizing women for childbirth and reward men for time spent with family.” (Garrett, 2018). Rebecca Calisi, a neuroscientist at UC Davis, made an observation that precisely summed up the costs of combining a family and a scientific career in a recent opinion piece for Scientific American. Dr. Calisi states that “Sometimes when I hear exclamations of “we need to inspire more women to pursue the sciences!” I think: We’re here! We want to do science! But how can we when, to advance, we’re forced to run at double the speed of our male colleagues on a career track clouded by bias and covered in LEGOs?” (Calisi, 2018). In addition to anecdotes such as this, peer-reviewed data are accumulating that quantify the magnitude of the challenge. A study that examined the impacts of becoming parents on the careers of both new mothers and new fathers in STEM disciplines (Cech, 2019) found considerable attrition for new mothers, as 43% of women left their full-time employment after having their first child. The researchers also found a 23% loss of new fathers from full-time STEM employment. While this trend was observed across a wide variety of STEM job categories, including academia, the authors state that STEM-focused workplaces, in general, must do more to support parents who are STEM professionals, but also have children. A recent study from Quebec found that the availability of paternity leave was positively correlated with a higher incidence of fathers taking such a leave when compared to other regions of Canada (Mayer and Le Bourdais, 2019). Given the above, and the Father’s Day 2019 tweet from President Hamdullahpur, which encouraged all fathers to take the leave available to them, our proposed policy therefore also improves support for fathers and non-birth parents.

The Boluk (2019) report noted above is at least the second local UW report detailing concerns and suggested changes to Policy 14. In 2012, a five member working group produced a [166 page faculty work-life balance report called “Striking the right balance”](#) (DeVidi et al, 2012) for the Provost and President of FAUW. Eight of this working group’s recommendations (almost a third of all their recommendations) involved changes related to Policy 14 language and/or practice. Indeed, our redesign of Policy 14 ultimately addresses nearly all of the 2012 recommendations.

Section-by-Section Rationale

The following sections of this document provide specific drafting committee rationale for draft policy content items and decisions, organized to parallel the section numbers in the draft policy. **The content below is not meant to be stand-alone; rather, each section of the draft policy should be reviewed first and then readers should review the corresponding rationale section.**

Scope - Section 2 of P14 draft

All faculty and staff employees will be covered by this policy. Graduate students are not covered in this policy and are administered through the Graduate Studies and Postdoctoral Affairs office. Post-doctoral fellows (PDF) are covered in the current Policy 14 and in our draft policy.

Legal Framework - Section 3 of P14 draft

Maintaining the most equitable and transparent policy requires that the policy content stay up-to-date with changes to provincial legislation, governing job-protected leaves of absence (ESA), and to federal legislation, surrounding EI. Therefore, we add language to ensure that the policy is updated when there are key changes to the ESA or EI. Past updates to the policy, or guidance to employees, for recent changes to the ESA or EI have not been timely.

Principles - Section 5 of P14 draft

1. **Employee health and family well-being are promoted and facilitated.**

Through the [Okanagan Charter](#), UW commits to the “use of a health and wellness lens in its planning and to inform its policies and procedures in response to a changing world”. This policy has been updated to promote better health for employees and their families through more inclusive benefits. In a study of pre-tenure women at UW, the majority of those interviewed felt that disclosing the need for a leave was perceived in a negative light by departmental chairs and colleagues (MacEachen, 2018). Our proposed tenure clock extension of up to two-years, as well as the availability of flexible return-to-work arrangements, are important additions that will support the health of all employees wishing to take a pregnancy/parental leave. Perhaps most importantly, we have removed the necessity to be eligible for Employment Insurance (EI) as a criterion for receiving the supplemental maternity and parental benefits, so that new female employees arriving at UW close to their due date are not disadvantaged. The uncertainty and significant financial ‘hit’ incurred under such circumstances have understandably profound negative impacts on employees, making such an eligibility clause unacceptable in 2020.

2. **Competitive supplemental benefits are provided to all eligible employees during leaves of absence.**

Our committee firmly believes that our supplemental benefits need to be much more competitive, particularly for female employees. As recommended in the 2012 UW work-life balance report (Recommendation 5.4), UW must regularly review the provisions of P14 as compared to the policies of competitor universities - and make changes to ours to ensure competitiveness. Non-competitive benefit levels will make it very hard to impossible to increase our proportion of female faculty at UW, since this requires both recruitment and retention. The “Back to Work” report (Boluk et al, 2019) disclosure of experiences of female faculty at UW taking P14 leaves certainly does not bode well for retention.

Considering that the federal government has new (as of Fall 2019) and aggressive targets for CRC research chairs requiring that institutions like UW have 51% female representation in both Tier 1 and Tier 2 CRCs by 2029, we believe the new P14 will allow UW to be viewed as a leading institution for support of pregnant and parenting faculty.

We initially believed that UW should endeavor to be sector-leading for these supplemental benefits. However, given the increased fiscal pressures under the new provincial government and the added uncertainty due to the COVID-19 pandemic, we believe that our proposed supplemental benefit levels (ranking us third in Ontario universities for faculty benefit levels, and relative to post-secondary institutions in the region, now ahead of Laurier but still behind Conestoga College) are high enough to have a positive impact, since they are combined with truly unique levels of flexible return-to-work options for employees on leave.

3. **Eligibility for supplemental benefits is not contingent on employee type (e.g. Faculty, Staff, etc.)**

Waterloo must change the culture of how this benefit is currently applied. Currently, P14 provides eligibility only to employees considered “regular UW employees”. The word “regular” refers to an employment relationship without a scheduled end date; however, employees with definite term appointments (academic positions) are considered “regular” for the purposes of current P14 eligibility, depending on the length of their initial appointment and/or subsequent appointments. The proposed P14 revision eliminates this differential treatment between academic and non-academic employees, ensuring that eligibility is based on employment duration (existing or employment period to date plus the expected future employment period) instead of employment classification. Specifically, this proposed revision would provide staff on contract with access to P14.

4. **Employees are treated consistently across the University, in a transparent manner.**

P14 (last updated in 2006) is currently viewed/experienced as being far from transparent in its implementation, particularly for female faculty members who describe widely differing experiences in applying for/taking these leaves. This has been a long recognized problem on campus (i.e., 2012 UW Work-Life Balance report, which discusses concerns with Policy 14 at length). The “Back to Work” report (Boluk et al, 2019) recommended mandatory training for Chairs, Deans and faculty campus wide. In addition, the REDI (Research Equity, Diversity and Inclusivity) Council recommended proposing a check-in person who is not a Chair (or direct report) to ensure the Policy is implemented consistently and support is being properly provided. Rather than developing new training specifically for P14 and requiring a new position for arms-length oversight of these leaves, our proposal provides improved clarity and detailed procedures regarding all aspects of P14 leaves.

5. **Supplemental benefits payable to employees during leaves of absence are normally funded centrally.**

This principal does not represent a change in practice, as UW has centrally funded supplementary benefits under Policy 14 for many years for the vast majority of employees (e.g., those whose positions are funded out of the operating budget). What we are attempting to do is to change the culture at UW by ensuring that every stakeholder understands how Policy 14 leaves are funded. This culture change is fundamental to improving equity for women on campus.

Almost ten years ago, the [2012 UW Work-Life Balance report](#) recommended (Recommendation 4.1a, 3.1b; DeVidi et al, 2012) that UW should centrally fund the supplemental benefits provided to faculty members during pregnancy/parental leaves. In 2012 (and since at least 2008), these supplemental benefits **were in fact already centrally funded** - and this central funding continues to this day under the Waterloo Budget Model (email confirmation of this from the past Deputy Provost Susan Tighe). The understanding of this existing practice was not at all widespread on campus when our committee started our work in 2017 and is still not universally understood, and so our P14 draft clarifies that the P14 supplemental benefits are centrally funded, such that the academic or academic support unit of the employee on leave continues to receive the employee’s salary without the encumbrance, resulting in no financial disadvantage for the unit. Given the long history of misunderstanding, we believe it is imperative that P14 highlights this funding approach in order to encourage and best support employees taking these leaves.

While this central funding practice applies to the vast majority of faculty and staff, it should be noted that there are a small number of soft-money employees whose P14 supplemental benefits are not currently centrally funded (e.g., post-

docs, research professors, research staff and even a very small number of lecturers), leaving the unit to be seemingly responsible for paying for their supplemental P14 benefits. Some members of the committee believed that a consistent central funding approach for P14 (e.g., central funding for these benefits for soft money employees) would be more equitable, but we ultimately decided to remain silent about how P14 leaves for soft money employees are funded, given the complexity involved.

6. Employees paid through Human Resources payroll processing with appointment intensities of 33% or greater have access to supplemental benefits during their leaves of absence.

The current P14 is silent on required appointment intensity and how breaks in employment are handled. Eligibility for supplemental benefits must be as explicit as possible in the policy. This has been defined in the new P14, i.e. see Section 7 where we now state that “separate periods of employment will be added together, provided the appointment intensities were all at least 33% and the time between employment periods was less than 26 weeks.” We designed this eligibility statement based on the UW Pension eligibility requirements (detailed rationale later in this document).

7. Employees have equal access to supplemental benefits during a Parental Leave, regardless of gender. Parental Leave and supplemental benefits are not shared between two parents, if both are University employees. Supplemental maternity benefits for the medical portion of the pregnancy leave are provided only to the birth parent.

We have ensured an equitable inclusion of all parents for the parental leave portion of the policy by not requiring parents who both work at UW to share (i.e. split) the parental leave benefit between them, as is currently the case. In addition to the poor supplemental benefit levels under the current P14, relative to other institutions as described above, our analysis of equivalent Policies at other Ontario Universities showed that at least five Universities do not require both parents in a couple, who are both employed at the University, to split the supplemental parental benefit between them. In our consultations, this required sharing was a key concern for male employees. The effect of such benefit splitting has significant negative financial implications for parents who both work at UW and adversely impacts the potential for recruitment of couples with a “two body problem” (i.e., both members are seeking employment at the same institution). For example, for a UW parent married to a Laurier employee, each has access to the supplemental parental benefits provided by their respective institutions (no sharing). Finally, this change in P14 is appropriate given that UW coordinated the insured Benefits Plans for UW employee couples (i.e., did not require sharing) [in 2012](#).

