

A Safe Maternity Experience

Parental leaves



What are my rights and obligations?

2nd edition



For healthcare professionals

fiqsante.qc.ca

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2nd edition, February 2017

Images on cover:

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Table of Contents

● Pregnant worker	
Pregnancy-related medical visits	7
Right to a protective reassignment for the pregnant (RPTE) or breastfeeding worker (RPTA)	7
Complication of pregnancy requiring a work stoppage	17
<i>In vitro</i> fertilization	17
Interruption of pregnancy	17
● Mother	
Absence related to the birth	19
Maternity leave	19
Extensions of a maternity leave	21
QPIP benefits related to the leaves	23
Allowances paid by the employer	25
Right to a protective reassignment for the breastfeeding worker (RPTA)	27
RREGOP	27
● Father	
Absence related to the birth	31
Paternity leave	31
Extensions of paternity leave	32
QPIP benefits related to the leaves	34
Allowances paid by the employer	36
RREGOP	37
● Adoptive parent	
Absence related to an adoption	41
Leaves for adoption and in view of adoption	41
Extensions of the leave for adoption	42
QPIP benefits related to the leaves	44
Allowances paid by the employer	46
RREGOP	47
● Checklist	51
● Appendix	
Appendix 1 – Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker (in French only)	53
Appendix 2 – Examples of medical recommendations issued for a RPTE	54
Appendix 3 – Algorithm of assignment scenarios	64
Appendix 4 – Form letters	65

A Safe Maternity Experience

Parental leaves



The arrival of a baby in the family is a special experience. This important time is also likely to raise various questions for the pregnant worker, the mother, the father or the adoptive parent.

The FIQ has designed this brochure in order to simplify and inform you of the healthcare professionals' rights and obligations regarding a protective reassignment* for the pregnant or breastfeeding worker (RPTE-RPTA) and the parental leaves under the provisions set out in the FIQ 2016-2020 provincial collective agreement. In case of doubt, you can then refer to the relevant provisions in the collective agreement, the insurance contract or the applicable laws on this subject. Moreover, only those latter provisions can be used to settle a dispute.

The protective reassignment of the pregnant or breastfeeding worker, commonly known by the acronyms RPTE and RPTA, has existed in Québec since 1981. This right, set out in sections 40 to 48 in the Occupational Health and Safety Act (OHS Act), is a progressive preventive measure and unique in North American occupational health and safety legislation. The "For a Safe Maternity Experience" Programme, at the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST), (Québec Workers Health and Safety Commission) stems from the implementation of this right which covers, first and foremost, staying at work without risk for the pregnant or breastfeeding worker. It thus allows this worker to work confidently, in a safe environment.

In the case of parental leaves, the collective agreement contains provisions giving the right to various leaves (maternity, paternity, adoption and without pay). During the leaves, the parents are entitled to financial benefits from various sources such as the Québec Parental Insurance Plan (QPIP), Employment Insurance or the supplemental allowance from the employer. An Act respecting parental insurance set up the QPIP on January 1, 2006. The latter enables workers to have a better balance between their family and professional responsibilities.

The FIQ hopes that this brochure, both simple and practical, will be useful for you and allow you to better understand all the rights inherent to a safe maternity experience and to the parental leaves. If you still have questions after reading it or if you run into any difficulties in the process, it is important that you contact your local union representatives. They will be able to help you and insure that your rights are respected.

Happy reading!

* Translator's note: The CNESST uses the term "preventive withdrawal" for protective reassignment.



Pregnant worker

Pregnancy-related medical visits

You are entitled to a special leave for each one of your pregnancy-related visits with a health professional. This leave is with pay up to a maximum of four days. This leave may be taken in half days. It must be attested by a physician or a midwife. You are entitled to the benefits stipulated for a maternity leave during this leave.

There is no limit to the number of absences without pay that you can take for such visits. You can use your bank of sick-leave days once the bank of paid special leaves is exhausted.

Be sure to give your employer the medical certificate justifying your absence for all pregnancy-related absences.

Right to a protective reassignment for the pregnant (RPTE) or breastfeeding worker (RPTA)

It is crucial for you and your unborn child that you discuss with your physician at the first medical visit, whether or not you need to exercise your right to a RPTE over the course of the different stages of your pregnancy. You must once again talk to your physician about exercising the right to a protective reassignment for the breastfeeding worker (RPTA) if, when you return to work following your maternity leave, you are breastfeeding your child.

In fact, if you are pregnant, or you are breastfeeding your child, and your working conditions entail hazards for you, because of your pregnancy, or for the unborn

or breastfeeding child, you can ask your employer to assign you to duties free of such hazards, under sections 40 to 48 in the Occupational Health and Safety Act (OHS Act). In addition, you must be reasonably able to accomplish the duties in the assignment (often called “reassignment”) proposed by your employer, particularly with respect to your professional qualifications, your training, your experience, your physical capacities and your aptitudes.

The duties to which your employer can assign you are outlined in clause 22.19 in the collective agreement. In fact, you may ask to be temporarily assigned to another vacant position or a position temporarily without an incumbent, with the same job title or, if you agree and subject to other applicable provisions in the agreement, to another job title. This temporary assignment is made, if possible, on the same shift, and takes priority over that of the employees on the availability list.

Moreover, another employee may, if she agrees and after obtaining the employer’s consent, exchange her position with yours for the length of the temporary assignment, when you both meet the normal requirements of the job for the positions. Both of you maintain the rights and benefits related to your respective regular positions.

Applying for an RPTE or an RPTA is not a request to stop work, but a request to be assigned to duties without hazards. To be entitled to it, you must be both medically fit for the work and available for such an assignment.

Request for a reassignment or a preventive withdrawal (RPTE or RPTA)

The steps to follow are simple and are as follows:

1 Identify the hazardous working conditions

Healthcare professionals are exposed to various categories of risks, even hazards, in their work environments. Their working conditions involve a very large number of ergonomic, biological, chemical, psychosocial hazards linked to organization of work and safety, the accumulation of which often characterizes their work environment. A **good environmental analysis** of the work environment is therefore the starting point of any request for protective reassignment.

To do this, it is recommended that an accurate profile of your centre of activities and your work station be drawn up, to make an exhaustive list of the duties that you must carry out and to note those that involve hazards that could justify exercising the right to a protective reassignment. Do not hesitate to ask for help from your local union team as needed.

If you work in more than one centre of activities or in more than one institution, proceed in the same way to identify all the hazards linked to each one of your work stations.

RPTE	RPTA
Working conditions that involve hazards for you, because of your pregnancy or unborn child.	Working conditions that involve hazards only for the child you are breastfeeding.
To prevent poor pregnancy outcomes and harmful effects on the development of the unborn child.	To prevent harmful effects on your child's brain, liver and development.
	Not for resolving the problems related to the breastfeeding of your child.

2 Consult the physician of your choice

Consult your physician as soon as you are pregnant so that he can determine as soon as possible the different hazards that you are exposed to by your job, because of your pregnancy, or to which your unborn or breastfeeding child is exposed, as well as the date on which you should benefit from a protective reassignment.

The choice of your physician is of the utmost importance given the crucial role that he has within the context of exercising the right to protective reassignment. It is he who will decide if you are actually entitled to a protective reassignment (RPTE), as of what week of pregnancy, or to a RPTA, as the case may be. If so, it is your physician who must complete the Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker¹. However, the OHS Act requires the attending physician to consult the institution's physician or, failing this, the director of public health (DSP) for the region where the institution is located or the physician that the latter designates

1. The Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker is shown in Appendix 1 (in French only). It is available at the following web address: www.csst.qc.ca/formulaires/Documents/1166web.pdf

before he can issue an opinion on whether hazards exist or not, and then issue the certificate. The certificate is not valid without this consultation.

3 Ask the physician to issue the RPTE or RPTA certificate

With the help of the information collected during the analysis of your work environment, describe your working conditions to your physician and explain to him the nature of the hazards that you are concerned about as a pregnant or breastfeeding worker. If your physician establishes that there is a hazard and that you are medically fit to work, he must complete each one of the five following sections of the certificate for your protective reassignment.

- **Identification of the worker and reason for the consultation**

Your physician completes this section using the information you have given him during your appointment with him. Carefully check the written description of the hazards involved before signing it to be sure your physician has issued an opinion on every one of the working conditions that you feel are hazardous.

- **Identification of the workplace and description of the worker's job**

Also check the accuracy of the information written about your work station, including your centre of activities, your job title, your shift and your schedule.

- **Mandatory consultation under the OHS Act**

In this section, your physician must indicate the name of the health-services physician in the institution where you work or that of the DSP

physician consulted, as well as the date on which he received his verbal or written recommendations². Preferably, this consultation is done by telephone in order to accelerate the process, because any delay could compromise your health, because of your pregnancy, or that of your unborn or breastfeeding child. Then, the Medical-Environmental Consultation Report containing the recommendations is sent to him by the DSP. Ask your physician for a copy of this report that substantiates your certificate.

- **Medical report**

It is here that your physician must, on the one hand, specify the order of importance of each one of the working conditions in your job that he considers hazardous and, on the other hand, issue an opinion on your ability to work. Thus, for the question, “**Is the worker medically fit to work?**”, he must check “**Yes**” so that you can benefit from the right to protective reassignment, because the For a Safe Maternity Experience Programme is aimed primarily at a hazard-free job.

Your physician must also indicate the health problems that can be aggravated by these working conditions, if applicable, even though their existence in no way prevents the worker suffering from them from taking advantage of the right to a protective reassignment. However, if the worker becomes unable to work for medical reasons, she will then no longer be entitled to a protective reassignment. She may then be eligible for either a special leave for a complication or interruption of pregnancy, or for salary insurance benefits, according to the provisions of the collective agreement.

2. See Appendix 2 for examples of medical recommendations issued for a RPTE.

● Certificate

Your physician must certify that your working conditions involve hazards for yourself, because of your pregnancy or for your unborn or breast-feeding child. He must specify the date of the protective reassignment or the preventive withdrawal from work. In cases of pregnancy, he must also indicate the number of weeks of pregnancy for the date of the protective reassignment or preventive withdrawal from work. He must date and sign the certificate, and write the date on which he gives it to you. This latter date can correspond to the date of the reassignment or preventive withdrawal from work in the case where the withdrawal is immediate.

Once the certificate is duly completed, your physician gives you two copies, one for you and the one for your employer. Two other copies are sent to the DSP and the regional administration of the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) for your institution respectively. The fifth copy is kept by your physician.

There are no costs to pay for a Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker to be issued.

4 Submit the certificate to your employer

Submitting the certificate to your employer automatically constitutes **a request for assignment** to duties free of hazards and that you are reasonably able to perform. The employer must follow up immediately and without any other formalities. He must also immediately inform your union indicating your name and the reasons in support of your request for protective reassignment.

Assignment proposed by the employer: rights and recourses

The table appearing on the following page indicates the scenarios that can occur when you submit your certificate to the employer.

If you are a **pregnant respiratory therapist** and you continually work in contact with anaesthetic gases, you can be transferred, upon your request or that of your employer, to another respiratory therapy unit. This transfer is only temporary. You will reintegrate your position when you return to work after your maternity leave. Moreover, in April 2012, the *Institut national de santé publique du Québec* (INSPQ) published a document entitled "*L'exposition à des substances chimiques chez les inhalothérapeutes enceintes : impact potentiel sur le déroulement et le résultat de la grossesse*". You can consult this publication at the following web address: www.inspq.qc.ca/pdf/publications/1519_ExpoSubsChiMlnhaloEnceinImpacPotenGrossesse.pdf.

When you are assigned to other duties, you maintain the regular salary and all the benefits attached to the position you had before your assignment, among others:

- 1 The payment of premiums, supplements and the additional remuneration, if applicable;
- 2 The payment of overtime previously agreed upon, even if it was not worked because of this assignment;
- 3 The accumulation of seniority and experience;
- 4 The accumulation of annual vacation days and sick-leave days;
- 5 The right to maintain your participation in the pension plan and the group insurance plans, according to the same terms;
- 6 The right to apply for a position and to obtain it according to the provisions of the collective agreement as if you were at work.

PREVENTIVE WITHDRAWAL AND REASSIGNMENT CERTIFICATE SUBMITTED TO THE EMPLOYER - POSSIBLE SCENARIOS³

Assignment proposed by the employer	Rights and recourses
The employer proposes an assignment that complies with your certificate, that is, he assigns you to duties that do not involve hazards and that you are reasonably able to perform.	<ul style="list-style-type: none"> You are immediately assigned to these duties. You maintain the salary and all the benefits linked to the job you had before this assignment.
The employer does not immediately propose an assignment for you.	<ul style="list-style-type: none"> You stop working and receive the indemnities stipulated in the OHS Act. You maintain all the benefits linked to the job you had before you stopped working. You remain available for an eventual assignment.
<p>The employer proposes an assignment for you that does not comply with your certificate, that is, he assigns you to duties that involve one or more of the identified hazards.</p> <p>OR</p> <p>The employer proposes an assignment for you to duties that you are not reasonably able to perform.</p>	<ul style="list-style-type: none"> You verbally ask the CNESST to examine the issue and to decide on whether or not the assignment complies, or on your capacity (professional and physical) to perform these duties. You stop working. You maintain all the benefits linked to your regular job. You remain available for an eventual assignment. The decision that will be rendered can be appealed within 10 days by yourself or your employer. You are entitled to financial assistance from the FIQ, if needed.
The employer proposes an assignment for you to duties free of the identified hazards, but that entail new hazards.	<ul style="list-style-type: none"> You once again consult your physician to obtain a 2nd certificate for a RPTE-RPTA identifying these hazards, and you give it to your employer.
The employer proposes an assignment for you that complies with your certificate, free of hazards, that you are reasonably able to perform, but that violates the provincial or local provisions of the collective agreement.	<ul style="list-style-type: none"> You cannot refuse this assignment that complies with the OHS Act. However, it is recommended that you consult your local union team to see if steps need to be taken with your employer, such as the filing of a grievance.