Overview of Legislation Pertaining to Leaves & Benefits - Section 6 of P14 draft

We propose leaves of absence referred to as UW Pregnancy Leave and UW Parental Leave. These are new relative to the current policy and exceed the corresponding provincially mandated leaves of absences. We propose these improved leaves of absence in order to provide birth parents the temporary return-to-work option (see Section 8 of the new policy) between their pregnancy and parental leaves. Such flexibility is prohibited under the minimum provincially mandated leaves of absence.

The final paragraph in section 6 of the policy draft is needed because, relative to the current Policy, this new language enables the University to save a substantial dollar amount per year (based on leave statistics over the past 5.5 years). In current practice, UW does not integrate benefits with EI during the Birth Leave. Instead, qualifying birth parents are paid 100% of their base pay through payroll for the first six weeks around the birth of their child, a period when they would normally

already qualify for EI benefits. Simply put, the University is currently paying 100% of base pay for five weeks to birth mothers on leave rather than offsetting these costs with the available federal EI benefits.

Employee Eligibility Categories - Section 7 of P14 draft

New eligibility categories were created to honour the commitment that employees have made or will make to UW throughout their working career. Our committee was unanimous that supplemental benefits should be provided to employees for their commitment (e.g., service or period of employment) to the institution, not on the basis of employee type (e.g., staff versus faculty). We specifically believe that equal length periods of *past* commitments (e.g., period of employment to date) and *future* commitments (length of remaining contract) to the institution must be valued more equally than in the current policy. These new categories encompass more of the ‘precariat’ (i.e., employees on recurrent definite term contracts) and rectify what the majority of our committee feel are long-term inequities/errors in administering supplemental benefits. A detailed breakdown of each eligibility category can be found in the UW Supplemental Maternity and Parents Benefits section 9 of draft P14.

Why 5 years of employment as a threshold? Current P14 provides a maximum amount of supplemental benefits to the birth parent and the non-birth parent in return for a total of only one year of active employment. This one year of active employment seemed too short to us - and definitely insufficient considering we are proposing a substantial increase in supplemental benefits (especially for the birth parent). Instead, our committee felt that a five-year commitment was a more appropriate threshold as that time-period comprises a strong commitment to UW. Five years also seemed reasonable given that the [average length of service](#) of UW employees is about 12 years and that the staff turnover rate is low. In return for five years of employment (whether in the past or expected in the future), UW would show its strongest commitment to employees by providing the maximum available supplemental benefit levels to employees on UW pregnancy or parental leave. As described later, employees who do not reach this five-year threshold would normally have their supplemental parental benefit levels prorated.

Why 2 years of employment as a threshold? Current P14 practice requires a minimum of a two-year contract in order to be eligible for supplemental benefits (for faculty). So, to remain consistent, we use two years as the threshold of past or future expected employment in order for employees to be eligible for supplemental benefits.

Current P14 supplemental UW benefit eligibility requires EI eligibility. Decoupling EI and UW eligibility allows UW to pay equal supplemental benefits to all employees who must take a leave. This is especially important for new UW employees who have not contributed to EI (for the qualifying duration) prior to arriving at UW, some of whom are highly sought-after and skilled employees, i.e. academics arriving from another country, previously supported by a fellowship or other research award, or starting their first job at UW. Our analysis of equivalent policy at other Ontario Universities (for faculty) showed that at least six other Universities do not tie supplemental benefit eligibility to EI eligibility. The existing eligibility requirement at UW has negatively impacted faculty members who were not able to time their maternity leave with their EI eligibility for biological reasons.

Eligibility for supplemental benefits must be as explicit as possible in the policy – we received consistent feedback that the current P14 is unclear. The draft P14 now states that “separate periods of employment will be added together, provided the appointment intensities were all at least 33% and the time between employment periods was less than 26 weeks.” We designed this eligibility statement based on the UW Pension eligibility requirements that 1) require employee is at 33% or

higher FTE for pension and non-pension benefits (see the [UW pension and benefit handbook](#)) and 2) for pension purposes, two separate periods of employment are considered to be continuous employment provided they are not separated by more than 12 months (see the [UW Official Pension Plan](#)). The committee felt that 12 months between two separate employment periods was excessive and that instead, half that time (or 26 weeks), was sufficient as this covered, for example, seasonal CUPE employees who are not employed over the summer.

UW Pregnancy and Parental Leaves - Section 8 of P14 draft

Why are “UW” Pregnancy and Parental leaves needed? In order to improve equity in the policy, our committee wanted to improve upon the provincially legislated ESA Pregnancy and Parental leaves of absence and so we defined UW-appropriate leaves of absence. Importantly, our leaves can’t be more restrictive than the ESA leave conditions.

Our draft policy states that “Employees should understand this policy, and may consult HR, prior to determining and discussing their plans with their manager.” While our committee considered that there would be value in central policy support for faculty, we were split on where that could be developed (HR vs. HREI vs. individual faculty EOs). However, the committee did feel that responsibility for understanding this policy completely should not fall on Department Chairs. We saw real value, as recommended in the 2012 work-life balance report (see Recommendation 10.2; DeVidi et al, 2012), in a central resource person dealing with P14 impacts on faculty. Given the operational implications for such a suggestion, we decided to keep this aspect of the draft policy simple and instead wanted to flag this for consideration by FRC.

Request for direction:

We ask FRC to consider if, and where, a central resource should be created to support consistent decision-making under the new P14 for faculty.

UW Pregnancy Leave

Our committee carefully debated the format and detail in our list of bullets describing UW Pregnancy and Parental leaves of absence and came to the consensus that stakeholders reading the Policy should not normally have to locate, and then simultaneously read, provincial ESA regulations in order to understand the core aspects of their leave. The list needs to be thorough in order to be transparent. We view the current list in the draft as providing sufficient detail from the ESA, such that most employees would not need to read the ESA. However, because we have not repeated every ESA detail in the draft policy, we refer readers to the ESA in order “to understand the full scope of the leaves available...”.

The following list explains the rationale behind the other specific decisions we made regarding UW Pregnancy leave:

- **Why no waiting period?** The 13-week waiting period for eligibility to take either a birth or parental leave, as required in the ESA, is eliminated. Rationale for the waiting period parallels that of eliminating the requirement for EI- eligibility (see Section 9 rationale later below).
- **Why new/explicit language about the relationship between sick leave and pregnancy leave?** Whenever a birth parent is eligible for sick leave, pregnancy-related sick leave will precede the pregnancy leave. Importantly, however, the language must be written to enable the use of pregnancy leave in the rare event that the birth parent is not eligible for sick leave.
- **Why only 2 weeks/4 weeks’ notice?** These are the notice requirements for ESA Pregnancy and Parental leaves and so we could not be more restrictive than that (i.e., require more notice) in our UW Pregnancy or

Parental leave notice dates. The P14 draft UW Pregnancy leave respects the ESA requirement, but *encourages* employees to provide 2 months' notice to their employer. Maximizing the collegial administration of leaves with more advance notice will allow for better workplace planning.

- **Why no end date of leave required?** The ESA does not require employees to provide an end date for their leave so we could not be more restrictive than that (i.e., require an end date be provided) in our UW Pregnancy or Parental leaves.
- **Why require a note to return to work earlier than 8 weeks after giving birth?** This requirement is in the current P14 (a note required to return to work before the 6 weeks of medically-related part of the leave is completed) and we saw no reason to eliminate it in the draft policy.
- **Why 17 weeks as a threshold for stillbirth/miscarriage to still be eligible for UW pregnancy leave?** This is the threshold used in the ESA. However, in the event of a miscarriage or stillbirth more than 17 weeks before the due date we instruct employees to seek support and discuss sick leave with a medical practitioner and UW Occupational Health.
 - Regarding miscarriage or stillbirth within 17 weeks of the due date, our draft policy provides a UW pregnancy leave that can span up to an additional 17 weeks from the date of the loss, regardless of the UW Pregnancy leave status at the time of the loss. This goes above the required 12 weeks of leave available under the ESA Pregnancy Leave.

Why is the temporary return to work option for birth parents so important? This new option in the draft policy eliminates a substantial structural inequity for birth parents built into our current policy. In the current policy, non-birth parents have the flexibility to start their parental leave of absence in a way that optimally balances their family and professional needs (for example, for faculty, this might be timing their leave around the deadline for a large research grant submission or in order to teach their favourite course). Birth parents do not currently have this flexibility. Indeed, birth parents have NO flexibility on selecting the start date of their parental leave when compared to the flexibility for non-birth parents, who can start their parental leave anytime within a 78 week period after their baby is born. Our proposed approach is family friendly and very flexible. As detailed in the “Back to Work” report (Boluk et al, 2019), many female faculty members feel immense pressure to continue being productive, even during Pregnancy and Parental leaves and our consultations revealed that almost all female faculty members continued to work (for free) during their leaves. In addition, Recommendation 4.1 from “Striking the Right Balance” (DeVidi et al, 2012) suggested that “The University should make more effective use of the flexibility in its existing policies to make suitable arrangements for faculty who take family leaves while on the tenure clock...”. The flexibility of being able to come back to work for a term will allow the birth parent to be remunerated for their efforts and foster parent-child bonding for the non-birth parent. This equity enhancement also aligns our UW leaves of absence with federal rules for EI, which allow birth parents stop EI maternity benefits and then restart EI parental benefits at a later date. Based on the statistics of P14 leaves over the last 5 years, we expect the numbers of birth parents requesting this implementation will be very low. We strongly feel, however, that offering this degree of flexibility to a demographic that is significantly under-represented in academia is an important step toward addressing this imbalance. Given our list of considerations for approval of the request, our committee does not foresee any reason why a department Chair/Director would prohibit a faculty member from temporarily returning to work. However, our language is purposefully flexible here. Because of this, and because other parts of this temporary arrangement could become an opening for negotiation, our committee thinks a central resource person (e.g., see above request for direction from FRC) to assist with this, and thus ensure equality, is something that would be of great value.

Why should there be 4 weeks/16 weeks' notice for the temporary return to work arrangement for faculty?

We felt 4 weeks notice should be sufficient in the event a faculty member was returning to work without an expectation to teach. However, in the event a faculty member was returning to work for a term in the hopes of teaching a certain course, we felt that the only way this would be feasible from a departmental/school planning perspective would be to provide 16 weeks notice (i.e. approximately one academic term). We also felt most birth parents contemplating such an arrangement would be planning this well in advance.

UW Parental Leave

Similar to the UW Pregnancy Leave section, we felt a thorough list of bullets was appropriate to describe UW Parental Leave. We also felt a separate list of bullets (despite some redundancy) was most appropriate and most clear, given that non-birth parents should not have to read through pregnancy leave details in the policy.

The following list explains the rationale behind the other specific decisions we made regarding UW Parental leave

- Draft policy is updated for 2017 changes to the ESA legislation to provide the correct number of weeks of parental leave available (up to 61 or 63 weeks). Current policy incorrectly notes the available weeks of parental leave as up to 35 or 37.
- Employees may commence their leave up to 78 weeks after the birth of their child, in keeping with 2017 federal legislation regarding enhanced/extended maternity/parental leaves.
- As in the ESA, we define a “parent” as a person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as their own, which includes same-sex couples and trans-gender couples.
- **Why only 2 weeks/4 weeks' notice?** See above under UW Pregnancy Leave.
- **Why no end date of leave required?** See above under UW Pregnancy Leave.

Supplemental Maternity and Parental Benefits - Section 9 of P14 draft

A significant change in our draft for P14, highlighted in Principle #5, is the explicit description of the vast majority of P14 leaves as being funded centrally, rather than at the level of the individual academic or academic support unit. Former Deputy Provost Susan Tighe kindly provided the wording for the paragraph outlining this fact (paragraph 2 in Section 9). Indeed, the “Back to Work” report requested transparency with regard to salary funds and their re-distribution during P14 leaves (Boluk et al, 2019). In addition, Boluk et al (2019) report significant confusion around pay structure from the Human Resources perspective, which is why we have provided very specific language with regard to not only the amount of the supplemental benefit, but also how it relates to possible EI top-ups and the manner in which that benefit will be paid out over the course of the leave. It is critical that all units and employees understand that the unit continues to receive the full salary amount while the employee is on a UW Pregnancy or UW Parental Leave, which means the unit does not suffer financially with the leave but rather is able to fund a replacement (staff) or pay a sessional to cover the teaching commitments of the employee (faculty member) on leave.

The P14 draft provides birth parents with up to 35 weeks of supplemental benefits (vs. 23 wks in current policy). This is comprised of: 8 weeks of medically related birth leave maternity benefits @100% base pay (6 wks in current policy), plus 7

weeks of maternity benefits and 20 weeks of parental benefits, all @95% base pay (compared to a total of 17 weeks in current policy). Our committee determined that the 6 weeks of medically related birth leave in the current policy was neither reflective of the reality faced by many mothers nor the standard offered elsewhere. Non-birth parents now have 20 weeks of parental benefits @95% base pay (compared to 17 weeks total in current policy). Non-permanent employees with less than 5 years of employment (eligibility category 3), are eligible for 4 weeks of supplemental parental benefit for every year of expected employment (years of employment plus remainder of current contract) to a maximum of 20 weeks total. No such prorating of benefits to expected employment period length is in the current policy.

The P14 draft defines supplemental benefit amounts relative to an employees “base pay”. The current P14 defines these amounts relative to “salary earned immediately before the leave” and our committee was given to understand that this has led to confusion about whether the salary amount in question included various stipends. In order to eliminate any confusion, our committee believed it appropriate to utilize “base pay”, which is a quantity reported in the Workday payroll system, and is the salary amount before any stipends.

The policy draft also introduces a significant change by decoupling EI eligibility from eligibility for P14 supplemental benefits. Indeed, the committee was unanimous in finding it unacceptable that the P14 supplemental benefits be tied to EI eligibility. The Committee envisioned multiple scenarios where the link between EI and P14 was detrimental to the culture at UW. The most striking example of an employee falling into this category is a highly trained and accomplished academic arriving on campus, pregnant and not eligible for EI, given the (sometimes) lengthy periods that exist between signing of a contract and subsequent arrival on campus. In the past, these employees were not eligible for the P14 benefit without concurrent EI eligibility. There are many reasons for a lack of EI eligibility. Potential faculty candidates who have received doctoral degrees or carried out post-doctoral training abroad, even if they trained in Canada, might not be EI eligible. Many of these candidates are competitive enough to have received doctoral/post-doctoral fellowships, but since these awards are not considered earned income, the candidates do not qualify for building hours worked towards EI. In addition, international recruitment for highly talented faculty and staff also brings employees to UW who are not EI-eligible. In the University’s newly adopted [Strategic Plan](#), internationalization is a key cornerstone. “Internationalization will bring diverse talent from around the world to our campus while giving students and researchers more opportunities to build relationships globally.” ([UW Strategic Plan](#), 2020). The removal of the EI eligibility is a critical element of our P14 proposal and ensures that international scholars **and** newly hired female faculty will not be penalized for their extended periods of training abroad or for their excellence.

This will result in EI-ineligible employees receiving less income while on a UW Pregnancy and/or Parental Leave than peers that are EI eligible, because EI-ineligible employees do not have their EI shortfall covered by the University in our current draft. Although the committee decided that non-EI eligible birth parents should have their EI shortfall covered by the University during the medically-related part of their pregnancy leave (first 8 weeks), the committee was split on the determination to offer full supplemental benefits in all other situations where parents are ineligible for EI and, as such, the current draft policy does not have the EI shortfall covered by the University in these situations. In these situations, therefore, an employee’s total income would not be 95% of their base pay, it would instead be 95% base pay less the EI amount they would have received if they were EI eligible.

It is useful to note that employees can be EI-eligible but their EI benefit payable can be reduced from the maximum available due to other sources of income (the EI benefit payable is an amount reported to the University and the maximum available is also known). In this case, the supplemental benefits provided by the University will not exceed the amount payable if the EI benefit payable had not been reduced.

Employees taking a leave may, understandably, find the amount of available information overwhelming. The table in Section 9 provides an overview of the maximum duration and level of supplemental UW income benefit for employees in each eligibility category and all available EI benefits. The categories were discussed by our committee in great detail and are explained below:

Category 1

New FTEs who are expected to remain employed at UW for a significant duration can receive the benefit as early as their first day of employment. This category was specifically designed as an employee recruitment and retention tool with the understanding that the hiring process in academia can take a significant amount of time. Employees may be arriving from outside of Canada or may not have contributed sufficient hours to be EI-eligible prior to commencing their position at UW. These employees will now be immediately eligible for the leaves and supplemental benefits as soon as they start working at UW.

Category 2

This category captures employees who have been on campus for at least 5 years on different or continuous contracts, who are not in category 1. This category acknowledges their commitment to UW and provides them access to the same supplemental benefit levels as permanent employees in Category 1. The current UW benefit plan describes continuous service as “periods of employment separated by a period of not more than twelve (12) months”. To make seasonal employees who are not hired on full-year contracts eligible for P14 supplemental benefits, the committee concluded that allowing up to a 26-week break in employment would be reasonable. Note that we also intentionally used the term “years of employment” in the Policy draft since this is more precise than “years of service”.

Category 3

All employees who have either been employed at UW for 2 to 5 years or are currently on a contract of 2 years or more will be eligible for the UW leaves and supplemental benefits. The maximum period of UW Supplemental Parental Benefits will be prorated based on their existing and expected years of employment at UW. It was important that any employee in this new category not receive fewer supplemental benefits than they would have under the current policy.

Category 4

All other employees will not be eligible for UW leaves of absence or supplemental benefits within this policy. This normally includes short-term contracts, including one-time sessional appointments. Employees in this category may be eligible for provincially mandated ESA pregnancy and parental leaves of absence.

We have crafted our proposal based on a five-year commitment of the employee to the University, as explained above for Section 7. Academic positions are highly sought-after, and the committee strongly believed that an employee who has already committed five years to UW should be treated similarly to a new employee who intends to commit five years to the university.

There is no longer a waiting period of 6 months for new employees who are recruited for long-term positions (Category 1 and 2 employees) to foster the retention of these employees. Again, the “Striking the Right Balance” report (DeVidi et al, 2012) suggested that the requirement that one be employed at Waterloo for six months prior to receiving the family leave top up should be eliminated. DeVidi et al. (2012) also suggested UW should consider “... whether the requirement for remaining employed at Waterloo for six months after a leave serves any purpose.” and we have indeed removed that requirement in the current policy draft. However, we have also explicitly stated that employees in Category 1 or 2 who voluntarily leave the University before fulfilling the expected long-term commitment to the university (i.e., less than five years) must repay a portion of their Supplemental Parental benefits. We have provided a Table in the Appendix to P14 that lays out the repayments required, including an explanation regarding the calculations used to determine these amounts.

Supplemental Maternity benefits

Since the maternity benefit provides 100% of base pay for up to eight weeks, all UW employees on a P14 maternity leave will receive 100% of base pay, regardless of EI-eligibility. This provision is appropriate given that such an employee might otherwise be eligible for a sick leave of the same duration that would also provide 100% of base pay. The following (up to) seven weeks of the leave provide for 95% base pay less the EI maximum amount, so EI-ineligible employees would then see a (significant) reduction in the amount of the supplement. For an Assistant Professor earning a base pay of \$90,000 p.a., based on the current EI maximum of \$573, that employee would then effectively be receiving 65% of their base pay. Based on the need to have worked 600 hours to be EI-eligible, we believe that most employees arriving on campus needing to take a P14 leave would likely be (nearly) EI-eligible by the end of the Maternity Leave period. The policy also recognizes the mental and physical hardship that follows a pregnancy loss and the need for additional leave time following such a loss.

Supplemental Parental benefits

As with the remaining seven weeks of the Maternity benefit, the Parental Leave benefit provides 95% of base pay, less the maximum amount of EI. As outlined above for the Maternity supplemental benefits, we feel that virtually all employees beginning a Parental Leave will be EI eligible and thus will effectively be receiving 95% of their base pay.