3. See also the Algorithm of assignment scenarios in Appendix 3.

Your employer can ask the CNESST for financial assistance to make up the difference between the compensation for your regular position and that of your assignment, if applicable.

Your local union team can guide you through your request for a protective reassignment. Do not hesitate to consult them as needed.

Financial assistance from the FIQ

For many years, the FIQ has chosen to financially assist the members who contest the assignment proposed by their employer. Since they may then not receive any compensation during the period when the CNESST, the DRA and/or the TAT, OHS division is making a decision on whether or not the contested assignment complies, the delegation meeting at a 1993 Federal Council adopted a policy aimed at offering them financial assistance, in the form of a loan. To obtain the financial assistance, you must respect the following conditions:

- 1 Appeal the CNESST decision that declared that the assignment proposed by your employer complies;
- 2 Apply for a loan from the FIQ in writing;
- 3 Attach a copy of all supporting documents included in your protective reassignment file to your loan application:
 - Your Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker accompanied, if possible, by the medical-environmental consultation report;
 - A description of the assignment proposed by your employer;
 - The CNESST decision on the compliance of the assignment;

- Your appeal or application for review of that decision;

- All other correspondence related to your file;

4 Submit all these documents to your local union team who, in turn, will send them to the FIQ union consultant for your institution;

5 Sign an acknowledgement of debt⁴ when you are given the loan following an evaluation of your file by the FIQ.

The amount of the loan cannot exceed \$1,000. However, if you have to also appeal the decision rendered by the CNESST *Direction de la révision administrative* (DRA) to the *Tribunal administrative du travail* (TAT, OHS division), a second loan of \$1,000 can be given to you according to the same terms.

If you win your appeal and the final decision states that the assignment proposed by your employer does not comply with your certificate, you must reimburse your debt to the FIQ as soon as you are paid the amounts from the CNESST or from your employer. However, your debt with the FIQ is automatically cancelled if you lose your appeal.

Compensation: rights and recourse

Upon receipt of your Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker sent by your physician, the CNESST renders a decision on your eligibility for the For a Safe Maternity Experience Programme and on your right to receive the indemnities stipulated in the OHS Act. You or your employer can request a review of this decision by the CNESST *Direction de la révision administrative* (DRA) in the 30 days following notification of the decision. The DRA decision can also be appealed to the

4. With the help of the acknowledgement of debt form provided by the FIQ.

TAT, OHS division, by yourself or your employer within 45 days. The decision rendered by this body is final and without appeal. Do not hesitate to ask for assistance as needed from your local union team to appeal a decision.

It is important that you **keep a legible copy** of all documents (correspondence, letters, decisions, medical file, CNESST file, etc.) that you receive, particularly from the CNESST, the DRA, the TAT, OHS division, your employer, your physician and those that you or your union representative send concerning your request for a protective reassignment.

In the event you stop working, the compensation to which you are entitled is described hereafter. You also maintain all the benefits linked to the position that you had before you stopped working.

Indemnity paid by the employer

During the first five days of work stoppage, you are entitled to receive your regular salary from your employer for each day or part of a day when you would normally have worked during this period.

Then, you are entitled to the indemnity to which you would be entitled under an Act respecting industrial accidents and occupational diseases (AIAOD) as if you had become unable to perform your job because of an employment injury within the meaning of that Act.

That is to say that, as of the 6th day of work stoppage, during the 14 calendar days that immediately follow the period of five days of work stoppage, you receive an indemnity equal to 90% of your net salary⁵ from your employer for each day or part of a day when you would have normally worked. The employer is reimbursed this indemnity by the CNESST. The employer must send the "*Demande de remboursement pour un retrait préven-*

tif de la travailleuse enceinte ou qui allaite" form to the CNESST on which he writes the information related to your job, including your annual gross income.

It is important to insure the accuracy of the information sent to the CNESST by your employer given that the CNESST uses this information to calculate your income replacement indemnity (IRI) that it will pay you as of the 20th day of your work stoppage.

Indemnity paid by the CNESST

As of the 20th day of work stoppage, you receive the IRI equal to 90% of your net income from the CNESST every two weeks. This indemnity is established based on your annual gross income related to your employment or the position you had before your work stoppage, including, if applicable, premiums, supplements and additional remuneration. However, you can prove to the CNESST, if applicable, that you earned a higher gross income during the 12 months preceding your work stoppage by adding the income from overtime that you have worked during this period.

For the purposes of calculating the IRI paid by the CNESST, the annual gross income used to establish this indemnity cannot be higher than the maximum insurable earnings stipulated in the AIAOD, which is \$72,500 in 2017.

You are paid the IRI until the date of an assignment, or until the 4th week preceding that of the expected date of your delivery if you are eligible for QPIP benefits, or if not, until the date of your delivery.

5. Net salary: gross salary less the deductions for income taxes, employment insurance, the Québec Pension Plan and the Québec Parental Insurance Plan.

Even though under the OHS Act, a pregnant worker is presumed to be eligible for QPIP benefits as of the 4th week preceding that of the expected date of delivery, you are not obliged to begin your maternity leave at that time. In fact, you could, for example, decide to take a leave without pay at a time of your choosing and subject to the terms in the collective agreement and postpone the start of the payment of the QPIP benefits to which you are entitled to a later date. Similarly, you could benefit from such a postponement in order to receive salary insurance benefits in the case where you become disabled/ill within the meaning of the collective agreement. For more information on a maternity leave, consult the following section on the mother.

Furthermore, if you exercise the right to a protective reassignment for a breastfeeding worker, the IRI will then be paid to you until the date of an assignment or until the end of the period during which your child is being breastfed.

For the purpose of RREGOP, the days or parts of days during which you receive an IRI stipulated in the provisions of the OHS Act, related to exercising the right to a protective reassignment of the pregnant or breastfeeding worker, are credited with **a waiver** of payment of your contributions to the pension plan.

For the group insurance, you must continue to pay your usual share of the premium for the basic drug plan, as participation in this plan is compulsory under an Act respecting prescription drug insurance. Your participation in the Extended Plans I, II and III is automatically maintained during your absence, as long as you pay the premiums. However, you can suspend your participation in these plans from the beginning or at any time during your absence.

Benefits paid by the Québec Parental Insurance Plan (QPIP)

As of the 4th week preceding that of the expected date of your delivery, you are presumed to be eligible for QPIP benefits. If you choose to start your leave at that time, you must send your application when the payment of the IRI by the CNESST ends. This indemnity ends on a Saturday with the goal of aligning it with the QPIP benefits which begin on a Sunday.

You cannot send your application for QPIP benefits in advance. In fact, it must be done during the calendar week (from Sunday to Saturday) in which you want your benefit period to begin. For more information on the QPIP, consult the following section on the mother.

Example:

- **Thursday, July 30** = The expected date of delivery
- **June 28 to July 25** = The four weeks preceding the week of the expected date of delivery
- **Saturday, June 27** = The end of the IRI payment by the CNESST
- **Sunday, June 28** = The starting date from which the request for QPIP benefits must be sent in order that the period of benefits start this same day

JUNE							JULY							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
		1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11	
14	15	16	17	18	19	20	12	13	14	15	16	17	18	
21	22	23	24	25	26	27	19	20	21	22	23	24	25	
28	29	30					26	27	28	29	30	31		

If your expected date of delivery is changed, the CNESST will adjust the date the payment of your IRI ends, providing that your physician informs them of this new date before the payment of this indemnity ends.

Recourse in the case of incorrect compensation

You must pay particular attention to the first notice of payment issued by the CNESST or the CNESST decision concerning the date that the payment of your IRI will begin. If the CNESST renders a decision or issues a notice of payment to the effect that the payment of this indemnity will begin after the 20th calendar day of your work stoppage, it will then be important to ask for a review of that decision within 30 days following notification. The FIQ has developed a form for applying for a review of a CNESST decision. Contact your local union team.

Furthermore, if the employer does not pay the compensation to which you are entitled during the first 19 days of work stoppage as well as all the benefits related to your employment correctly, you may file a complaint with the CNESST in the 30 days following knowledge of these facts, under Section 227 in the OHS Act⁶.

Return to regular employment

At the end of your assignment or work stoppage, the employer must reinstate you in your regular job. If this does not happen, or you do not benefit from all the benefits linked to the job you held before your assignment or work stoppage upon your return to work, you can file a complaint with the CNESST under Section 227 in the OHS Act.

A summary of the possible recourses and the deadlines for appealing a decision concerning a RPTE or a RPTA is presented in the chart on the following page.

6. The complaint form under section 227 of the OHS Act is available at the following web address:
www.csst.qc.ca/formulaires/Documents/2261web.pdf



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APPEAL OF A DECISION ON A RPTE OR A RPTA

CNESST decision concerning...	Decision by your EMPLOYER concerning...	
<p>Your eligibility for the CNESST For a Safe Maternity Experience Programme (your right to a protective reassignment)</p> <p>Your right to an IRI (as of the 20th day of your work stoppage)</p> <p>The amount, the beginning and the length of the IRI paid by the CNESST (notice of payment)</p> <p>All other CNESST decisions, except those rendered concerning an employer's decision (see the two following columns)</p>	<p>The assignment proposed by the employer (duties in the assignment, and/or duties that you are not reasonably able to perform)</p>	<p>The compensation during the first 19 days of your work stoppage</p> <p>The salary and benefits linked to the job held before your assignment or work stoppage</p> <p>Reinstatement in your regular job after your assignment or work stoppage</p> <p>All other decisions by your employer</p>

APPROPRIATE RECOURSE AND DEADLINE TO APPEAL

<p>Application for review to the DRA at the CNESST within 30 days of notification of the decision being appealed</p> <p>▼</p> <p>DRA decision</p> <p>▼</p> <p>Appeal to the TAT, OHS division, within 45 days of notification of the DRA decision</p> <p>▼</p> <p>TAT, OHS division, decision final and without appeal</p>	<p>Verbal request to the CNESST to examine the assignment proposed by the employer</p> <p>▼</p> <p>CNESST decision within 20 days of the request</p> <p>▼</p> <p>Request for review by the DRA of the CNESST within 10 days of notification of this CNESST decision</p> <p>▼</p> <p>DRA decision</p> <p>▼</p> <p>Appeal to the TAT, OHS division, within 10 days of notification of this DRA decision</p> <p>▼</p> <p>TAT, OHS division, decision final and without appeal</p>	<p>Written complaint to the CNESST under Section 227 of the OHS Act within 30 days of the knowledge of the decision</p> <p>▼</p> <p>CNESST decision</p> <p>▼</p> <p>Appeal direct to the TAT, OHS division, within 45 days of notification of this decision</p> <p>▼</p> <p>TAT, OHS division, decision final and without appeal</p>
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Complication of pregnancy requiring a work stoppage

According to the collective agreement, you are entitled to a special leave when a complication of pregnancy or a risk for an interruption of pregnancy requires a work stoppage. Your physician must produce a medical certificate.

During this leave, all the advantages and benefits to which you are entitled are recognized as if you were at work and you may therefore draw benefits from the sick-leave days and the salary insurance plan.

Theoretically, the special leave ends 4 weeks before the expected date of your delivery. However, after that date, you can continue to receive salary insurance benefits if your condition still requires this, but you will then be governed only by the provisions of the disability plan, which means that during these weeks of additional salary insurance, you are only entitled to that plan and no longer entitled to those related to the maternity leave.

In vitro fertilization

If you have to use *in vitro* fertilization and this causes an incapacity or functional limitations, even of a temporary nature, talk to your local union team in order to learn about your rights.

Interruption of pregnancy

An interruption of pregnancy before the beginning of the 20th week

You are entitled to a special leave when a natural or induced interruption of pregnancy occurs before the beginning of the 20th week preceding the expected date of your delivery. It is the medical certificate completed

by your physician that stipulates the length of the leave. During this leave, all the advantages and benefits to which you are entitled are recognized as if you were at work. You can also draw benefits from the sick-leave days or salary insurance plan.

An interruption of pregnancy as of the beginning of the 20th week

If you suffer a miscarriage as of the beginning of the 20th week preceding the expected date of your delivery, you are entitled to a maternity leave. If you are eligible for QPIP, the last three weeks of your leave will be without pay, because the maternity allowances paid by the employer are only paid as a supplement to the QPIP benefits. So, the payment of these benefits ends no later than 18 weeks after the week in which the interruption of pregnancy occurs.

The rules concerning your maternity leave, the allowances from the employer paid during the maternity leave as well as the QPIP benefits related thereto are explained in detail in the following section on the mother.



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Mother

Absence related to the birth

In the rare cases where you deliver or suffer an interruption of pregnancy during a week in which you are still at work and you are eligible for the Québec Parental Insurance Plan (QPIP), you can be absent from work for five days before starting your maternity leave. This right is not found in the collective agreement, but in an Act respecting labour standards. The first two days are paid by the employer and the following three days are without pay. In this situation, the maternity leave of 21 weeks starts on the Sunday that follows the delivery.

Maternity leave

Length/eligibility/division

According to the collective agreement, if you are pregnant and eligible for the QPIP you are entitled to a maternity leave of 21 weeks. If you are not eligible for the QPIP, the maternity leave is 20 weeks.