We are also proposing that the P14 benefit should no longer need to be split between parents if both members are eligible UW Faculty/Staff. This is in keeping with the practice at a growing number of Ontario universities who do not require faculty to share supplemental parental benefits. This is also in keeping with how UW does not require employee couples to share their insured benefits (prior to 2012, UW did require sharing insured benefits).

Tenure and Sabbatical Considerations for Regular Faculty - Section 12 of P14 draft

Tenure

Gender-neutral policies with respect to extensions (or stops) to the “tenure clock” have become increasingly widespread in academia over the last two decades. However, a 24 June 2016 (Wolfers, 2016) New York Times article stated that “giving birth is not a gender-neutral event”! A study by Antecol et al (2016) found that the introduction of extensions to the tenure clock for any parent (birth or non-birth) who had taken such a leave increased the probability that a male would be awarded tenure by as much as 19%, but decreased the probability that a female would be awarded tenure by 22%. It is important to note that this study was based on a sample of 1299 assistant professors at 49 different institutions between 1985 and 2004, examining data from a mix of Ivy League and state schools in the United States. Indeed, the authors identified a 37% increase in the gender gap for achieving tenure. Moreover, the authors also found that there was an increase in the number of publications in top-tier journals for men, while the same was not true for

women (Antecol et al, 2018). These data thus show that gender-neutral policies actually raised the threshold for tenure because men were significantly more productive in the context of taking a parental leave. In light of these data that demonstrate a structural inequity in the current approach to parental leaves, we have retained the possibility of a one year extension to the tenure process for any employee taking a UW or ESA pregnancy leave (of any length), as well as offering the eligibility for the 1-yr extension to any non-birth parent who has taken a parental leave of 20 or more weeks, which covers roughly one term. This approach is an important means to equalize childcare responsibilities between parents and was recommended by Nobel laureate Carol Greider in a recent publication in Science, suggesting novel policy approaches aimed at improving gender diversity in the STEM research workforce (Greider et al, 2019). Importantly, however, we are suggesting the possibility for a two-year extension for any UW or ESA pregnancy and parental leaves that when combined span 72 or more weeks. Since fathers/non-birth parents can only take a parental leave of 63 weeks, which is the maximum allowable by ESA, a 2-yr extension to the tenure clock would only be accessible to the birth parent. We feel this differential approach is appropriate and affords non-birth parents/fathers equal opportunity to participate fully in family life, while also providing birth parents with an extra extension that acknowledges the unintended consequences of providing a strictly gender-neutral approach to parental leaves. The two-year tenure clock extension was also contemplated in the Devidi et al. (2012) work life balance report where they report a two-year tenure clock extension under certain circumstances “as an idea for discussion at Faculty Relations and Deans’ Council”.

We also note that the proposed tenure clock extension options correct a structural inequity facing female faculty. Female faculty can currently, under the ESA, take a Pregnancy and Parental leave of absence spanning 78 weeks but under our current policy can only be awarded a one-year tenure clock extension. There is no question that when a tenure-track faculty member is on leave for a full year, they should receive a one-year tenure clock extension. Why should female faculty whose 78-week leave extends for example 26 weeks into a second year, not also be provided the option of a corresponding second year on their tenure clock extension? Especially when the current P14 provides male faculty on leave for 26 weeks (much less actually) receive a one-year tenure clock extension for this same time period away from work. The proposed tenure clock extensions translate 20 weeks of leave into a tenure clock extension of one year, regardless of whether this is the birth parent or not and regardless of whether the birth parent has already translated 52 weeks of their leave into a one year tenure clock extension.

Returning to Work: Teaching Duty Adjustments - Section 13 of P14 draft

The teaching load is recognized to be a significant challenge for any employee returning to work after a Pregnancy/Parental leave and we have now defined the precise impacts of a leave on teaching workload to minimize the variety of “interpretations” that have been implemented in past leaves. The UW work-life balance report by Devidi et al (2012) first recommended this P14 change (their recommendation A.4 reads “Write clearer wording about the impact of parental leaves on expected teaching loads upon return to work.” Our committee has heard this repeatedly from faculty we have spoken with as well. The “Back to Work” authors reported a misalignment of policies, including the benefit of a non-teaching term upon return in some Faculties but not others (Boluk et al, 2019). In addition, the authors noted that there is an expectation that one needs to hit the ground running by the end of the leave, which is particularly difficult if one is expected to teach immediately upon return (Boluk et al, 2019). Our revised P14 makes the impacts of the return to work transparent, consistent, equitable and straightforward for both the faculty member (or staff instructor) taking the leave and their Chair/Director.

Our committee set out to design clear teaching duty adjustments with three key realities in mind:

- 1) **Faculty members with duties that include research who take a P14 leave of absence almost invariably continue to work while on leave**, often while receiving no supplemental benefits from the University. Evidence for this working while on leave phenomenon comes from virtually all our consultations with female faculty (and male faculty), and is reported in the Boluk et al. (2019) “Back to Work” and the Devidi et al. (2012) work-life balance reports. For example, see discussion around recommendation A.5 in the Devidi et al. (2012) report.
- 2) **A leave of absence under P14, in particular for the birth parent, will not normally align precisely with entire academic terms**, especially the start of a term. The inability for female faculty to align their child’s date of birth (i.e., the start of their leave) with an ideal date on their work calendar, in contrast to the alignment flexibility most male faculty have, is a structural inequity under the current policy since teaching load adjustments under the current policy do not recognize the alignment inflexibility faced by all female faculty. Some male faculty also likely face this alignment inflexibility as their personal circumstances may dictate an inflexible start date to their leave.
- 3) The above non-alignment is a problem because the majority of **UW teaching assignments normally span an entire academic term, with the teaching of partial courses being atypical**.

Table 2 in our draft policy translates any length of P14 leave of absence into a corresponding number of associated terms where the faculty member should not be teaching. We provide further explicit instructions in the draft policy on how the number of terms of no teaching for a faculty member on leave must be translated into the number of courses (e.g., teaching tasks) removed from their workload. We also felt very strongly that in order to have transparent and equitable application of this piece of the policy, we needed to write language explicitly prohibiting that Chairs/Directors deviate from the specified teaching adjustment procedure (even if it was for the benefit of the faculty member). This avoids setting up any need for negotiation (e.g., between a pre-tenure female faculty member and their Chair) and should make the job of Chairs/Directors easier than they are now in terms of teaching duty adjustment determinations required for P14 leaves.

More specific rationale on how we determined the numbers in Table 2 are as follows:

- We view a leave spanning **1-7 weeks** as being a very unlikely choice faculty would make given our Policy proposes birth parents are provided up to 8 weeks of paid leave @100% pay and non-birth parents are provided up to 20 weeks of paid leave @95% pay. Furthermore, we wanted to de-incentivize anyone from choosing such a short leave and as such only offer anyone choosing a 1-7 week leave a fractional number of non-teaching terms in proportion to their leave length.
- **8-10 weeks** of leave translates to 1 full non-teaching term in order to accommodate birth parents who are more career-driven than most and thus might reasonably choose a pregnancy leave that is only 8 weeks long. Note the draft policy requires birth parents to get a note from a medical practitioner if they wish to return to work before 8 weeks. We also believe faculty would infrequently choose this 8-10 week leave option.
- **11-22 weeks** of leave translates to 2 full non-teaching terms because in terms of worst-case timing of child-birth relative to the start and end of academic terms, leaves of 11-22 weeks could span partially across two 17-week academic terms and would thus normally prevent a faculty member from teaching in either term. Strictly speaking, a 9 or 10 week leave could also span two academic terms but we see little benefit to translating such a leave length into 2 non-teaching terms given there is absolutely no barrier or disincentive in the proposed policy to someone instead choosing an 11 week (or even a 15 week) leave. We believe that under our proposed policy most faculty in this 11-22 week range of leave lengths would either have a 15 week leave (since birth parents are provided up to 15 weeks of

paid leave @95% pay or higher) or a 20 week leave (since non-birth parents are provided up to 20 weeks of paid leave @95% pay).

- The lower bounds of the leave length range for the next three rows in Table 2 of the policy draft (**23** weeks, **40** weeks and **57** weeks) are derived from a worst-case timing analysis of child-birth relative to the start and end of academic terms. We assumed that a due date anytime in the first 13 weeks of an academic term would normally preclude a faculty member from teaching during that term. We also assumed that any leave ending after week 2 of an academic term would normally preclude a faculty member from teaching during that term (especially considering they would first have to prep their course after returning to work). So, in the worst-case, a leave of 23 weeks would preclude teaching courses over a span of 3 terms (e.g., 4 weeks of leave in Winter term, 17 weeks of leave during Spring term, 2 weeks of leave during the Fall term). Extending this logic to 4 and 5 academic terms generates the 40 week and 57-week lower bounds, respectively, in Table 2 in the draft policy.
- We decided against extending the above logic to a 6th term with no teaching for 74-78 week leave lengths (e.g., there is no additional row in our table) since we expect few birth parents to be choosing the maximum 78 week leave length and for those who do, the math suggests most of these faculty would have a 74-78 week leave that only spans 5 academic terms.
- We also were cognizant of the potential for faculty to utilize this policy as a means to maximize their effective teaching relief and so would like to highlight that our proposed approach de-incentivizes that in a number of ways:
 - See the approach for a 1-7 week leave length
 - For a non-birth parent to qualify for 3, 4 or 5 terms with no teaching, they would be required to take at least 3, 20 or 37 weeks, respectively, of leave without supplement parental benefits from UW
 - For a birth parent to qualify for 4 or 5 terms with no teaching, they would be required to take at least 5 or 22 weeks, respectively, of leave without supplement parental benefits from UW
 - Recall that since non-birth parents under the proposed policy must take a 20 week leave of absence in order to have the option for a one-year tenure clock extension, pre-tenure non-birth parents are less likely to take parental leaves in the 1-19 week range.

The proposed teaching duty adjustments are quite feasible from an economic perspective as detailed in Table 1 below. The analysis in Table 1 is based on the fact that UW supplementary benefits are centrally funded for almost all faculty (anyone whose position is not funded by soft money) and that while an employee is on leave, 95 % of the ongoing salary budget for the related position is maintained. The data in Table 1 show for example, that for the average lecturer or assistant professor who elects to take a 23 week leave (an unlikely choice, but possible) and thus have 3 terms of non-teaching, their unit would have enough unspent salary for the faculty member on leave to cover approximately 6 courses (at the minimum sessional teaching amount). The worst-case analysis in Table 1 is probably misleading since we expect the most common length of leave of absence will be 15, 20 and 35 weeks corresponding to the proposed number of available weeks of UW supplemental benefits. In these cases, substantially more funds are available than the worst cases evaluated in Table 1. For example, for the average lecturer or assistant professor who elects to take a 15, 20 or 35 week leave (and thus have 2, 2 and 3 non-teaching teaching terms, respectively), their unit would have enough unspent salary for the faculty member on leave to cover approximately 4, 5 or 9 courses, respectively.

Table 1. Economic assessment of proposed P14 teaching duty adjustments. Columns 1 and 4 are from Table 2 in the policy 14 draft.

| Weeks of Pregnancy + Parental Leave | Minimum (worst case) weeks of leave ¹ | Base pay of faculty member available to replace them in worst case ² | Number of teaching tasks that can be covered with available base pay ³ | # of non-teaching academic terms in draft policy 14 |
|-------------------------------------|--|---|---|---|
| 1-7 | - | - | - | Weeks/17 (1/17 to 7/17) |
| 8-10 | 8 | \$17,538 | 2.0 | 1 |
| 11-22 | 11 | \$24,115 | 2.8 | 2 |
| 23-39 | 23 | \$50,423 | 5.8 | 3 |
| 40-56 | 40 | \$87,692 | 10.0 | 4 |
| 57-78 | 57 | \$124,962 | 14.3 | 5 |

1. The faculty member on leave takes the smallest number of weeks in the range from column 1. This is worst case in the sense that this produces the least amount unspent base pay available to fund replacement teaching for the corresponding number of terms listed in column 5.
2. Assuming the average 2019 base pay for lecturers (\$120,000), which is less than average pay of assistant professors; and using 95% of base pay (birth parents will actually have 100% of base pay available for 8 weeks of the leave).
3. Assuming the cost of covering each teaching task is equal to the minimum sessional teaching rates posted by HR for 2020-21 (\$8,735).

A final note is that our proposed teaching duty adjustment procedure reflects the spirit of the Devidi et al (2012) work life balance report recommendations A.5 and A.7. Table 2 formalizes and makes explicit the teaching adjustments in a way that enable greater flexibility and hence better enables both excellence and balance for faculty and it does not require a centralized course banking system that is recommendation A.5

Optional Return to Work Arrangements - Section 14 of P14 draft

Regular Faculty

The ability to return from a pregnancy/parental leave to a temporarily reduced workload is a benefit for a female faculty member, who is typically not replaced during her leave. As mentioned earlier, anecdotal evidence suggests that the vast majority of female faculty members continue to work on research and supervision in non-negligible amounts while on leave, which could potentially give rise to both health and liability issues. The “Back to Work” panel recommended that an additional consideration for female faculty members returning to work could be to consider similar guidelines/supports as those in place for employees returning from sick leave (Buluk, 2019). In an interview with the American Association for the Advancement of Science (Bernstein, 2019), Erin Cech, the primary author of the PNAS paper on attrition of new parents working in STEM (Cech, 2019), hopes that her findings will induce structural and policy changes such as flexible and part-time work. Our proposal for up to a 50% reduction in workload is in keeping with these suggestions for more flexible models

of career progression, including modified workloads upon re-entry, that have been echoed by a variety of organizations (Greider et al, 2019; Coe, 2017; Council of Canadian Academies, 2012). This change also fits with Recommendation 4.1 (b) from the Striking the Right Balance report (DeVidi et al, 2012), in which the authors encourage UW to “...modify key policies...that will improve the ability of those with young families to achieve tenure while maintaining Waterloo’s existing research and teaching standards”. In addition, we feel our proposal formalizes the spirit of Recommendation A.7 from this same report, namely to “...encourage Chairs and Deans to be open to creative arrangements that exploit policy flexibility in ways that enable faculty members to succeed as academics while maintaining balance (in) their lives. The various arrangements agreed to should be documented and a central record kept (perhaps with the HR and FAUW expert advisors, see Recommendation 10.1) so they can serve as options to be considered by others.” (DeVidi et al, 2012). In order to avoid the use of this benefit in an effort to obtain teaching relief, we have also specified that if such a reduced workload arrangement were to extend beyond one term, teaching duties would be expected to resume. We have also proposed that other employees (i.e. not regular faculty) can request a similar temporarily reduced workload arrangement, which also improves flexibility for staff in adapting to new routines and fostering work-life balance.

The Policy 59 option is a joint decision between the University and the employee but if it proceeds, it is more flexible than the proposed P14 arrangement for regular faculty. Employees who wish for additional unpaid leave beyond an authorized P14 leave may apply under Policy #3 for faculty or Policy #39 for staff.

Continuing Research Support for Faculty on Leave - Section 15 of P14 draft

Because the Waterloo Budget Model means that funds flow differently in different areas of the University, we propose that faculty members contemplating a P14 leave discuss their needs for research continuity with the Dean of their faculty. Both the “Back to Work” report (Boluk et al, 2019), which suggested that women investigate hiring of a postdoc/research coordinator for the period of the leave, and Striking the Right Balance (DeVidi et al, 2012) strongly support such an approach for supporting those with laboratory-based research programs.

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Policy 14 – Pregnancy and Parental Leaves (including Adoption), and the Return to Work

The policies found on the website of the Secretariat are compulsory rules for the University community. The authoritative copies of the policies are held by the Secretariat and bear the seal of the University. The online version accessible through the website of the Secretariat is available for information purposes only. In case of discrepancy between the online version and the authoritative copy held by the Secretariat, the authoritative copy shall prevail. Please contact the Secretariat for assistance if necessary.

Established: 1 April 1986

Revised: day month TBD 2020

Mandatory Review Date: [If a new policy, insert the second anniversary of the establishment date. If revised, insert the fifth anniversary after the date when last revised.]

Supersedes: [If this policy replaces an existing policy /guideline/procedure/provostial statement, then list here. If not, insert N/A.]

Class: FS

Responsible/Originating Department: Human Resources

Executive Contact: Associate Provost, Human Resources

Related Policies, Guidelines and Procedures:

Policy 3 – Sabbatical and Other Leaves for Faculty Members

Policy 18 – Staff Employment

Policy 39 – Leaves of Absence for Staff Members

Policy 59 – Reduced Workload to Retirement

Policy 76 – Faculty Appointments

Policy 77 – Tenure and Promotion of Faculty Members

1. Introduction

Providing enhanced benefits during pregnancy and parental leaves of absence is a standard offering within the post-secondary sector. This arrangement helps ensure the University continues to attract and retain talented and engaged employees and aligns with the University's strategy of being an equitable and diverse community and workplace. This policy supports the University's goals of teaching, research and service excellence by assisting employees in meeting their family responsibilities as they also succeed in their careers. The University's investment in benefits for eligible employees is recognition for their long-term contributions to the University's success.

2. Scope

This policy addresses leaves of absence and benefits for eligible employees associated with the birth or adoption of a child, and measures available to employees and their managers to facilitate the employee's return to work following the leave of absence. This policy applies to all employees of the University, excluding students.

Compassionate care leave, medical leave, and other reduced workload arrangements for family care are outside of the scope of this policy. Employees should consult Human Resources, their employee group association, and Policy 59 – Reduced Workload to Retirement, for assistance with out-of-scope topics.

3. Legal Framework

In addition to the abovementioned “Related Policies, Guidelines and Procedures”, the policy will be construed in accordance with applicable law, in particular:

- Employment Standards Act, 2000, S.O. 2000, c. 41 (“ESA”)
- Employment Insurance Act, S.C. 1996, c. 23
- Broader Public Sector Accountability Act, S.O. 2010, c. 25 (“BPSAA”)
- Human Rights Code, R.S.O. 1990, c. H.19 (“OHRC”)
- The University of Waterloo Act 1972, S.O., 1972, c. 200 (“The University of Waterloo Act 1972”).

If any of these legal provisions are modified, abrogated, superseded, or added to, the policy will be interpreted in accordance with the new legal framework. When necessary (e.g., the legal provisions change regarding access, eligibility, length, or benefit amount) the policy will be revised to ensure consistency with the new legal provisions.

4. Purpose

The purpose of this policy is to:

- Describe the principles underpinning the University's support for employees when their children are born or adopted.
- Establish roles and responsibilities of the stakeholders involved in planning and supporting pregnancy and parental leaves of absence.
- Outline the enhanced features of the University of Waterloo (UW) Pregnancy Leave, Parental Leave, Supplemental Maternity Benefits, and Supplemental Parental Benefits and their relationship to legislated leaves and benefits.
- Define the employee eligibility categories for these leaves and supplemental benefits.
- Provide guidance on other matters associated with pregnancy and parental leaves, including tenure and promotion timing, and measures to facilitate employees' successful return to work when their leave ends.

5. Principles

The University's support for employees when their children are born or adopted is built on the following principles:

1. Employee health and family well-being are promoted and facilitated.
2. Competitive supplemental benefits are provided to all eligible employees during leaves of absence.
3. Eligibility for supplemental benefits is not contingent on employee type (e.g. Faculty, Staff, etc.)
4. Employees are treated consistently across the University, in a transparent manner.
5. Supplemental benefits payable to employees during leaves of absence are normally funded centrally.
6. Employees paid through Human Resources payroll processing with appointment intensities of 33% or greater have access to supplemental benefits during their leaves of absence.
7. Employees have equal access to supplemental benefits during a Parental Leave, regardless of gender. Parental Leave and supplemental benefits are not shared between two parents if both are University employees. Supplementary maternity benefits for the medical portion of the pregnancy leave are provided only to the birth parent.