Also entitled to this maternity leave:

- 1 An employee who becomes pregnant when she is on a leave without pay or a part-time leave without pay;
- 2 An employee who suffers an interruption of pregnancy as of the beginning of the 20th week preceding the expected date of delivery (see the details in the preceding section related to the pregnant worker);
- 3 A male employee whose spouse passes away when she is on maternity leave. He is entitled to the remaining part of the leave. There is then an extension of the QPIP benefit period as well as the supplemental allowance from the employer.

You can divide up the leave before or after the expected date for your delivery at your discretion. The maternity leave is simultaneous with the period that QPIP benefits are paid. It starts the 16th week preceding the expected date of your delivery, at the earliest, and no later than the week following the start of the benefits under the QPIP being paid. Although the leave does not have to include the day of your delivery (unless you are eligible for employment insurance instead of the QPIP), if you start it after the Sunday which follows your delivery, you could lose weeks of QPIP benefits.

As mentioned in the sections on the indemnity paid by the CNESST and on a complication of pregnancy included in the preceding section related to the pregnant worker, in the special case where you are on a work stoppage, because of a protective reassignment of a pregnant worker or a special leave for a complication of pregnancy, you are not obliged to make this coincide with the end of the payment of the IRI from the CNESST or with the end of the special leave, that is, in both cases: the 4th week preceding that of the expected date of your delivery. After that date, you can always continue to be on salary insurance if your condition so requires, but you become governed **only** by the provisions of the disability plan.

The weeks of maternity leave must be consecutive. However, the leave may be suspended, split up or extended in certain circumstances. Talk to your local union team for more information.

Advance notice

You must give an advance notice of two weeks before the date of your departure in order to obtain a maternity leave. This advance notice must be accompanied by a medical certificate or a written report signed by a midwife. If you are on a leave without pay, you do not have to return to work to submit this advance notice.

If you have to leave sooner than expected for medical reasons, this advance notice can be shorter or you may be exempt from such a notice.

Postponement of annual vacation

You may postpone up to four weeks of annual vacation. You can take your weeks of postponed annual vacation **after** your leave without pay or part-time leave without pay. You can also take them **immediately before** your leave without pay or part-time leave without pay providing there is **no break** in your maternity leave. In this case, you must suspend your QPIP benefits for this period so that these benefits are not partially reduced or stopped. This suspension does not extend your benefit period. Consequently, do not forget that your QPIP benefits must be taken in the 52 weeks following your delivery.

If you have weeks of annual vacation scheduled during your maternity leave, don't forget to ask, in writing, to have them postponed at least two weeks before the end of your maternity leave.

Rights and benefits

All the rights and benefits to which you are entitled are recognized during a maternity leave, as if you were at work.

Don't forget to apply for group insurance coverage for your child within 30 days of the birth.

The other rules concerning the maternity benefits to which you are entitled under the QPIP and the maternity allowance paid by the employer vary according to various criteria explained a little further on in this brochure.

Return to work

The employer will send you a notice four weeks before the end of your maternity leave indicating the date the leave is scheduled to end. If you do not report to work in the four weeks following the end of the leave, you are considered to have resigned.

You can choose to make a written request for a leave without pay as an extension of your maternity leave (see the section on the extensions of maternity leave).

When you return to work, you return to the position or the assignment that you held before your departure, or, if such is the case, the position you obtained during your maternity leave.

Death of the father

The collective agreement does not stipulate that the remainder of the paternity leave is transferred to the mother in the event of the father's death. However, under the QPIP, the number of weeks of paternity benefits of the deceased father not used at the time of his death is added to the total number of weeks of parental benefits. For example, in the case where you have chosen the basic QPIP plan, if the father's death occurs when he has not taken any leave, you would be entitled to 55 weeks of QPIP benefits instead of 50 weeks.

In order to take advantage of these additional weeks of benefits, you must request a leave without pay from the employer for a period that includes these weeks. In the preceding example, you must therefore request a leave without pay of at least 34 weeks from your employer, the 55 weeks of QPIP benefits less the 21 weeks of maternity leave granted under the collective agreement. The explanations on the leave without pay taken after the maternity leave are presented hereafter.

Extensions of a maternity leave

Several options set out in the collective agreement are possible if you want to extend your maternity leave:

- 1 A parental leave without pay up to a maximum of two years;
- 2 A part-time parental leave without pay over a maximum period of two years;
- 3 A part-time leave without pay of 52 weeks if you do not take the two preceding options.

Parental leave without pay up to a maximum of two years

Length/eligibility/division

This leave without pay must **immediately follow** the maternity leave and is up to a maximum of two years.

Taking this leave without pay **does not have to immediately follow** the maternity leave in the following three cases:

- 1 You are taking your vacation before your leave without pay;
- 2 You are benefitting from the remainder of your spouse's leave without pay;
- 3 Your spouse does not work in the public sector. You may then take the leave without pay whenever you choose, but the leave cannot be extended beyond two years after the birth.

You are authorized to make a change once from a leave without pay to a part-time leave without pay or the reverse, or a part-time leave without pay to a different part-time leave without pay. You may make a change a second time providing you have indicated this in your initial request.

The collective agreement does not stipulate an allowance during this leave. However, the QPIP parental benefits can be paid to one or the other of the parents or shared between them for a specific time period.

This leave can be split up in exceptional cases. Talk to your local union team for more information.

Advance notice/return to work

You must make a written request at least **three weeks** before the beginning of your leave in order to take advantage of the leave without pay. Your request must specify the date you will return to work.

The employer must send you a notice four weeks in advance indicating the date your leave without pay ends. You must give an advance notice of your return to work two weeks before the end of your leave. If you do not report to work on the date scheduled for your return, you are considered to have resigned.

You can end your leave without pay before the expected date by giving an advance notice of 21 days. However, if the leave without pay exceeds 52 weeks, the advance notice is 30 days.

When you return to work, you return to the position or the assignment you held before your departure or, if such is the case, the position that you obtained during your leave without pay.

Rights and benefits

You accumulate your seniority during the leave without pay. You accumulate your experience up to 52 weeks and then, you maintain your experience. You have the right to apply for a position.

For the group insurance plans, you must continue to participate in the basic drug plan by paying your share of the premium for the first 52 weeks and the entire premium for the following weeks, except if you are covered by another group insurance plan. You can also continue to participate in the supplemental insurance plans by making the request at the beginning of the leave and by paying the entire premiums. It is important to know that if you do not maintain your participation in the insurance plans and you become ill/disabled during your leave without pay, you may not be entitled

to benefits from the insurer if your disability persists beyond the 104 weeks following the date scheduled for your return to work.

During the second year of the leave without pay, you may register on the availability list in your institution. Talk to your local union team to find out about your obligations regarding the minimum availability in such a case.

Part-time parental leave without pay up to a maximum of two years

Length/eligibility/division

This leave without pay must **immediately follow** the maternity leave and is of a maximum duration of two years.

The rules and the exceptions for the rest are the same as for the leave without pay of two years.

Advance notice/return to work

To take advantage of a part-time leave without pay, you must make a written request at least **30 days** before the beginning of your leave. The request must specify the arrangement of your leave and the date for your return to work. The parties may at any time agree to rearrange the leave.

The rules for the rest are the same as those for the leave without pay of two years.

Rights and benefits

You accumulate experience during the first 52 weeks. Afterwards, you accumulate experience according to the time worked.

The rules for the rest are the same as those for the leave without pay of two years.

Parental leave without pay of 52 weeks

If you decide not to take the leave without pay or the part-time leave without pay of two years, you are entitled to a leave without pay of 52 weeks. The latter begins whenever you choose and ends 70 weeks after the birth, at the latest.

The rules for splitting up the leave, the advance notice, return to work and the rights and benefits are the same as for the leave without pay of two years.

QPIP benefits related to the leaves

When you exercise your right to these parental leaves, you are entitled to financial benefits from various sources, including the Québec Parental Insurance Plan (QPIP), Employment Insurance or the supplemental allowance from the employer.

This section only concerns you if you are eligible for the QPIP. If you are eligible for employment insurance or if you are not eligible for either the QPIP or employment insurance, please talk to your local union team.

Eligibility/application

You must meet the following three criteria to be eligible for the QPIP:

- 1 Be a resident of Québec;
- 2 Have insurable earnings of at least \$2,000 during the reference period (generally the last 52 weeks);
- 3 Have stopped working or seen a reduction of at least 40% in your usual weekly earnings.

You do not have to be employed when you apply for benefits. Consult the application procedure on the QPIP website at: www.rqap.gouv.qc.ca/travailleur_salarie/demarche/index.en.asp.

Type of benefits/plan

The categories of relevant benefits are those for maternity (intended exclusively for the mother), for paternity (intended exclusively for the father) and parental (may be shared between the parents).

The QPIP offers a choice of two plans: the basic plan and the special plan. These two plans are distinguished by the number of weeks paid and the benefit rate offered.

The choice of plan is made by the first of the two parents who receives benefits. It cannot be changed and applies to all types of benefits for the same event.



Photo: ©iStockphoto.com/MariyaL

Summary table of the two QPIP plans

TYPE OF BENEFITS	BASIC PLAN		SPECIAL PLAN	
	Number of weeks	Income replacement	Number of weeks	Income replacement
Maternity (exclusively for the mother)	18	70%	15	75%
Paternity (exclusively for the father)	5	70%	3	75%
Parental (may be shared between the parents)	7	70%	25	75%
	<u>25</u>	55%		
	32			

Calculation of the benefits

The benefits are calculated on the average gross salary for the last 26 weeks with insurable earnings during the reference period of 52 weeks that precedes the start of your benefits. If the number of weeks is less than 26, the QPIP divides by that number of weeks, subject to the divisor not being less than 16.

Using the average obtained, the QPIP applies the percentage based on the plan applied for. The maximum earnings taken into account for determining your benefits are \$72,500 for 2017. It is indexed every year.

The weeks for which you have no insurable earnings are subtracted. The indemnity for a preventive withdrawal

(protective reassignment), the QPIP benefits received for a previous event and employment insurance benefits are not considered as insurable earnings.

The calculation of your weekly benefits includes all the compensation accumulated within the 26-week calculation period. A week is defined as a period of seven consecutive days starting on Sunday.

Consequently, if you do not work the number of days in your regular week during the calculation period, this will reduce the amount of the benefits that you will be paid. If you work overtime, this will increase it. For example, if you only work the last Sunday and you start your QPIP benefits the following Sunday, you will notice that the amount of your benefits is considerably reduced, because

the week when you only worked a Sunday will be counted in the calculation of the average weekly earnings. If you have no choice but to work that Sunday, it is preferable to begin your leave that same week rather than have it included in the calculation of your benefit rate.

Other situations can reduce the amount of the benefits that you will be paid. That can be the case if you have received salary insurance benefits or if you had a partial reassignment (RPTE) during your reference period. In the event that it is impossible for you to earn the entire amount of your usual insurable earnings for one of these reasons, you can make a request to the QPIP to have your reference period moved. Other situations allow for this request to be made to the QPIP. In addition, if you have successive events (pregnancy, births or adoptions) it could be advantageous to take the same reference period as the one used for the previous event. An application to QPIP must also be made. Talk to your local union team for more information.

If your **net family income is less than \$25,921**, you can apply to the QPIP to have your weekly benefits increased.

Reduction of benefits

If you receive compensation during a week when you receive QPIP maternity benefits, the total amount of the compensation received will be deducted from the maternity benefits. However, this will not be the case for the allowances paid by the employer set out in the following section.

If you receive compensation during a week when you receive QPIP parental benefits, the latter could be reduced. In fact, if your weekly benefits are less than \$200, the compensation received will be deducted from your benefits if it is more than \$50. If your weekly benefits are equal to or more than \$200, the compensation received will be deducted from your benefits if it is more than 25% of the amount of your benefits. Thus, when you

receive the payment of your accumulated, unused sick-leave days from your employer, for example, you can suspend your QPIP benefits for that period so that they are not partially or completely reduced. This suspension cannot extend your benefit period. Consequently, do not forget that your QPIP benefits must be taken in the 52 weeks following the delivery.

For more information on the QPIP go to: www.rqap.gouv.qc.ca.

Allowances paid by the employer

The employer's contribution complements the Québec Parental Insurance Plan. The collective agreement stipulates an allowance for the maternity leave, but there is no allowance for the leave without pay that follows the maternity leave.

Eligibility

The allowances payable by the employer vary based on the number of weeks of service and eligibility or not for the QPIP or employment insurance.

- 1 If you do not have 20 weeks of service: you are not entitled to any allowance from the employer. Service is calculated with all the employers in the public and parapublic sectors. It is up to you to insure that your previous employers are included. However, you may be eligible just the same for QPIP or employment insurance benefits.
- 2 If you have accumulated 20 weeks of service and are eligible for QPIP: you are entitled to an allowance from the employer for 21 weeks. Your eligibility for QPIP is determined by the previously mentioned criteria.

- 3 If you have accumulated 20 weeks of service and you are not eligible for QPIP: you might be eligible for employment insurance. Talk to your local union team for more information.
- 4 If you have accumulated 20 weeks of service but you are not eligible for QPIP or employment insurance: you are entitled to an allowance from the employer for 12 weeks. This would be the case if you were on leave without pay for the 104 weeks preceding your maternity leave.

Calculation of the allowance

In the case of a maternity leave, the allowance is equal to the addition of the amount representing 100% of your basic weekly salary on the first \$225 and that representing 88% of this salary on the excess of the first \$225, from which your benefits received or receivable from QPIP or employment insurance will be subtracted.

The calculation of the supplemental allowance payable by the employer is done in two steps. First the percentage of basic weekly salary is calculated, then, in the second step, the amount of the QPIP or employment insurance benefits is subtracted.

If the basic weekly salary is less than the QPIP benefits, the allowance payable by the employer will be equal to zero. This is explained by the fact that the employer establishes his calculation using the basic weekly salary while the QPIP uses the gross salary.

If you work **part time**, the basic weekly salary is the average basic weekly salary for the last 20 weeks preceding your maternity leave. If the date for an increase in the salary rates and scales falls within these last 20 weeks, your basic weekly salary will be calculated using that rate. Furthermore, if your maternity leave includes the date for the increase in salary rates and scales, your basic weekly salary increases on that date.

The basic weekly salary is the salary in the scale to which is added the responsibility premiums, the supplements and the additional remuneration. It does not include overtime or the inconvenience premiums.



Photo: ©Stockphoto.com/cujo19

Right to a protective reassignment for the breastfeeding worker (RPTA)

If you are breastfeeding your child, you may have to exercise your right to a RPTA when you return to work following your maternity leave. In fact, your working conditions may entail hazards for the child being breastfed. It is therefore important to discuss this with your physician.

The fact that you benefitted from the right to a protective reassignment during your pregnancy does not exempt you from making a **new application** to take advantage of this right during the breastfeeding of your child when you return to work. You must therefore go through the process again in order to obtain a certificate covering a RPTA this time. However, only the working conditions **considered hazardous for the health of the breastfed child** will then be taken into account.

The steps to follow, as well as your rights, your obligations and your recourses are, with the necessary adaptations, the same as those applicable to the protective reassignment of the pregnant worker. For more information on exercising this right, consult the section on the right to a protective reassignment for the pregnant worker included in the previous section on the pregnant worker.

RREGOP

You are exempt from paying your contributions to your pension plan during your maternity leave.

You can choose to maintain your participation in your pension plan during your parental leave without pay or your part-time leave without pay by paying your contributions or by applying for a buy-back of service for that period after your leave has ended.

It is important to verify that your employer has written the correct number of days that can be bought back in your application. This is all the more true if you are an employee working part time. Talk to your local union team for more information.

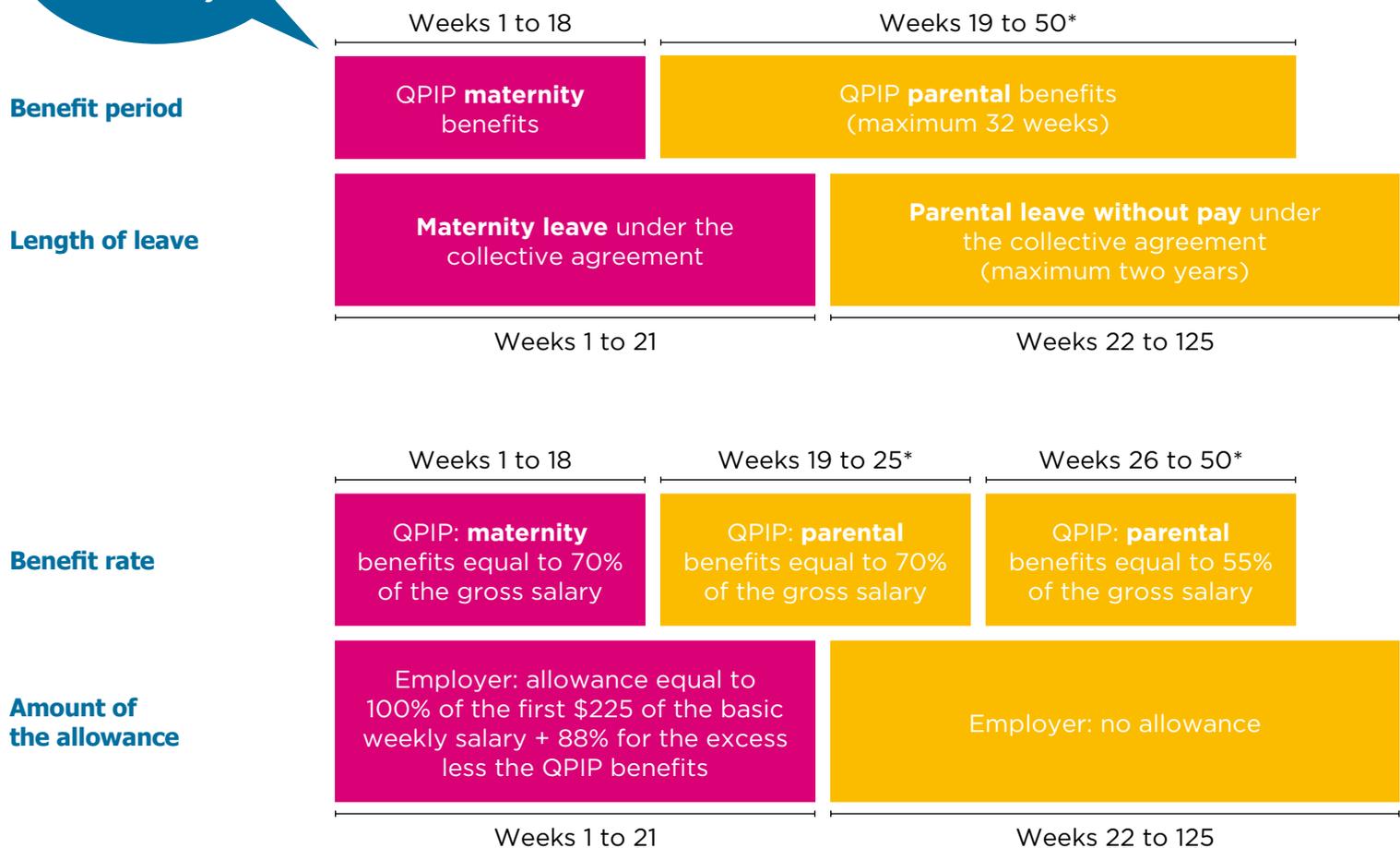
If you apply for a buy-back of service, it will cost you less if this application is received by Retraite Québec in the six months following your return to work.

Start: maximum 16 weeks before the expected date of delivery.

MOTHER

The QPIP basic plan (long leave)

Your benefits are lower over a longer period.



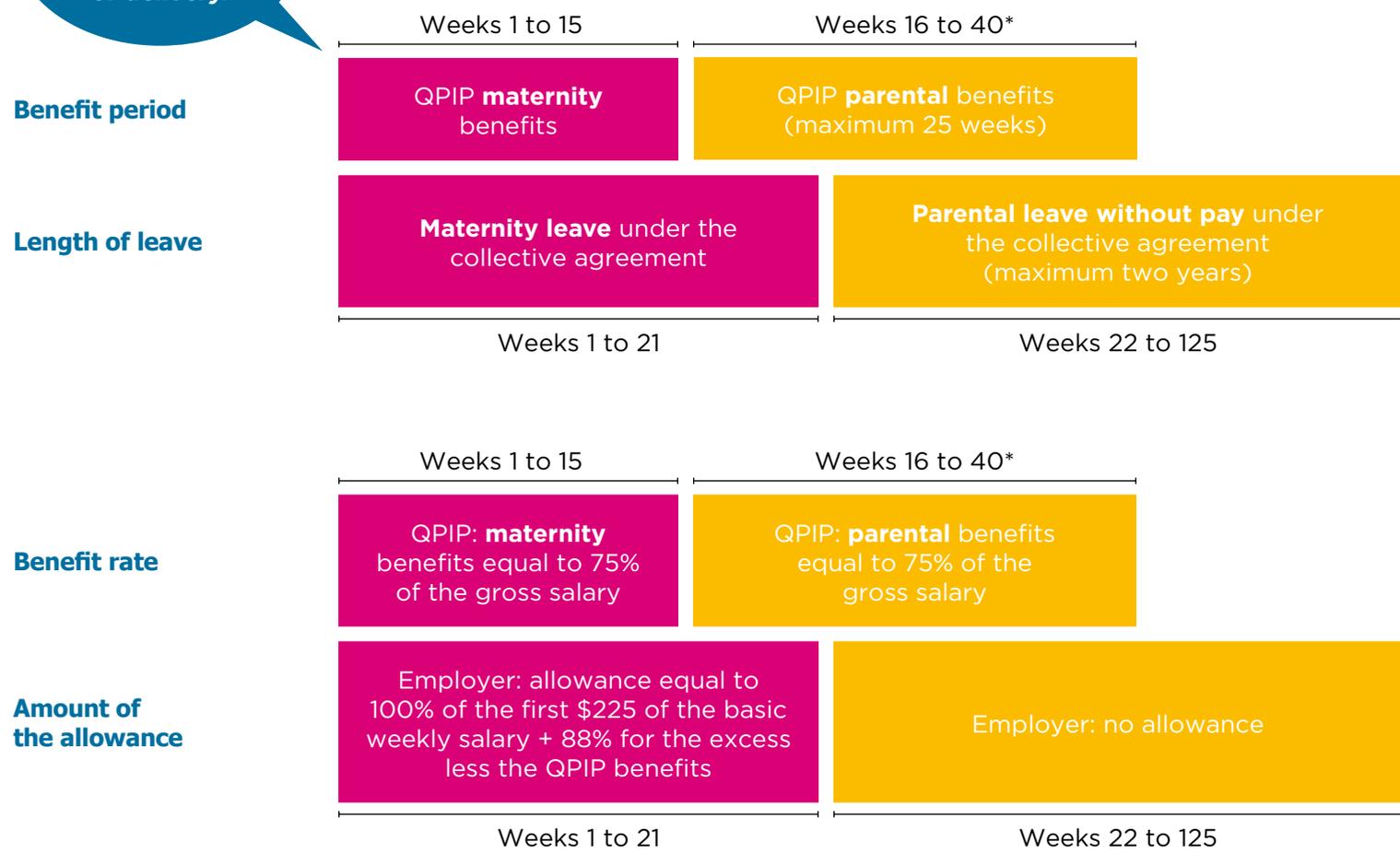
* The QPIP parental benefits may be taken by one or the other of the parents or shared between them simultaneously or successively.

*Start:
maximum
16 weeks before
the expected date
of delivery.*

MOTHER

The QPIP special plan (short leave)

*Your benefits
are higher
over a shorter
period.*



* The QPIP parental benefits may be taken by one or the other of the parents or shared between them simultaneously or successively.



Father

For purposes of this section, when the two parents are both women, the mother who did not give birth to the child is associated with the part of the father and is entitled to the same indemnities and benefits as the father.

Absence related to the birth

According to the collective agreement, you are entitled to a paid leave of five days for the birth of your child. This leave can be broken up and must be taken between the birth and the 15 days following the child's arrival in the home. You are also entitled to this leave if your spouse suffers an interruption of pregnancy as of the 20th week preceding the expected date of delivery.

All the rights and benefits to which you are entitled are recognized during this leave, as if you were at work.

Paternity leave

Length/eligibility/division

You are entitled to a paternity leave of five weeks for the birth of your child.

If you choose the Québec Parental Insurance Plan (QPIP) special plan, an Act respecting parental insurance stipulates that the maximum number of weeks of paternity benefits is three weeks. You can still have the five weeks of leave and supplemental parental allowances set out in the collective agreement if you receive QPIP parental benefits for at least two weeks.

You cannot start your paternity leave before the week in which the birth occurs and it must end 52 weeks after the birth at the latest. The weeks of leave must be consecutive except in cases of suspension or splitting up. Talk to your local union team for more information. The leave of five days should be taken **before** the five-week paternity leave.

Advance notice

You must give an advance notice of three weeks prior to the date of your departure in order to obtain your paternity leave. This advance notice must indicate the expected date for the leave to end. This advance notice can be less if the birth occurs before the expected date.

Rights and benefits

All the rights and benefits to which you are entitled during a paternity leave are recognized as if you were at work.

The other rules concerning the paternity benefits to which you are entitled under the QPIP and the paternity allowance paid by the employer vary according to various criteria explained a little further on in this brochure.

Don't forget to apply for group insurance coverage for your child within 30 days of the birth.

Death of the mother

In the case where the two parents are both employees in the public or parapublic sectors and the mother dies, the collective agreement stipulates that the remainder of the maternity leave is transferred to the father and he benefits from the related rights and benefits. For example, if the mother's death occurs before she has taken any leave, you would be entitled to 21 weeks of maternity leave, five weeks of paternity leave and two years of parental leave without pay.

For the compensation, an Act respecting parental insurance stipulates that the number of weeks of QPIP maternity benefits unused as of the death are added to the number of weeks of parental benefits. The benefit period is extended accordingly. For example, if the mother's death occurs when she has not taken any leave and you have chosen the basic plan, you are entitled to 55 weeks of QPIP benefits instead of 37 weeks.

In order to benefit from these additional weeks of benefits, you must request a leave of absence without pay from your employer that includes these weeks. In the preceding example, you must therefore request a leave of absence without pay of at least 29 weeks from your employer, the 55 weeks of QPIP benefits less the 5 weeks of paternity leave and the 21 weeks of maternity leave granted under the collective agreement. The explanations on the leave without pay taken after a paternity leave are presented hereafter.

Extensions of a paternity leave

There are several options available in the collective agreement if you want to extend your paternity leave:

- 1 A parental leave without pay up to two years;
- 2 A part-time parental leave without pay over a maximum period of two years;
- 3 A parental leave without pay of 52 weeks if you do not take the two preceding options.