6. Legislation Pertaining to Pregnancy and Parental Leaves and Benefits

Under the Ontario *Employment Standards Act, 2000* (ESA), eligible employees who are pregnant or new parents have the right to unpaid time off work. These job-protected leaves will be referred to as ESA Pregnancy Leave and ESA Parental Leave. ESA leaves are the minimum required by law. The University provides eligible employees with leaves of absence that exceed these minimum requirements. Section 8 below defines and describes associated leaves of absence referred to as UW Pregnancy Leave and UW Parental Leave.

Under the federal *Employment Insurance Act* (EI), eligible employees receive EI Maternity and Parental benefits during a pregnancy or parental leave of absence. These benefits will be referred to as Maternity EI benefits and Parental EI benefits.

Employees must apply to Service Canada (online or in person at a Service Canada Centre) for EI benefits. Human Resources (upon request) will produce the employee's Record of Employment (ROE), which is required to process their EI application. Employees can begin their EI application before their ROE is issued but Service Canada will not process their claim and begin their benefits until the ROE is received. In addition to EI, employees may be eligible for benefits from the University that provide financial support during their leave of absence. Section 9 below defines these benefits, which are referred to as UW Supplemental Maternity Benefits and UW Supplemental Parental Benefits.

7. Employee Eligibility Categories

For UW Pregnancy Leave, UW Parental Leave, UW Supplemental Maternity Benefits, and UW Supplemental Parental Benefits, there are four employee eligibility categories. An employee's category is determined at the commencement of each leave, as follows:

- 1) Tenured, continuing or tenure-track faculty, and employees holding a position without an end date.
- 2) All employees, not in Category 1 above, with at least 5 years of employment.
- 3) All employees not in Categories 1 or 2 above:

- a) With between 2 and 5 years of employment; or,
- b) On a contract of 2 years or more.
- 4) All other employees not in Category 1, 2 or 3 above

Please note that in determining the total period of employment for the eligibility category, separate periods of employment will be added together provided the appointment intensities were all at least 33% and the time between employment periods was less than 26 weeks. Leaves of absence (e.g., sick leave, long-term disability, an unpaid leave of absence or any legislated leave of absence) occurring during a period of employment are counted as part of that single period of employment.

8. UW Pregnancy and UW Parental Leaves

UW Pregnancy Leave and UW Parental Leave are job-protected unpaid leaves of absence available to eligible employees who are new parents. They are enhanced versions of the ESA Pregnancy Leave and ESA Parental Leave introduced above in section 6, building upon the minimum leaves set by the ESA. The following descriptions of UW Pregnancy Leave and UW Parental Leave should be reviewed in conjunction with descriptions of the ESA leave terms to understand the full scope of the leaves available to employees.

Employees in eligibility categories 1, 2, or 3 (see Section 7 above) are eligible for UW Pregnancy Leave and UW Parental Leave. Employees in category 4 may be eligible for ESA Pregnancy Leave and ESA Parental Leave.

Employees should understand this policy, and may consult HR, prior to determining and discussing their plans with their manager.

Statements in the following descriptions beginning with an asterisk “*” indicate a UW enhancement to the ESA’s minimum requirements, or a UW administrative requirement.

UW Pregnancy Leave

- Eligible pregnant employees have the right to take an unpaid leave of absence of up to 17 weeks, or longer in certain circumstances.
- *Eligibility does not require a minimum employment period.
- *UW Pregnancy Leave is not normally to be used when an illness or injury prevents a pregnant employee from performing the essential duties of their position unless they are ineligible for sick leave. Pregnant employees eligible for sick leave should contact Occupational Health to discuss their case and commence pregnancy leave upon the earlier of the due date or delivery. Pregnancy-related sick leave will precede pregnancy leave.
- UW Pregnancy Leave can begin 17 weeks before the employee’s due date and up to the due date (or date of birth if earlier). In cases when the birth is overdue, the leave of absence will be extended to the birth date, and thus can be longer than 17 weeks.
- The leave start date is at the discretion of the employee, though the employee must provide the University with the required written notice.
- *The employee must provide HR with a certificate from a medical practitioner (which

may include a medical doctor, a midwife, or a nurse practitioner) stating the baby's due date.

- Written notice of leave is required to be submitted to their manager and HR at least two weeks before the start date. Two months notice is preferred, to facilitate planning in the employee's unit. Retroactive notice of leave is possible in cases of unexpected early birth.
- *An employee who has a miscarriage or stillbirth more than 17 weeks before the due date is encouraged to seek support and discuss sick leave with a medical practitioner and UW Occupational Health.
- *In the event of a medical practitioner-confirmed pregnancy loss or stillbirth within the 17-week period preceding the due date, the employee is entitled to up to 17 weeks of leave after the date of the loss. This leave is in addition to any leave the employee has already taken.
- An employee who wishes to return to work earlier than 8 weeks after giving birth must provide Occupational Health with written approval from their medical practitioner (a medical doctor, a midwife or a nurse practitioner).
- To change the scheduled leave end date, the employee must submit written notice to their manager and HR at least four weeks before the rescheduled end date. Employees who have not previously scheduled a return to work date and want to return to work before using all 17 weeks of UW Pregnancy Leave must also provide their manager and HR written notice four weeks before their return to work.
- The University cannot require an employee to return from leave early.

Temporary Return to Work Option

A birth parent on UW Pregnancy Leave can request a temporary return to work before they begin their UW Parental Leave. In all other cases, a return to work, even on a part-time basis, ends the UW Pregnancy and/or UW Parental Leave even if the employee continues to receive EI benefits.

To be considered for a temporary return to work, employees must submit their written request to their manager at least four weeks before the proposed temporary return to work start date. If an employee (e.g. faculty member) wishes to teach in the temporary return to work period, the written request must be submitted at least 16 weeks before the proposed temporary return to work start date. Written approval must be given (with a copy to Human Resources) by the faculty or staff member's manager. Considerations for approval of the request include:

- The proposed return to work must be in the best interests of both the employee and the University.
- The start date for the subsequent UW Parental Leave must be within 78 weeks of the birth (or adoption).
- The temporary return to work period is a minimum of 4 weeks and a maximum of 52 weeks. (This period may shorten the employee's eligibility period for EI benefits.)
- The employee's role and if they have been or will be replaced by a temporary full-time employee while on UW Pregnancy Leave and UW Parental Leave.
- The return to work dates and how they correspond to the start and/or end dates of academic terms. This is often a critical consideration for requests received from faculty and staff.
- The faculty or staff member's manager must inform the applicant of the decision within ten business days.

UW Parental Leave

- Eligible new parents have the right to take an unpaid leave of absence of up to 61 weeks (if UW Pregnancy Leave has been taken) or up to 63 weeks (if UW Pregnancy Leave has not been taken).
- *Eligibility does not require a minimum employment period.
- The right to a UW Parental Leave is separate from the right to UW Pregnancy Leave. A birth parent may take both pregnancy and parental leave.
- The leave of absence period can commence up to 78 weeks (possibly later for birth parents) after the child is born or the date the child first came into the employee's care, custody and control.
- In addition to a birth or adoptive parent, a "parent" also includes a person who is in a relationship of some permanence with a parent of the child and who plans on treating the child as their own.
- The leave start date is at the discretion of the employee, though the employee must provide the University with the required written notice.
- *The employee must provide HR with a certificate from a medical practitioner (which may include a medical doctor, a midwife, or a nurse practitioner) stating the baby's birth date.
- Written notice of leave is required to be submitted to the relevant manager and HR at least two weeks before the start date. Two months notice is preferred, to facilitate planning in the employee's unit.
- To change the scheduled leave end date, the employee must submit written notice to their manager and HR at least four weeks before the rescheduled end date. Employees who have not previously scheduled a return to work date and want to return to work before using all of their available UW Parental Leave must also provide their manager and HR written notice four weeks before their return to work.
- The University cannot require an employee to return from leave early.

9. UW Supplemental Maternity and Parental Benefits

The University provides supplemental benefits in addition to the Maternity EI benefits and Parental EI benefits described above in Section 6. The combined EI income and the supplemental benefits provided by the University will not exceed the employee's base pay. If the employee is eligible for EI but their EI benefit payable is reduced due to other sources of income, the supplemental benefits provided by the University will not exceed the amount payable if the EI benefit had not been reduced.

UW Supplemental Maternity Benefit and UW Supplemental Parental Benefit salary payments are paid to the employee and charged to the employee cost-centre through regular payroll processing cycles. In general, where other payroll benefits are centrally funded for the cost-centre, the cost of the supplemental maternity and parental benefit to the cost-centre is likewise centrally funded through temporary budget provided to the cost-centre (administered by Finance based on reporting received on maternity and parental leave payments from the HR management system). While the employee is on leave, the ongoing salary budget for the related position is maintained.

For employees who are funded outside the operating budget (e.g., post-doctoral fellow, research scientist, research staff, etc.), their supplemental benefit amounts from UW will be adjusted to account for any maternity/parental leave allowance provided from the external funding source.

Table 1 below defines the access and level of maternity and parental supplemental benefits (duration and percentage of base pay) for the employee eligibility categories in Section 7. The supplemental benefits are defined by the percentage of base pay received by the employee, considering both the EI benefit received and the UW benefit provided by the University. The table defines benefits for those eligible for EI (depending on the Parental EI Benefit duration option selected) and those not eligible for EI. Employees in eligibility categories 1, 2, or 3 who are not eligible for EI benefits are only eligible for UW supplemental benefits if they are within their first year of employment at UW when the leave begins.

Every employee applying for UW Supplemental Maternity Benefits or UW Supplemental Parental Benefits must apply for EI benefits. Although EI eligibility is not required to receive the UW Supplemental Maternity Benefit or UW Supplemental Parental Benefit, an employee must provide Human Resources with their EI Benefit Statement or proof they have been deemed ineligible for EI benefits before UW supplemental benefits are paid. As an employee's EI eligibility status can change from ineligible to eligible while receiving supplemental benefits from the University, it is the employee's responsibility to reapply and, if eligible, receive EI benefits. Failure to do so may result in the University requiring them to pay back to the University the amount they should have received from EI but instead received from the University. Employees must notify Human Resources as soon as they become aware of the outcome of any such EI reapplication and change in eligibility.