Parental leave without pay up to a maximum of two years

Length/eligibility/division

This leave without pay must **immediately follow** the paternity leave of five weeks and is up to a maximum of two years. The length of this leave may not extend beyond the 125th week after the child's birth.

Taking this leave without pay **does not have to immediately follow** the paternity leave in the following four cases:

- 1 You are taking your vacation before your leave without pay;
- 2 You are benefitting from the remainder of your spouse's leave without pay;
- 3 Your spouse does not work in the public sector. You can then take the leave without pay whenever you choose, but the leave may not extend beyond two years after the birth;
- 4 You are benefitting from the remainder of your spouse's maternity leave.

You are authorized to make a change once from a leave without pay to a part-time leave without pay or the reverse, or a part-time leave without pay to a different part-time leave without pay. You may make a change a second time providing you have indicated this in your initial request.

The collective agreement does not stipulate an allowance during this leave. However, the QPIP parental benefits can be paid to one or the other of the parents or shared between them for a specific time period.

This leave can be split up in exceptional cases. Talk to your local union team for more information.

Advance notice/return to work

You must make a written request at least **three weeks** before the start of your leave in order to take advantage of this leave. Your request must specify the date you will return to work.

The employer must send you a notice four weeks in advance indicating the date your leave without pay ends. You must give an advance notice of your return to work two weeks before the end of your leave. If you do not report to work on the date scheduled for your return, you are considered to have resigned.

You can end your leave without pay before the expected date by giving an advance notice of 21 days. However, if the leave without pay exceeds 52 weeks, the advance notice is 30 days.

When you return to work, you return to the position or the assignment you held before your departure or, if such is the case, the position that you obtained during your leave without pay.

Rights and benefits

You accumulate your seniority during this leave without pay. You accumulate experience for the first 52 weeks. Afterwards, you maintain your experience. You have the right to apply for a position.

For the group insurance plans, you must continue to participate in the basic drug plan by paying your share of the premium for the first 52 weeks and the entire premium for the following weeks, except if you are covered by another group insurance plan. You can also continue to participate in the supplemental insurance plans by making the request at the beginning of the leave and by paying all the premiums. It is important to know that if you do not maintain your participation in the insurance plans and you become ill/disabled during your leave

without pay, you may not be entitled to benefits from the insurer if your disability persists beyond 104 weeks following the date scheduled for your return to work.

During the second year of the leave without pay, you may register on the availability list in your institution. Talk to your local union team to find out about your obligations regarding the minimum availability in such a case.

Part-time parental leave without pay up to a maximum of two years

Length/eligibility/division

This part-time leave without pay must **immediately follow** the paternity leave and is a maximum of two years.

The rules and the exceptions for the rest are the same as for the leave without pay.

Advance notice/return to work

You must make a written request at least **30 days** before the beginning of your leave in order to take advantage of this part-time leave without pay. Your request must specify the arrangement of your leave and the date of your return to work. The parties may agree to rearrange it at any time.

The rules for the rest are the same as for the leave without pay.

Rights and benefits

You accumulate experience during the first 52 weeks. Afterwards, you accumulate experience according to the time worked.

The rules for the rest are the same as for the leave without pay.

Parental leave without pay of 52 weeks

If you decide not to take the leave without pay or the part-time leave without pay of two years, you are entitled to a leave without pay of 52 weeks. The latter begins whenever you choose and ends 70 weeks after the birth, at the latest.

The rules for splitting up the leave, the advance notice, return to work and the rights and benefits are the same as for the leave without pay of two years.

QPIP benefits related to the leaves

When you exercise your right to these parental leaves, you are entitled to financial benefits from various sources, including the Québec Parental Insurance Plan (QPIP), Employment Insurance or the supplemental allowance from the employer.

This section only concerns you if you are eligible for the QPIP.

Eligibility/application

You must meet the following three criteria to be eligible for the QPIP:

- 1 Be a resident of Québec;
- 2 Have insurable earnings of at least \$2,000 during the reference period (generally the last 52 weeks);
- 3 Have stopped working or seen a reduction of at least 40% in your usual weekly earnings.

You do not have to be employed when you apply for benefits. Consult the application procedure on the QPIP website at: www.rqap.gouv.qc.ca/travailleur_salarie/demarche/index.asp.

Type of benefits/plan

The categories of relevant benefits are those for maternity (intended exclusively for the mother), for paternity (intended exclusively for the father) and parental (may be shared between the parents).

The QPIP offers a choice of two plans: the basic plan and the special plan. These two plans are distinguished by the number of weeks paid and the rate of benefits provided.

The choice of plan is made by the first of the two parents who receives benefits. It cannot be changed and applies to all types of benefits for the same event.



Photo: ©iStockphoto.com/jfairone

Summary table of the two QPIP plans

TYPE OF BENEFITS	BASIC PLAN		SPECIAL PLAN	
	Number of weeks	Income replacement	Number of weeks	Income replacement
Maternity (exclusively for the mother)	18	70%	15	75%
Paternity (exclusively for the father)	5	70%	3	75%
Parental (may be shared between the parents)	7	70%	25	75%
	<u>25</u>	55%		
	32			

Calculation of the benefits

The benefits are calculated on the average gross salary for the last 26 weeks with insurable earnings during the reference period of 52 weeks that precedes the start of your benefits. If the number of weeks is less than 26, the QPIP divides by that number of weeks, subject to the divisor not being less than 16.

Using the average obtained, the QPIP applies a percentage based on the plan applied for. The maximum earnings taken into account for determining your benefits are \$72,500 for 2017. It is indexed every year.

The weeks for which you have no insurable earnings are subtracted. The QPIP benefits received for a previous

event and the employment insurance benefits are not considered insurable earnings.

The calculation of your weekly benefits includes all the compensation accumulated within the 26-week calculation period. A week is defined as a period of seven consecutive days starting on Sunday.

Consequently, if you do not work the number of days in your regular week during the calculation period, this will reduce the amount of the benefits that you will be paid. If you work overtime, this will increase it. For example, if you only work the last Sunday and you start your QPIP benefits the following Sunday, you will notice that the amount of your benefits is considerably reduced, because the week when you only worked a Sunday

will be counted in the calculation of the average weekly earnings. If you have no choice but to work that Sunday, it is preferable to begin your leave that same week rather than have it included in the calculation of your benefits.

In the event it is impossible for you to earn the entire amount of your usual insurable earnings because you were on salary insurance, the amount of your benefits may also be reduced. You can then make a request to the QPIP to move your reference period. Other situations allow for this request to be made to the QPIP. In addition, if you have successive events (births or adoptions), it may be more advantageous to take the same reference period as the one used for the previous event. An application must be made to the QPIP. Talk to your local union team for more information.

If your **net family income is less than \$25,921**, you can apply to the QPIP to have your weekly benefits increased.

Reduction of benefits

If you receive compensation during a week of QPIP paternity or parental benefits, the latter could be reduced. In fact, if your weekly benefits are less than \$200, the compensation received will be deducted from your benefits if it is more than \$50. If your benefits are more than \$200, the compensation received will be deducted from your benefits if it is more than 25% of the amount of your benefits. Thus, when the employer pays you your accumulated and unused sick-leave days for example, you can suspend your QPIP benefits for that period so that the latter will not be partially or completely reduced. This suspension cannot extend your benefit period. Consequently, do not forget that your QPIP benefits must be taken within the 52 weeks following the birth.

For more information on the QPIP go to:
www.rqap.gouv.qc.ca.

Allowances paid by the employer

The employer's contribution complements the Québec Parental Insurance Plan.

Eligibility

The allowances payable by the employer vary based on the number of weeks of service and whether or not you are eligible for QPIP or employment insurance.

- 1 If you do not have 20 weeks of service: you are not entitled to any allowance from the employer. Service is calculated with all the employers in the public and parapublic sectors. It is up to you to insure that your previous employers are included. However, you may be eligible just the same for QPIP or employment insurance benefits.
- 2 If you have accumulated 20 weeks of service and are eligible for QPIP: you are entitled to an allowance from the employer for five weeks. Your eligibility for QPIP is determined by the previously mentioned criteria.
- 3 If you have accumulated 20 weeks of service and you are not eligible for QPIP: you might be eligible for employment insurance. Talk to your local union team for more information.

Calculation of the allowance

In the case of a paternity leave, the allowance is 100% of the basic weekly salary from which the employer subtracts the benefits received or receivable from QPIP or from employment insurance.

If you are not entitled to QPIP benefits or employment insurance benefits, you are entitled to an allowance from the employer equal to 100% of your basic weekly salary.

The calculation of the supplemental allowance payable by the employer is done in two steps. First, the percentage of basic weekly salary is calculated, then, in the second step, the amount of the QPIP or employment insurance benefits is subtracted.

If the basic weekly salary is less than the QPIP benefits, the allowance payable by the employer will be equal to zero. This is explained by the fact that the employer established his calculation using the basic weekly salary while the QPIP uses the gross salary.

If you work **part time**, the basic weekly salary is the average basic weekly salary for the last 20 weeks preceding your paternity leave. If the date for an increase

in the salary rates and scales falls within these last 20 weeks, your basic weekly salary will be calculated using that rate. Furthermore, if your paternity leave includes the date for the increase in salary rates and scales, your basic weekly salary increases on that date.

RREGOP

During your parental leave without pay or part-time leave without pay that follows your paternity leave, you may choose to maintain your participation in your pension plan by paying your contributions or by applying for a buy-back of service for that period after your leave has ended.

It is important to verify that your employer has written the correct number of days that can be bought back in your application. This is all the more true if you are an employee working part time. Talk to your local union team for more information.

The basic weekly salary is the salary in the scale to which is added the responsibility premiums, the supplements and the additional remuneration. It does not include overtime.

If you apply for a buy-back of service, it will cost you less if this application is received by Retraite Québec in the six months following your return to work.



Start: not before the week in which the child is born.

Your benefits are lower over a longer period.

FATHER

The QPIP basic plan (long leave)

		Weeks 1 to 5	Weeks 6 to 37*	
Benefit period		QPIP paternity benefits	QPIP parental benefits (maximum 32 weeks)	
Length of leave	Absence related to the birth under the collective agreement	Paternity leave under the collective agreement	Parental leave without pay under the collective agreement (maximum two years)	
	5 days	Weeks 1 to 5	Weeks 6 to 109	
		Weeks 1 to 5	Weeks 6 to 12*	Weeks 13 to 37*
Benefit rate		QPIP: paternity benefits equal to 70% of gross salary	QPIP: parental benefits equal to 70% of gross salary	QPIP: parental benefits equal to 55% of gross salary
Amount of the allowance	Employer: paid leave	Employer: allowance equal to 100% of basic weekly salary less the QPIP benefits	Employer: no allowance	
	5 days	Weeks 1 to 5	Weeks 6 to 109	

* The QPIP parental benefits may be taken by one or the other of the parents or shared between them simultaneously or successively.

Start: not before the week in which the child is born.

FATHER

The QPIP special plan (short leave)

Your benefits are higher over a shorter period.

		Weeks 1 to 3	Weeks 4 to 28*
Benefit period		QPIP paternity benefits	QPIP parental benefits (maximum 25 weeks)
Length of leave	Absence related to the birth under the collective agreement	Paternity leave under the collective agreement	Parental leave without pay under the collective agreement (maximum two years)
	5 days	Weeks 1 to 3	Weeks 4 to 107
Benefit rate		QPIP: paternity benefits equal to 75% of gross salary	QPIP: parental benefits equal to 75% of gross salary
Amount of the allowance	Employer: paid leave	Employer: allowance equal to 100% of basic weekly salary less the QPIP benefits	Employer: no allowance
	5 days	Weeks 1 to 3	Weeks 4 to 107

* The QPIP parental benefits may be taken by one or the other of the parents or shared between them simultaneously or successively.



Adoptive parent

Absence related to an adoption

According to the collective agreement, if you adopt a child **other than** your spouse's child, you are entitled to a paid leave of five days. This leave can be non-continuous and must be taken in the 15 days following the arrival of the child in the home.

If you adopt **your spouse's child**, you are also entitled to a leave of five days, but only the first two days are paid. This leave must be taken in the 15 days following the filing of the application for adoption. Following this leave, you are also entitled to the parental leave without pay of 52 weeks stipulated in clause 22.27 b) in the collective agreement and to the benefits stipulated in the Québec Parental Insurance Plan (QPIP).

Leaves for adoption and in view of adoption

If you legally adopt **a child other than your spouse's child**, the collective agreement provides various leaves:

- 1 A leave without pay of varying lengths for the necessary travel time in the case where you have to travel outside Québec;
- 2 A leave without pay of ten weeks in view of adoption;
- 3 A paid leave up to five weeks.

Leave without pay to travel outside Québec in view of adoption

You are entitled to such a leave if you have to travel outside Québec in view of an adoption. The leave is granted upon written request two weeks in advance, if possible. It lasts for the time needed for travel and ends the week following the start of the payment of the QPIP benefits, at the latest.

You are not entitled to any allowance during this leave. You are entitled to the same benefits as during the leave without pay that immediately follows the leave for adoption. However, if you take a leave without pay of four weeks or less, your participation in the insurance plans will be maintained and you will pay your share of the premium.

Leave without pay up to a maximum of ten weeks in view of adoption

You are entitled to a leave without pay up to a maximum of ten weeks starting when you effectively take charge of the child in view of adoption. The leave ends the week following the beginning of the payment of QPIP benefits.

If you want to spend as much time as possible with your child, it is in your interest, if you do not receive any allowance during this period, to not apply for QPIP benefits before the end of the ten weeks. During this leave, you are entitled to the same benefits as during a leave without pay that immediately follows the leave for adoption. However, if you take a leave without pay of four weeks or less, your participation in the insurance plans will be maintained and you will pay your share of the premium.

Paid leave for adoption of five weeks

Length/eligibility/division

You are entitled to a paid leave of five consecutive weeks when you adopt a child **other than** your spouse's child whether you are entitled to QPIP or not. If you are eligible for QPIP, you must take the QPIP adoption benefits **of at least five weeks** in order to benefit from these five weeks of allowances in the collective agreement.

This leave must begin no earlier than the week following the start of payment of the QPIP benefits and end no later than the 52nd week following the week that the child arrives in the home. If you are not eligible for QPIP, the leave must be taken after the placement order. The weeks of leave must be consecutive, except in cases of suspension or splitting up. Talk to your local union team for more information. The leave of five days should be taken **before** the leave for adoption of five weeks.

Advance notice

You must give an advance notice of three weeks before the date of your departure in order to obtain a leave for adoption. This advance notice must indicate the expected date that the leave will end.

Rights and benefits

During the leave for adoption, all the rights and benefits to which you are entitled are recognized as if you were at work.

The rules concerning the benefits for adoption to which you are entitled under the QPIP and the allowance paid by the employer vary according to various criteria that is explained a little further on in the brochure.

Do not forget to apply for group insurance coverage for your child within 30 days of the birth.

Extensions of the leave for adoption

Several options set out in the collective agreement are possible if you want to extend your leave for adoption:

- 1 A parental leave without pay up to a maximum of two years;
- 2 A part-time parental leave without pay over a maximum period of two years;
- 3 A parental leave without pay of 52 weeks if you do not take the two preceding options.

Parental leave without pay up to a maximum of two years

Length/eligibility/division

This leave without pay must **immediately follow** the leave for adoption of five weeks and is a maximum of two years. The length of this leave may not exceed the 125th week following the arrival of the child in the home.

The taking of this leave without pay **does not have to immediately follow** the leave for adoption in the following three exceptions:

- 1 You are taking your vacation before your leave without pay;
- 2 You are benefitting from the remainder of your spouse's leave without pay;
- 3 Your spouse does not work in the public sector. You may then take the leave without pay whenever you choose, but the leave cannot be extended beyond two years after the child's arrival in the home.

You are authorized to make a change once, from a leave without pay to a part-time leave without pay, or the reverse, a part-time leave without pay to a different part-time leave without pay. You can make a change a second time providing you have indicated this in your initial request.

The collective agreement does not stipulate an allowance during this leave. However, the QPIP adoption benefits can be paid to one or the other of the parents or shared between them for a specific time period.

This leave can be split up in exceptional cases. Talk to your local union team for more information.

Advance notice/return to work

You must make a written request at least **three weeks** before the beginning of your leave in order to take advantage of the leave without pay. Your request must specify the date you will return to work.

The employer must send you a notice four weeks in advance indicating the date that your leave without pay ends. You must give an advance notice of your return to work two weeks before the end of your leave. If you do not report to work on the date scheduled for your return, you are considered to have resigned.

You can end your leave without pay before the expected date by giving an advance notice of 21 days. However, if the leave without pay exceeds 52 weeks, the advance notice is 30 days.

When you return to work, you return to the position or the assignment you held before your departure or, if such is the case, the position that you obtained during your leave without pay for adoption.

Rights and benefits

You accumulate your seniority during the leave without pay. You accumulate experience for the first 52 weeks.

Afterwards, you maintain your experience. You have the right to apply for a position.

For the group insurance plans, you must continue to participate in the basic drug plan by paying your share of the premium for the first 52 weeks and the entire premium for the following weeks, except if you are covered by another group insurance plan. You can also continue to participate in the supplemental insurance plans by making the request at the beginning of the leave and by paying the entire premiums. It is important to know that if you do not maintain your participation in the insurance plans and you become ill/disabled during your leave without pay, you may not be entitled to benefits from the insurer if your disability persists beyond 104 weeks following the date scheduled for your return to work.

During the second year, you may register on the availability list of your institution. Talk to your local union team to find out about your obligations regarding minimum availability in such a case.

Part-time parental leave without pay up to a maximum of two years

Length/eligibility/division

This part-time leave without pay must **immediately follow** the leave for adoption and is a maximum of two years.

The rules and exceptions for the rest are the same as for the leave without pay.

Advance notice/return to work

You must make a written request at least **30 days** before the beginning of your leave in order to take advantage of the leave without pay. The request must specify the arrangement of your leave and the date for your return to work. The parties may at any time agree to rearrange the leave.

The rules for the rest are the same as for the leave without pay.

Rights and benefits

You accumulate experience during the first 52 weeks. Afterwards, you accumulate experience according to the time worked.

The rules for the rest are the same as for the leave without pay.

Parental leave without pay of 52 weeks

If you decide not to take the leave without pay or the part-time leave without pay of two years, you are entitled to a leave without pay of 52 weeks. The latter begins whenever you choose and ends, at the latest, 70 weeks after the child is entrusted to you. This leave applies to all forms of adoption. Consequently, you are entitled to it if you adopt your spouse's child.

The rules for splitting up the leave, the advance notice, return to work and the rights and benefits are the same as for the leave without pay of two years.

QPIP benefits related to the leaves

When you exercise your right to parental leaves, you are entitled to financial benefits from various sources, including the Québec Parental Insurance Plan (QPIP), Employment Insurance or the supplemental allowance from the employer.

This section only concerns you if you are eligible for the QPIP. If you are eligible for employment insurance or if you are not eligible for either the QPIP or employment insurance, please talk to your local union team.

Eligibility/application

You must meet the following three criteria to be eligible for the QPIP:

- 1 Be a resident of Québec;
- 2 Have insurable earnings of at least \$2,000 during the reference period (generally the last 52 weeks);
- 3 Have stopped working or seen a reduction of at least 40% in your usual weekly earnings.

You do not have to be employed when you apply for benefits. Consult the application procedure on the QPIP website: www.rqap.gouv.qc.ca/travailleur_salarie/demarche/index.asp.

Type of plan

The total amount of the QPIP benefits may be taken by one or the other of the parents or shared between them simultaneously or successively.

The QPIP offers a choice of two plans: the basic plan and the special plan. These two plans are distinguished by the number of weeks paid and the benefit rate offered.

The choice of plan is made by the first of the two parents who receives benefits. It cannot be changed.

Summary table of the two QPIP plans

TYPE OF BENEFITS	BASIC PLAN		SPECIAL PLAN	
	Number of weeks	Income replacement	Number of weeks	Income replacement
Adoption (may be shared between the adoptive parents)	12	70%	28	75%
	<u>25</u>	55%		
	37			

Calculation of the benefits

The benefits are calculated on the average gross salary for the last 26 weeks with insurable earnings during the reference period of 52 weeks that precedes the start of your benefits. If the number of weeks is less than 26, the QPIP divides by that number of weeks, subject to the divisor not being less than 16.

Using the average obtained, the QPIP applies the percentage based on the plan applied for. The maximum earnings taken into account for determining your benefit rate are \$72,500 for 2017. It is indexed every year.

The weeks for which you have no insurable earnings are subtracted. The QPIP benefits received for a previous event and employment insurance benefits are not considered as insurable earnings.

The calculation of your weekly benefits includes all the compensation accumulated within the 26-week calculation period. A week is defined as a period of seven consecutive days starting on Sunday.

Consequently, if you do not work the number of days in your regular week during the calculation period, this will reduce the amount of the benefits that you

will be paid. If you work overtime, this will increase it. For example, if you only work the last Sunday and you start your QPIP benefits the following Sunday, you will notice that the amount of your benefits is considerably reduced, because the week where you only worked a Sunday will be counted in the calculation of the average weekly earnings. If you have no choice but to work that Sunday, it is preferable to begin your leave that same week rather than have it included in the calculation of your benefit rate.

In the event that it is impossible for you to earn the entire amount of your usual insurable earnings because you were on salary insurance, the amount of your benefits may also be reduced. You can then make a request to the QPIP to have your reference period moved. Other situations allow for this request to be made to the QPIP. In addition, if you have successive events (pregnancies, births or adoptions), it may be more advantageous to take the same reference period as the one used for the previous event. Talk to your local union team for more information.

If your **net family income is less than \$25,921**, you can apply to the QPIP to have your weekly benefits increased.

Reduction of benefits

If you receive compensation during a week of QPIP paternity or parental benefits, the latter could be reduced. In fact, if your weekly benefits are less than \$200, the compensation received will be deducted from your benefits if it is more than \$50. If your benefits are equal to or more than \$200, the compensation received will be deducted from your benefits if it is more than 25% of the amount of your benefits. Thus, when the employer pays you your accumulated, unused sick-leave days for example, you can suspend your QPIP benefits for that period so that the benefits will not be partially or completely reduced. This suspension cannot extend your benefit period. Consequently, do not forget that your QPIP benefits must be taken within the 52 weeks following the child's arrival in the home.

For more information on the QPIP go to:
www.rqap.gouv.qc.ca.

Photo: ©iStockphoto.com/toos



Allowances paid by the employer

The employer's contribution complements the Québec Parental Insurance Plan.

Eligibility

The allowances paid by the employer vary according to the number of weeks of service and whether you are eligible or not for the QPIP or employment insurance.

- 1 If you do not have 20 weeks of service: you are not entitled to any allowance from the employer. Service is calculated with all the employers in the public and parapublic sectors. It is up to you to insure that your previous employers are included. However, you may be eligible just the same for QPIP or employment insurance benefits.
- 2 If you have accumulated 20 weeks of service and are eligible for QPIP: you are entitled to an allowance from the employer for five weeks. Your eligibility for QPIP is determined by the previously mentioned criteria.
- 3 If you have accumulated 20 weeks of service and you are not eligible for QPIP: you might be eligible for employment insurance. Talk to your local union team for more information.

However, in the case where you are sharing the QPIP adoption benefits with your spouse, the allowance is only paid if you actually receive these latter benefits.

Calculation of the allowance

The allowance for a leave for adoption is 100% of the basic weekly salary from which the employer deducts the benefits received or receivable from QPIP or employment Insurance.

If you are not entitled to QPIP or employment insurance benefits, you are entitled to the allowance from the employer that is equal to 100% of your basic weekly salary.

The calculation of the supplemental allowance payable by the employer is done in two steps. First, the percentage of basic weekly salary is calculated, then, in the second step, the amount of the QPIP or employment insurance benefits is subtracted.

If the basic weekly salary is less than the QPIP benefits, the allowance payable by the employer will be equal to zero. This is explained by the fact that the employer establishes his calculation using the basic weekly salary while the QPIP uses the gross salary.

If you work **part time**, the basic weekly salary is the average basic weekly salary for the last 20 weeks preceding your leave for adoption. If the date for an increase in the salary rates and scales falls within these last 20 weeks,

your basic weekly salary will be calculated using that rate. Furthermore, if your leave for adoption includes the date for the increase in salary rates and scales, your basic weekly salary increases on that date.

RREGOP

During your parental leave without pay or part-time leave without pay that follows your leave for adoption, you may choose to maintain your participation in your pension plan or to apply for a buy-back of service for this period after your leave has ended.

It is important to verify that your employer has written the correct number of days that can be bought back in your application. This is all the more true if you are an employee working part time. Talk to your local union team for more information.

If you apply for a buy-back of service, it will cost you less if this application is received by Retraite Québec in the six months following your return to work.

The basic weekly salary is the salary in the scale to which is added the responsibility premiums, the supplements and the additional remuneration. It does not include overtime.

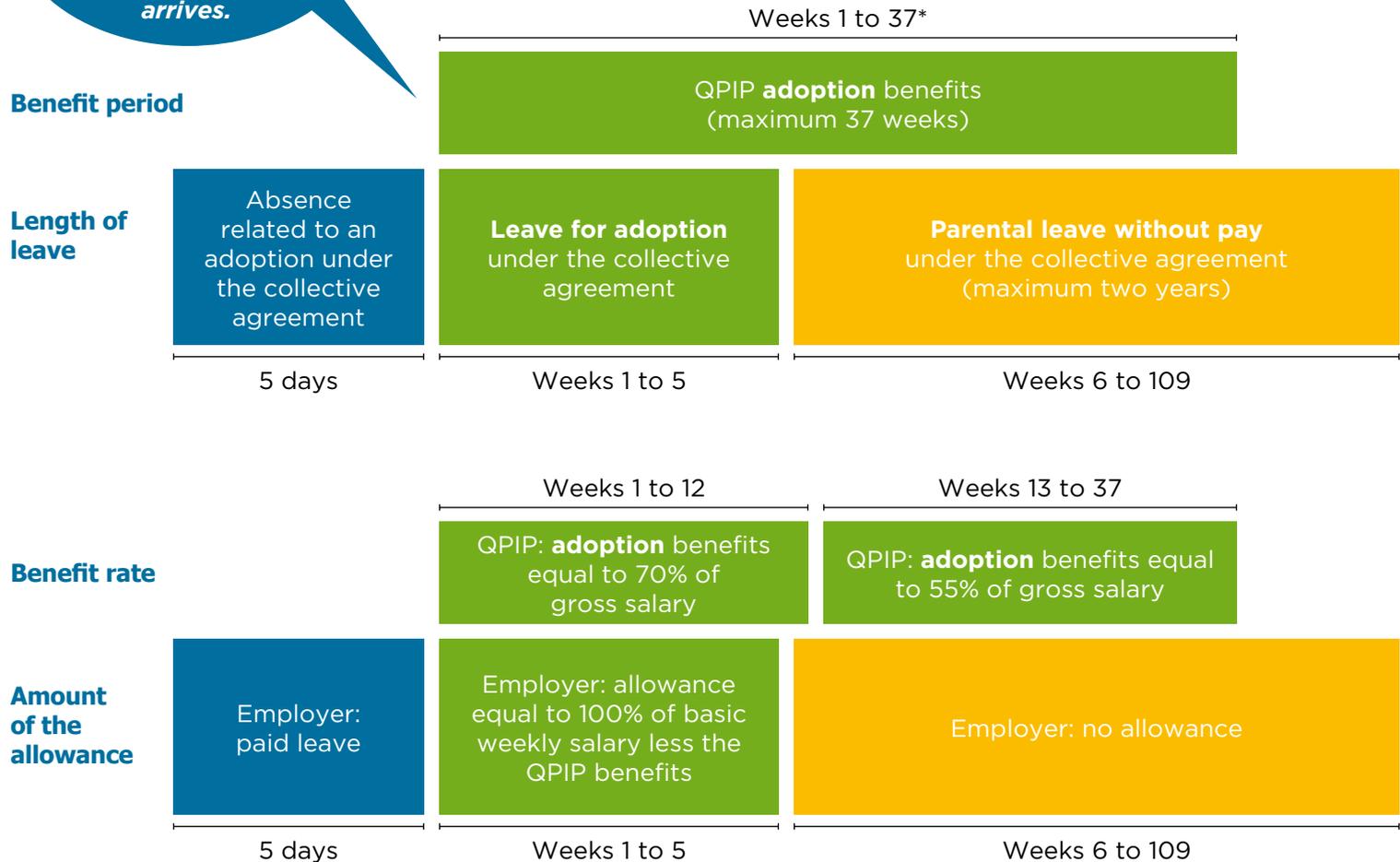


*Start:
Not before the week the child arrives or if outside Québec, two weeks before the one in which the child arrives.*

ADOPTIVE PARENT

The QPIP basic plan (long leave)

Your benefits are lower over a longer period.