UW Supplemental maternity and parental benefits are calculated in accordance with the pay cycle and distributed evenly based on the expected weekly base pay less the EI benefit rate. If an employee is eligible for EI but, due to other sources of income their EI benefit payable is reduced from their EI benefit rate, UW supplemental benefits will be calculated based on the EI benefit rate (i.e. the unreduced benefit). For the purposes of this Policy, weekly pay is defined as the employee's annual base pay, which includes paid holidays as defined in Policy 38 (see also the HR website), divided by 52 (the number of weeks in the year).

Table 1. Maximum duration and level of supplemental UW income benefit for employees in each eligibility category and all EI benefit levels.

| Eligibility Category ¹ | Waiting Period | Maximum Duration and level of Supplemental UW Income Benefit Relative to Employment Insurance (EI) | | |
|-----------------------------------|-------------------------|---|---|--|
| | | EI standard parental benefits (55% EI parental benefit, up to 35 weeks) | EI extended parental benefits (33% EI parental benefit, up to 61 weeks) | Not eligible for EI (i.e. accumulated less than 600 insured hours of work in the 52 weeks prior to application for EI) |
| Category 1 & 2 | None | Maternity 15 weeks (first 8 weeks at 100%, next 7 weeks at 95%) Parental - not shared⁵ 20 weeks (95%) | Maternity 15 weeks (first 8 weeks at 100%, next 7 weeks at 95%) Parental - not shared⁵ 20 weeks (supplemental UW income equivalent to standard EI column ²) | Maternity 15 weeks (first 8 weeks at 100%, next 7 weeks the supplemental UW income equivalent to standard EI column ²) Parental - not shared⁵ 20 weeks (supplemental UW income equivalent to standard EI column ²) |
| Category 3 | 12 month waiting period | Maternity 15 weeks (first 8 weeks at 100%, next 7 weeks at 95%) Parental³ – not shared⁵ 4 weeks for every year ⁴ of expected employment (years of employment plus remainder of current contract) yielding a maximum of 20 weeks total | Maternity 15 weeks (first 8 weeks at 100%, next 7 weeks at 95%) Parental³ - not shared⁵ 4 weeks ⁴ for every year ⁴ of expected employment (supplemental UW income equivalent to standard EI column ²) yielding a maximum of 20 weeks total | Maternity 15 weeks (first 8 weeks at 100%, next 7 weeks the supplemental UW income equivalent to standard EI column ²) Parental³ - not shared⁵ 4 weeks ⁴ for every year ⁴ of expected employment (supplemental UW income equivalent to standard EI column ²) yielding a maximum of 20 weeks total |
| Category 4 | NA | NA | NA | NA |

- 1) See Section 7 for definitions of each eligibility category.
- 2) Equivalent supplemental UW income amounts for an employee on the extended EI parental benefits are paid out in an equivalent way to what would be paid if the employee selected the standard EI parental benefits (same payment schedule and same payment amounts from UW).
- 3) Regular faculty in Category 3 who satisfy the waiting period have access to at least 17 weeks of supplemental parental benefits.
- 4) Prorated for partial years and then rounded up to the nearest full week.
- 5) UW Supplemental Parental Benefits are available to both parents provided they are both eligible employees. In that case, UW Supplemental Parental Benefits and associated leaves of absence can be taken concurrently.

UW Supplemental Maternity Benefits

Eligible employees receive up to 15 weeks of UW Supplemental Maternity Benefits while on UW Pregnancy Leave. The 15 weeks can start as early as 12 weeks before the expected date of birth and can end as late as 17 weeks after the actual date of birth. If a pregnant employee is unable to work for medical reasons, sick leave may apply (if the employee is eligible for sick leave) until the earlier of the date of birth or due date, and the UW Pregnancy Leave with UW Supplemental Maternity Benefits will then commence.

For the first eight weeks of UW Pregnancy Leave, the University will pay eligible birth parent employees UW Supplemental Maternity Benefits of 100% of their base pay less any EI Maternity Benefit the employee receives. After eight weeks, for up to seven additional weeks, the University will pay eligible employees 95% of base pay less their EI amount (defined as the lesser of 55% of their base pay or the EI maximum), regardless of the EI received. Adoptive parents are eligible to share the non-medical related UW Supplemental Maternity Benefits for up to seven additional weeks.

In the event of a pregnancy loss during a UW Pregnancy Leave in week 20 of the pregnancy or later, UW Supplemental Maternity Benefits will be paid for up to eight weeks immediately following the loss. This is in addition to any UW Supplemental Maternity Benefits previously received during the UW Pregnancy Leave. For the total UW Supplemental Maternity Benefits period (before the pregnancy loss and/or up to eight weeks after the loss) the University will pay UW Supplemental Maternity Benefits of 100% of base pay less any EI Maternity Benefit for the first eight weeks, and 95% of base pay less their EI amount, regardless of the EI received, for the remaining weeks.

UW Supplemental Parental Benefits

Eligible employees receive up to 20 weeks of UW Supplemental Parental Benefits while on UW Parental Leave. See Table 1 for details, for each eligibility category. The access, duration and amount of the UW Supplemental Parental Benefit is unaffected by EI eligibility. Employees receiving Parental EI Benefits can choose between two options, standard benefits, and extended benefits. This decision has no impact on the UW Supplemental Parental Benefits payment schedule and amounts employees receive. The UW Supplemental Parental Benefit is 95% of the employee's base pay less their EI amount (the lesser of 55% of their base pay or the standard parental EI maximum), regardless of EI received.

UW Supplemental Parental Benefits are available to both parents provided they are both eligible employees. In that case, UW Supplemental Parental Benefits and associated leaves of absence can be taken concurrently. Consistent with EI regulations, supplemental parental benefits can start any time after the baby is born (for the birth parent, after UW Supplemental Maternity Benefit payments stop) but will expire after 52 weeks (standard parental) or after 78 weeks (extended parental).

Employees who have not reached five years of employment and voluntarily terminate their employment with the University may be required to repay some or all of their supplemental parental benefits. Specifically, these are employees who voluntarily terminate their employment prior to completing the years of employment utilized to determine the length of their supplemental parental benefit period(s). The repayment amount depends on the difference or shortfall between the expected years of employment utilized for supplemental benefit period determination and the

actual period of employment at the time of voluntary employment termination. For every year of this shortfall, the employee repayment amount is four weeks of their previously received supplemental parental benefit payments. The actual repayment amount will be prorated for partial years and rounded to the nearest full week.

A description of repayment requirements for each Employee Eligibility Category, example scenarios, and a summary table of repayment requirements are included in Appendix 1. Repayment requirements are waived for employees who return to work (e.g., equivalent to their pre-leave employment level) for at least six months after their UW Pregnancy Leave or UW Parental Leave has ended.

10. Continuation of Mandatory Benefits During Leave

While receiving supplemental income benefits from the University during their UW Pregnancy Leave and/or UW Parental Leave, employees must continue their pension and benefits contributions on the same basis as immediately before their leave of absence. Required premiums and contributions are deducted by Human Resources from UW Supplemental Maternity Benefits and UW Supplemental Parental Benefits.

For periods of a UW Pregnancy Leave and/or UW Parental Leave where no supplemental benefits from the University are payable, participation in the pension plan is optional but continuation of benefits is mandatory unless equivalent coverage elsewhere is demonstrated. Employees who choose not to contribute to the pension plan during this time will not accrue full pension plan service credits, reducing their pension accrual. Payment of required premiums and contributions must be arranged with Human Resources.

Employees should consult the registered pension plan documentation and Human Resources for further information.

11. Performance Appraisal and Vacation Entitlement

The length of pregnancy or parental leave has no negative effect on an employee's performance appraisal or salary. For regular faculty, Section 13.5.4 of the Memorandum of Agreement between the University and FAUW specifies how faculty performance evaluation procedures are adjusted for a faculty member on leave. The collective agreement with the University for union staff specifies how performance appraisals are handled. For all non-union staff employees eligible to receive salary increases May 1st, where there are fewer than eight months of on-the-job performance to assess over the 12-month rating period, the salary increase of the employee will normally be based on the average of her/his overall performance ratings in the three previous years (or the number of years available when fewer than three, with a 'satisfactory' rating applied as necessary for new employees).

Employees continue to accrue vacation credits while on leave, provided they comply with the applicable employee group vacation policy ([Policy 6 – Vacation – Staff, Memorandum of Agreement – UW/FAUW](#), or [Collective agreement between the University of Waterloo and CUPE Local 793 \(PDF\)](#)). Where possible, outstanding vacation credits should be taken before the beginning of the leave. If the accrued vacation credits cannot be used (due to the leave

commencement date or the duration of the leave) they can be carried forward into the next vacation year. This carry-forward is automatic if the employee is on leave as of June 30. The Provost does not need to provide approval for this one-time type of vacation carryover; managers are responsible for reporting this to HR.

12. Tenure and Sabbatical Considerations for Regular Faculty

Pregnancy and/or parental leaves reduce the time available to faculty members to prepare for tenure consideration. Therefore, the probationary period and the time to tenure decision can be extended as follows for each pregnancy leave and parental leave:

- one year on notification to the Chair/Director and Dean for any UW or ESA Pregnancy Leave.
- one year on notification to the Chair/Director and Dean for a UW or ESA Parental Leave for a non-birth parent spanning 20 or more weeks.
- one or two years, as decided by the faculty member, on notification to the Chair/Director and Dean for UW or ESA Pregnancy and Parental Leaves spanning 72 or more weeks when combined.

Sabbatical leave and administrative leave credit will be earned during each pregnancy or parental leave. Sabbatical and administrative leave credits accumulate at the same rate during the leave as if the faculty member was not on leave. For example, at least two-thirds of the leave period is to be credited as equivalent teaching term(s) for the purposes of sabbatical eligibility determination. Faculty who normally teach all three terms in a year will be assigned equivalent teaching term credits equal to the total leave period for the purposes of sabbatical eligibility determination.