* The QPIP adoption benefits can be taken by one or the other of the parents or shared between them simultaneously or successively.

Note: This table does not apply to the adoption of a spouse's child.

*Start:
Not before the week the child arrives or if outside Québec, two weeks before the one in which the child arrives.*

ADOPTIVE PARENT

The QPIP special plan (short leave)

Your benefits are higher over a shorter period.

Benefit period



Length of leave



Benefit rate



Amount of the allowance



* The QPIP adoption benefits can be taken by one or the other of the parents or shared between them simultaneously or consecutively.

Note: This table does not apply to the adoption of a spouse's child.



Checklist

SUBJECT	DEADLINE	CLAUSE IN THE 2016-2020 COLLECTIVE AGREEMENT	FORM LETTER (APPENDIX 4)
Request for assignment to duties without hazards (RPTE and/or RPTA), if necessary	As soon as you are pregnant and/or if you are breastfeeding your child, as soon as you return to work following your maternity leave or your parental leave	22.19	Certificate covering a RPTE or a RPTA (Appendix 1)
Application for QPIP benefits	As soon as the leave begins	-	-
Request for maternity leave (21 weeks)	At least two weeks before the date of departure	22.05, 22.09	1
Request to postpone annual vacation	No later than two weeks before the end of maternity leave	22.14	2
Request for a five-day leave related to paternity	As soon as possible	22.21, 22.30	3 Written notice not mandatory
Request for a paternity leave (3 or 5 weeks)	At least three weeks in advance	22.21A, 22.30	4
Request for a leave without pay to travel outside Québec in view of an adoption	If possible two weeks in advance	22.26	5
Request for leave without pay in view of adoption (maximum 10 weeks)	As soon as possible	22.26	6 Written notice not mandatory
Request for a leave of five days for adoption	As soon as possible	22.22, 22.30	7 Written notice not mandatory
Request for leave for adoption (5 weeks)	At least three weeks in advance	22.22A, 22.30	8

SUBJECT	DEADLINE	CLAUSE IN THE 2016-2020 COLLECTIVE AGREEMENT	FORM LETTER (APPENDIX 4)
Proof of eligibility for QPIP benefits	As soon as the letter is received	22.12, 22.21D, 22.25	9
Request for a leave without pay that immediately follows a maternity, paternity leave or leave for adoption	At least three weeks before the end of the maternity, paternity leave or leave for adoption	22.27a), 22.31	10
Request for a part-time leave without pay that immediately follows a maternity, paternity leave or leave for adoption	At least 30 days before the end of the maternity, paternity leave or leave for adoption	22.27a), 22.31	11
Request to change a leave without pay or part-time leave without pay as an extension of a maternity, paternity leave or leave for adoption	At a time chosen by the employee	22.27a)	12
Advance notice of return to work on the scheduled date	At least two weeks before the end of the leave	22.32	13
Advance notice of return to work before the scheduled date	In the case of a leave without pay or part-time leave without pay of 52 weeks or less, the advance notice must be at least 21 days In the case of a leave without pay or part-time leave without pay exceeding 52 weeks, the advance notice must be at least 30 days	22.32	13
Request for a five-day leave for the adoption of the spouse's child (2 days paid out of 5)	It is suggested that this be as soon as possible	22.24A	14 Written notice not mandatory
Request for leave without pay following adoption of the spouse's child (52 weeks)	At least three weeks in advance	22.27b), 22.31	15
Application to buy back service for the leave without pay or part-time leave without pay that immediately follows the maternity, paternity leave or leave for adoption	It costs less if the application for buy-back is made to <i>Retraite Québec</i> in the six months following return to work	-	-


CERTIFICAT VISANT LE RETRAIT PRÉVENTIF ET L'AFFECTATION DE LA TRAVAILLEUSE ENCEINTE OU QUI ALLAITE

Remplir à l'aide d'un crayon ou d'un stylo à pointe dure en appuyant fortement

A - Identification de la travailleuse et objet de la consultation	
Nom et prénom à la naissance	N° de dossier CNESST de la travailleuse
Adresse	N° d'assurance maladie
	N° d'assurance sociale
N° de téléphone	Code postal
Catégorie de la demande <input type="checkbox"/> Grossesse <input type="checkbox"/> Allaitement	Date prévue de l'accouchement <input type="checkbox"/> Allaitement
Date de naissance de l'enfant allaité	Signature de la travailleuse
Nature des dangers appréhendés par la travailleuse Décrire :	
B - Identification du lieu de travail et description de l'emploi de la travailleuse	
Raison sociale de l'employeur	
Adresse du lieu de travail	Code postal
Poste de travail et service où la travailleuse exécute ses tâches	Titre de l'emploi
Nom et fonction de la personne avec qui l'on peut communiquer dans l'entreprise	N° de téléphone
C - Consultation obligatoire en vertu de la loi (Le médecin responsable des services de santé de l'établissement n'a pas à remplir cette section s'il émet le certificat)	
Nom du médecin consulté	En qualité de : <input type="checkbox"/> médecin responsable de l'établissement <input type="checkbox"/> directeur de la santé publique <input type="checkbox"/> médecin désigné
Nom de la direction de la santé publique	N° de téléphone
Réception du Rapport de consultation <input type="checkbox"/> par téléphone ou <input type="checkbox"/> par écrit	Date
D - Rapport médical	
Selon vous, quelles sont les conditions de travail comportant des dangers physiques pour l'enfant à naître ou allaité ou pour la travailleuse à cause de son état de grossesse ?	
Indiquer, s'il y a lieu, les problèmes de santé pouvant être aggravés par ces conditions de travail.	
Est-ce que la travailleuse est apte médicalement à faire un travail ? <input type="checkbox"/> Oui <input type="checkbox"/> Non	IMPORTANT Pour bénéficier d'un retrait préventif ou d'une affectation, la travailleuse doit être apte à un travail.
E - Attestation	
<input type="checkbox"/> J'atteste que les conditions de travail de la travailleuse comportent des dangers physiques pour elle-même, à cause de son état de grossesse, ou pour l'enfant à naître ou allaité.	Pour les cas de grossesse seulement Indiquer le nombre de semaines de grossesse à la date du retrait préventif ou de l'affectation.
<input type="checkbox"/> Médecin traitant <input type="checkbox"/> Médecin responsable de l'établissement	Date du retrait préventif ou de l'affectation
Nom du médecin (en lettres moulées)	N° de corporation
N° de téléphone	
Signature	Date de remise du certificat à la travailleuse
Suggestion(s) à l'employeur pour faciliter l'affectation (conditions de travail et tâches à modifier).	

1 1 6 6 (2016-01)

La travailleuse doit remettre ce certificat dûment rempli à son employeur. Toutefois, l'absence de suggestions faites à l'employeur n'invalide pas le certificat.

Examples of medical recommendations issued for a RPTE

A Safe Maternity Experience Programme (PMSD) is headed by a designated physician in every region of Québec, under the responsibility of the Regional Public Health Department. Each one of the regional departments issue their own recommendations which can vary from one region to another. **Consequently, it is preferable that you refer to the medical recommendations issued in your region.**

The 10 following tables are essentially an example of the recommendations that a regional department could issue.

Psychosocial hazards or hazards related to organization of work

These hazards refer to the working conditions that can disturb the worker's psychosocial balance, such as night or evening work, stress, overtime, irregular or extended work schedules, a high pace of work, a physical or mental work overload and verbal, psychological or physical assaults at the hands of the clientele, in particular.

Table 1 Hazards related to ORGANIZATION OF WORK	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Night work	TO BE ELIMINATED ▼ Must be assigned between 07:00 and midnight		TO BE ELIMINATED ▼ Must be assigned between 07:00 and 18:00
The number of hours of work per day and per week	Maximum of 8 hrs per day and 40 hrs per week		Maximum of 7 hrs per day and 35 hrs per week
The number of days of work per week	Maximum of 5 consecutive days of work and no more than 5 days out of 7 days		
Meal periods	Must have a meal period of at least 30 minutes, at a normal and regular hour, between 11:30 and 13:30 and between 17:00 and 18:00		

Hazards related to ergonomic stressors

More than 50% of the claims accepted by the CNESST for a RPTÉ concern this category of hazards related to the use of the musculoskeletal system, restrictive positions (bending, stretching, twisting of the body), prolonged standing or sitting, moving and lifting heavy loads (lifting, pushing, pulling), repetitive movements, sustained efforts, high pace of work, a cramped work environment, etc.

Table 2 Hazards related to ERGONOMIC stressors	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Prolonged sitting position	<p>Must be assigned so that she can get up as she needs to meet the physiological needs of her pregnancy</p> <p>Her assignment must be adapted to provide:</p> <ul style="list-style-type: none"> ● A comfortable seat with a lumbar support that allows her feet to be flat on the floor, after the seat is adjusted to the desired height ● A sufficient and comfortable space for her abdomen so that there is no undue pressure on her abdomen when in a sitting position ● The proximity of the devices used in her work so that they are located within her reach to avoid excessive stretching and twisting of her torso 		

Table 3 Hazards related to ERGONOMIC stressors (cont'd)	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Prolonged standing position	The length of time working in a standing position must be limited to a maximum of 5 hrs a day	The length of time working in a standing position must be limited to a maximum of 4 hrs a day	
	<p>The remainder of the time at work must be in a sitting position, with the possibility of getting up as needed</p> <p>Her assignment must include a 15-minute period of work in a sitting position after every 2 hrs of continuous standing,</p> <p style="text-align: center;">OR</p> <p>a 10-minute period of work in a sitting position after every hour of work in a standing position</p>		

Table 4 Hazards related to ERGONOMIC stressors (cont'd)	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Restrictive positions such as bending, stretching and twisting of the body	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● AVOID repetitive movements of the torso (twisting bending, stretching) and staying in these restrictive positions for extended periods. In general, these movements are not hazardous if they are slight, of short duration and only occur occasionally 		
Other restrictive positions	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● AVOID extended or repetitive crouched positions. As pregnancy advances, a crouched position must be limited taking into account the worker's morphological features ● AVOID restrictive positions such as kneeling, overstretching, etc. 		

Table 5 Hazards related to ERGONOMIC stressors (cont'd)	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Lifting, moving or handling heavy loads	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● ELIMINATE lifting loads of 10 kg or more ● LIMIT the frequency of lifting less heavy loads, according to the worker's capacities and tolerance ● AVOID activities that require significant effort with high energy exertion 		
The pace and the overall workload	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● be able to work at her own pace to avoid situations where there is an accumulation of fatigue ● have an overall appropriate workload, that can be assessed by the attending physician so that he can issue recommendations and additional limitations required by the worker's stage of pregnancy 		

Hazards related to chemical stressors

These are the hazards related to the handling or exposure to chemical products such as anaesthetic gases (nitrous oxide, halothane, ether, etc.), fumes from sterilization products (ethylene oxide, formaldehyde, cidex, etc.), the preparation and handling of antineoplastic medications (ribavirin, cyclophosphamide, methotrexate, tamoxifen, etc.), the administration of medications in a liquid spray (liquid aerosol therapy) such as metacholine, pentamidine, etc.

Table 6 Hazards related to CHEMICAL stressors	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
The handling of and/or exposure to anaesthetic gases, antineoplastic drugs, solvents, petroleum, etc.	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● ELIMINATE exposure to chemical products, fumes, gas, smoke or dust that can be harmful for the pregnancy or for the unborn child ● ELIMINATE exposure to all proven or suspected mutagenic, teratogenic or cancerous chemicals <p>For the embryo-fetotoxic or postnatal toxic chemicals, the assignment may be acceptable if the workstation is equipped with an efficient source capture system such as a chemical hood, and if adequate preventive measures are applied</p> <p>For all chemical products, it is critical to refer to the products' toxicology sheets (MSDS) and to evaluate the worker's workstation (case by case)</p>		

Hazards related to biological stressors

These hazards, related to microorganisms (virus, bacteria, etc.) present in the work environment, are a result of the working conditions linked to the handling of blood and other biological fluids, to dirty needle sticks, to cuts from contaminated blunt objects, to close contacts with people infected with or who carry an infection (HIV, viral hepatitis caused by HBV or HCV, meningitis, flu-like syndrome, influenza, chicken pox, whooping cough, german measles, diphtheria, measles, tuberculosis, etc.), contact with respiratory or digestive tract secretions, etc.

Table 7 Hazards related to BIOLOGICAL stressors	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
<p>The tasks where the pregnant worker is at risk of injury from needle sticks or cuts, or a splash to the mucous membranes, or of being exposed to blood or other biological fluids</p>	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● ELIMINATE performing these tasks <p>A worker in close contact with pediatric patients or adult patients known or suspected to be contagious (ex.: tuberculosis, meningococcal virus, flu-like syndrome, influenza, chicken pox, whooping cough, etc.) must be REMOVED from her regular position and from contact with this type of patient</p> <p>Note: Close contact is direct contact, face to face, with less than 2 metres distance during care, such as taking a blood pressure or changing a dressing, or during a conversation</p>		

Hazards related to physical stressors

These are hazards related to the work environment and to potential aggressors in it such as excessive noise, extreme temperatures (cold, heat, humidity), contacts with patients who have received strong doses of radioactive isotopes, exposure to ultraviolet infrared, laser and ionizing radiation rays (radiation, X-rays), aggressive patients or patients with unpredictable behaviour, etc.

Table 8 Hazards related to PHYSICAL stressors	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Ionizing radiation such as the radioactive substances in nuclear medicine, X-rays, etc.	<p>The harmful effects of ionizing radiation on the embryo and the foetus are recognized. A pregnant woman MUST NOT BE EXPOSED to this type of radiation. Several recommendations apply, particularly in the hospital setting (care setting)</p> <p>Examples:</p> <ul style="list-style-type: none"> ● For radioactive substances used in nuclear medicine, a 24-hour period following the injection must be respected before contact with the affected clientele ● Handling of radioactive waste or contaminated biological fluids must BE AVOIDED. ● Interventions with patients having X-rays taken (mobile or stationary machine) are to be ELIMINATED 		

Table 9 Hazards related to PHYSICAL stressors (cont'd)	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
Noise	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● NOT BE EXPOSED to noise levels higher than 85 decibels [dB(A) = unit of sound pressure level] 		
Heat	<p>Her assignment must be adapted to:</p> <ul style="list-style-type: none"> ● Have access to water at all times in order to keep hydrated as needed ● Have access to a rest area, without undue heat, if she feels dizzy or weak ● Be able to be relocated in an area where the ambient temperature is within a normal comfort zone on hot days, during a heat wave or during work situations characterized by exposure to a high humidity index ($\geq 38^{\circ}$ C) 		
Cold	<p>Her assignment must be adapted so as to:</p> <ul style="list-style-type: none"> ● Work within the usual comfort zones 		

Hazards related to safety

This category covers the working conditions that present a risk for falls or loss of balance (when moving, among others, patients or equipment, beds, stretchers, wheelchairs, etc.), a risk of car accidents in the cases of pregnant workers who travel outside the institution to provide home care or who accompany patients in ambulances), a risk linked to vibrations during the transportation of patients by airplane or by helicopter, etc.

Table 10 Hazards related to SAFETY	STAGE OF PREGNANCY (WEEKS)		
	As of the beginning of pregnancy	As of the 20 th week	As of the 25 th week
A risk of falls	Her assignment must be adapted to: <ul style="list-style-type: none"> ● AVOID situations with a risk of falls such as help in moving confused persons or those with limited mobility and activities with a risk of being rushed ● AVOID walking on slippery surfaces or floors ● AVOID the use of a footstool or a stepladder 		
A risk of assault	NOT BE ASSIGNED to clientele with aggressive or unpredictable behaviour		
A risk of car accidents	Her assignment must be adapted to: <ul style="list-style-type: none"> ● ELIMINATE travelling in a car within the context of her daily work tasks Note: this recommendation applies to both the pregnant driver and the pregnant passenger. However, occasional use over a short distance in optimal road and weather conditions can be considered		

ALGORITHM OF ASSIGNMENT SCENARIOS

RPTE or RPTA Certificate = request for an assignment to duties without hazards

The employer proposes...

<p>An assignment that complies with your certificate and without other hazards</p> <p>▼</p>	<p>No immediate assignment</p> <p>▼</p>	<p>An assignment that does not comply with your certificate, that entails one or more hazards identified in the latter</p> <p>OR</p> <p>An assignment to duties that you are not reasonably able to accomplish (regardless of, among others, your professional qualifications, your training, your experience, your skills, your physical capacities, etc.)</p> <p>▼</p>		<p>An assignment to duties that entail new hazards</p> <p>▼</p>	<p>An assignment that complies with the OHS Act, but does not comply with the collective agreement</p> <p>▼</p>
<p>You are immediately assigned to the duties of this assignment</p> <p>AND</p> <p>You maintain the salary and all the benefits related to the job that you held before this assignment</p>	<p>You stop working and receive the indemnities stipulated in the OHS Act</p> <p>AND</p> <p>You maintain all the benefits related to the job that you held before you stopped working</p> <p>AND</p> <p>You remain available for an eventual assignment</p>	<p>Verbally ask the CNESST to examine and to decide on the issue</p> <p>▼</p> <p>CNESST decision within 20 days of the request</p> <p>▼</p>		<p>You must consult your physician once again to obtain a 2nd RPTE or RPTA Certificate identifying these new hazards</p> <p>AND</p> <p>You must give this 2nd certificate to your employer = new request for assignment to duties without hazards and that you are reasonably able to accomplish</p>	<p>You cannot refuse this assignment that complies with the OHS Act,</p> <p>However, it is recommended that you talk to your local union team to see if steps need to be taken with your employer, such as filing a grievance</p>
		<p>The CNESST declares the assignment complies with your certificate</p>	<p>The CNESST declares the assignment does not comply with your certificate</p>		
		<p>You can ask for a review of this decision by the DRA of the CNESST in the <u>10 days</u> of its notification</p> <p>▼</p> <p>DRA decision</p> <p>▼</p> <p>You can appeal this decision to the TAT, OHS division, in the <u>10 days</u> of its notification</p> <p>▼</p> <p>TAT, OHS division, decision final and without appeal</p> <p>You can obtain financial assistance from the FIQ, if need be (a loan that can go as high as \$2,000)</p>	<p>The employer must offer you a new assignment that complies with your certificate and without any other hazard</p> <p>OR</p> <p>In the case where the employer does not have a new assignment to offer you, you stop work and receive the indemnities stipulated in the OHS Act</p> <p>AND</p> <p>You maintain all the benefits related to your regular job</p> <p>AND</p> <p>You remain available for an eventual assignment</p> <p>The employer may appeal this decision to the DRA, then to the TAT, OHS division</p>		

Form letters

Do not forget to respect the time limits stipulated for each one of the situations covered by these letters.

- 1 Request for maternity leave (21 weeks)
- 2 Request to postpone annual vacation
- 3 Request for paternity leave (5 days)
- 4 Request for paternity leave (3 or 5 weeks)
- 5 Request for a leave without pay to travel outside of Québec in view of adoption
- 6 Request for a leave without pay in view of adoption (maximum 10 weeks)
- 7 Request for a leave for adoption (5 days)
- 8 Request for a leave for adoption (5 weeks)
- 9 Proof of eligibility for QPIP benefits
- 10 Request for leave without pay to extend a maternity, paternity leave or leave for adoption
- 11 Request for part-time leave without pay as an extension of a maternity, paternity leave or leave for adoption
- 12 Request to change a leave without pay or a part-time leave without pay as an extension of a maternity, paternity leave or leave for adoption
- 13 Advance notice of return to work
- 14 Request for leave for adoption of her spouse's child (5 days of which 2 days are paid)
- 15 Request for leave without pay in view of adoption of the spouse's child (52 weeks)

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for maternity leave (QPIP)

Madam *or* Sir,

I hereby inform you that I will be on maternity leave for 21 weeks.

Take note that it will start on _____ and that I have chosen the QPIP basic plan *or* the QPIP special plan.

If you cannot produce a record of employment for employment insurance by electronic means, please forward it to me by mail.

I am enclosing the medical certificate or the written report signed by a midwife confirming my pregnancy and the expected date of delivery of my child.

I trust that all is in order and, I remain,

Yours truly,

Name
Address

Encl. Medical certificate or written report signed by a midwife

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request to postpone annual vacation

Madam *or* Sir,

I hereby inform you that I am postponing ____ weeks of annual vacation considering that they are scheduled during my maternity leave.

I trust that the forgoing is satisfactory, and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for leave of five days related to paternity

Madam or Sir,

I hereby inform you that I will be on leave related to paternity on the following dates: _____.

I trust that the forgoing is satisfactory and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for paternity leave (QPIP)

Madam *or* Sir,

I hereby inform you that I will be on paternity leave as of _____
and that this leave will end on _____ inclusively. I am
also informing you that I have chosen the QPIP basic plan *or* the QPIP
special plan.

If you cannot produce a record of employment for employment insurance
by electronic means, please forward it to me by mail.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for leave without pay for travel outside of Québec in view of adoption

Madam *or* Sir,

I hereby request a leave without pay to travel outside of Québec in view of adoption.

Take note that this leave will start on _____.

Furthermore, I want to continue to participate in the insurance plans that apply to me in accordance with clauses 22.26 and 22.28 in the collective agreement.

I trust that all is in order and, I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

**Subject: Request for leave without pay in view of adoption
(maximum 10 weeks)**

Madam *or* Sir,

I hereby request a leave without pay in view of adoption.

Take note that this leave will start on _____ and will end on _____ inclusively.

Furthermore, I want to continue to participate in the insurance plans that apply to me in accordance with clauses 22.26 and 22.28 in the collective agreement.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for a leave of five days for adoption

Madam *or* Sir,

I hereby inform you that I will be on leave for the adoption of my child on the following dates: _____.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for leave for adoption (QPIP)

Madam *or* Sir,

I hereby inform you that I will be on leave for adoption as of _____ and that this leave will end on _____ inclusively. I am also informing you that I have chosen the QPIP basic plan *or* the QPIP special plan.

If you cannot produce a record of employment for employment insurance by electronic means, please send it to me by mail.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Proof of eligibility for QPIP benefits

Madam *or* Sir,

I am enclosing proof that I am receiving maternity *or* paternity *or* adoption benefits from the QPIP.

I trust that all is in order and I remain,

Yours truly,

Name
Address

Encl. Official government statement or benefits statement

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for leave without pay as an extension of maternity, or paternity leave or leave for adoption

Madam *or* Sir,

I hereby request a leave without pay as an extension of my maternity, *or* paternity leave *or* leave for adoption.

Take note that this leave will start on _____ and will end on _____ inclusively.

Furthermore, I want to continue to participate in the insurance plans that apply to me in accordance with clause 22.28 in the collective agreement.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request for part-time leave without pay as an extension of maternity, or paternity leave or leave for adoption

Madam or Sir,

I hereby request a part-time leave without pay as an extension of my or maternity, or paternity leave or leave for adoption.

Take note that this leave will start on _____ and will end on _____ inclusively.

This part-time leave will be ____ days a week, on _____
(Indicate the day(s))

Furthermore, I want to continue to participate in the insurance plans that apply to me in accordance with clause 22.28 in the collective agreement.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Request to change a leave without pay or part-time leave without pay as an extension of maternity, or paternity leave or leave for adoption

Madam *or* Sir,

I hereby request a change from a leave without pay to a part-time leave without pay as of _____.

This part-time leave without pay will be ____ days per week, the _____ . (*Indicate the day(s)*)

or

I hereby request a change from a part-time leave without pay to a different part-time leave without pay as of _____.

Henceforth, my part-time leave without pay will be ____ days per week, the _____ . (*Indicate the day(s)*)

or

I hereby request a change from a part-time leave without pay to a leave without pay as of _____.

Furthermore, I am informing you that I am reserving the right to change my leave without pay or part-time leave without pay a second time.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

Subject: Advance notice of return to work

Madam *or* Sir,

I hereby inform you of my intention to return to work on _____.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

**Subject: Request for a leave related to the adoption
of the spouse's child**

Madam *or* Sir,

I hereby inform you of my absence from work on the following dates: ____
_____ for a leave stipulated in clause
22.24A in the collective agreement.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

Place, date

Recipient name
Job title
Name of institution
Address

**Subject: Request for leave without pay following the adoption
of the spouse's child (52 weeks)**

Madam *or* Sir,

I hereby request a leave without pay following the adoption of my spouse's child.

Take note that this leave will start on _____ and will end on _____ inclusively.

Furthermore, I want to continue to participate in the insurance plans that apply to me in accordance with clause 22.28 in the collective agreement.

I trust that all is in order and I remain,

Yours truly,

Name
Address

c. c. Union

**THE FIQ,
A STRONG VOICE,
ACTIONS THAT COUNT**



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INTERPROFESSIONNELLE
DE LA SANTÉ DU QUÉBEC



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1260, rue du Blizzard, Québec (Québec) G2K 0J1 |
418 626-2226 | 1 800 463-6770 | Fax 418 626-2111 | 1 866 626-2111 |

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