If a pregnancy or parental leave begins during a sabbatical leave, the missed portion of the sabbatical will be rescheduled within the next three years in consultation with the department Chair/Director of School and Dean. It will not overlap with a regularly scheduled non-teaching term.

13. Returning to Work: Teaching Duty Adjustments

The resumption of work after a pregnancy or parental leave can be challenging for the returning employee. This section defines the effect of a leave on the teaching workload of an employee returning to work and provides a transparent and equitable tool to calculate non-teaching terms.

Teaching assignments normally span an entire academic term, with the teaching of partial courses being atypical. A leave of absence under this policy will not routinely overlap precisely with entire academic term(s), so an adjustment to the teaching workload for employees returning from pregnancy or parental leave is necessary. Table 2 is to be used for teaching workload adjustments based on 17-week academic terms, specifying the number of academic terms in which a faculty member is not required to teach for all possible leave lengths. Translating Table 2 into the number of courses (e.g., teaching tasks) requires only that the nominal teaching load of the faculty member on leave is known (e.g., average number of courses per academic term, which is the average number of courses per year divided by 3).

In order to maintain equity across the University, Chairs/Directors are prohibited from providing

teaching workload adjustments subsequent to a pregnancy or parental leave of absence that differ from the process defined below, even if they benefit the faculty member. In addition, the teaching workload adjustments will provide extra time for faculty to fully re-engage in research, scholarship, graduate supervision or service work, for which no workload adjustments are made.

Table 2. Total number of academic terms with no teaching tasks assigned¹ for regular faculty taking a pregnancy, pregnancy plus parental or parental leave of absence.

| Length (weeks) of Pregnancy plus Parental Leave of absence | Number of associated academic terms with no teaching tasks assigned ¹ |
|--|--|
| 1-7 weeks | Weeks/17 (1/17 to 7/17) |
| 8-10 weeks | 1 |
| 11-22 weeks | 2 |
| 23-39 weeks | 3 |
| 40-56 weeks | 4 |
| 57-78 weeks | 5 |

- 1) This includes the terms when the faculty member would be on leave. If a birth parent's pregnancy and parental leaves are two separate periods, the total time on leave is to be used. For example, consider a birth parent taking a 35-week leave (pregnancy immediately followed by parental leave) that starts in the middle of the winter term, overlaps the entire spring term and then finishes in the middle of the fall term. This parent would have three terms where no teaching tasks would be assigned and their normal teaching duties would be eliminated.

The resulting teaching workload adjustments (i.e., a reduction in the number of teaching tasks) must be viewed relative to the teaching workload that would have occurred if the faculty member was not on leave. Teaching workload adjustments must be used within two years of the faculty member returning to work.

Chairs/directors should adapt the above procedure to staff instructors as closely as possible.

The following workload assignment protocols are in addition to the adjustments above:

- A professorial-rank faculty member returning from leave will teach in no more than two of the ensuing three full terms, provided they would not regularly teach in all three terms. This limit applies to other regular faculty returning from a leave if their normal sequence of teaching duties involves one non-teaching term per year.
- If a faculty member returns to an academic term in progress, the above limit applies to the first full term back and the following two terms.
- In the case of a temporary reduced workload arrangement under Section 14, below, this limit is to be applied to three full terms immediately following the temporary workload arrangement.
- If faculty are scheduled to teach in their first full term after returning from leave, they are to be provided an opportunity to teach only course(s) they have previously taught.
- Instructors returning from leave must not be scheduled to return to classroom duties (online or on campus) until at least 1 week after the end of the leave. In cases where instructors

schedule a vacation period immediately after the end of the leave of absence, they must not be scheduled to return to classroom duties until at least 1 week after the end of this vacation period.

14. Returning to Work: Optional Arrangements

The return to work after a pregnancy and/or parental leave may be a difficult time for some individuals. Where possible a reduced workload arrangement may be available to help transition new parents back into their career. During such an arrangement, the University will continue to provide benefits as per Policy 59 Section #3 “During a temporary reduced workload arrangement, benefits other than pension, sick leave and long-term disability (LTD) are the same as for full-time appointments. Pensions may be based on nominal salary subject to limits established by the Canada Revenue Agency”. Employees who wish for additional temporary reduced workload beyond what is authorized in this policy below must arrange this separately under Policy 59 (Section 3).

Regular Faculty

Regular faculty returning from leave are eligible for a temporary reduced workload of as low as 50% of normal full-time faculty under this policy unless they return to work earlier than their scheduled leave end date and they have been replaced with a new full-time hire. As such, eligibility for some faculty may require waiting for their scheduled leave end date. Salary is adjusted proportionately to reflect reduction of work. Temporary reduced workload arrangements must be for a minimum of 12 weeks and end within 78 weeks (63 weeks for the non-birth parent) of the regular faculty member beginning their UW Pregnancy Leave, or UW Parental Leave for the non-birth parent. All such temporary arrangements will be scheduled to end in a) December b) April or c) August.

The leave of absence must be terminated on the day before the period of temporary reduced workload begins. During the temporary reduced workload, no supplementary UW Pregnancy or UW Parental benefits will be paid by the University.

Faculty members selecting this temporary arrangement must notify their Chair/Director in writing at least 16 weeks prior to the start of the temporary workload arrangement. This notification shall include the start date their UW Pregnancy Leave, or UW Parental Leave for the non-birth parent, and the proposed start and end date of the temporary reduced workload arrangement. Reduced workload duties must be agreed to by the faculty member, Chair/Director and Dean, and documented. For a reduced workload arrangement spanning two full terms or more, assigned duties will normally include teaching, beyond graduate student supervision. Written confirmation of the arrangement must be provided (with a copy to Human Resources) by the faculty member's Chair/Director. Changes to an agreed upon reduced workload percentage are possible if agreed upon in writing by the faculty member, Chair/Director and Dean.

Staff and All Other Employees

A month before returning to their positions, employees should discuss return-to-work plans and available employee supports with their managers. Managers are encouraged to adopt an

appropriate level of initial expectations for the returning employee's job performance as they re-adjust to their regular work hours and work responsibilities.

Employees can arrange, in consultation with their manager, a temporary reduced workload, similar to that allowed under Policy 59, which enables a reduction to a 50% FTE with a corresponding proportional salary reduction. A period of up to 20 reduced working days will be granted provided the employee makes the request at least one month in advance of their expected date of returning to work. Requests with less than one month of advance notice may still be considered.

15. Continuing Research Support for Faculty on Leave

It is important to emphasize that the salary budget for a faculty employee on a UW Pregnancy Leave or UW Parental Leave continues to be available while the employee is on leave. The university recognizes that research continuity is a challenge and an issue of equity, particularly for female faculty with laboratory- or field-based research programs. Individuals who are planning a pregnancy or parental leave and have such research program continuity concerns should discuss ongoing research support during the leave directly with the Dean.

Appendix 1: Supplemental benefit repayment requirements (see Section 9)

Employees in Category 1 are entitled to receive supplemental parental benefit payments from the commencement of their employment. Those who receive this benefit but then voluntarily terminate their employment before contributing five years to the University must repay the benefit received in accordance with their length of employment.

Example: Employee A has voluntarily terminated their employment after only four years and within 6 months following a return to work. They had one parental leave and received 20 weeks of the supplemental parental benefit (the maximum duration available to them as an employee in eligibility category 1). Since they were only employed for a period of four years, they should have only been eligible for 16 weeks of the supplemental parental benefit and so they need to repay four weeks of the benefit received.

Employees in Category 2 are never required to repay any portion of the supplemental parental benefit payments received even if they voluntarily terminate their employment at the end of their leave. They have already satisfied the length of employment period at the onset of the pregnancy and/or parental leave of absence.

Employees in Category 3 are entitled to receive supplemental parental benefit payments following 12 months from the commencement of their employment. The benefit duration depends on their expected length of employment based on their single period of employment, as defined in Section 7, which can include current and historical contracts and appointments. The repayment provision depends on their actual length of employment upon voluntary termination relative to the expected period of employment.

Example: Employee B (not a regular faculty member) had a three-year contract and has voluntarily terminated their employment after two years and within 6 months following a return to work. During their two years of employment, they had one parental leave and received 12 weeks of the supplemental parental benefit (the maximum duration available to them as a staff employee in eligibility category 3 with a three-year contract). Since they were only employed for a period of two years, they were only entitled to receive eight weeks of supplemental parental benefits under this policy. As such, they must repay four weeks of their previously received supplemental UW parental benefit payments.

Table A-1. Supplemental benefit repayment requirements (see Section 9). Summary for employees in eligibility category 1 or 3 who voluntarily terminate their employment prior to their single period of employment (see Section 7) reaching five years.

| Expected Period of Employment at the start of a UW Parental Leave | Supplemental Parental Benefit Payment Duration¹ | Period of Employment at Voluntary Termination | Supplemental Parental Benefit Repayment Required^{2,3} |
|--|---|--|---|
| 1 year | None (12-month waiting period) | Not applicable | Not applicable |
| 2 years | 8 weeks | 1.5 years | 2 weeks |
| | | 2 years | None |
| 3 years | 12 weeks | 1.5 years | 6 weeks |
| | | 2 years | 4 weeks |
| | | 3 years | None |
| 4 years | 16 weeks | 1.5 years | 10 weeks |
| | | 2 years | 8 weeks |
| | | 3 years | 4 weeks |
| | | 4 years | None |
| 5 years | 20 weeks | 1.5 years | 14 weeks |
| | | 2 years | 12 weeks |
| | | 3 years | 8 weeks |
| | | 4 years | 4 weeks |
| | | 5 years | None |
| > 5 years and Category 1 employees | 20 weeks | 1 year | 16 weeks |
| | | 2 years | 12 weeks |
| | | 3 years | 8 weeks |
| | | 4 years | 4 weeks |
| | | 5 years | None |

- 1) For employees who do not collect the supplemental parental benefit for the maximum durations listed in this column, the benefit repayment required is reduced accordingly (by the number of available weeks of benefit not collected).
- 2) The actual repayment amount will be prorated for partial years and then rounded to the nearest full week.
- 3) No repayment is required for employees who have returned from their Policy 14 leave for at least 6 months.