



## Fact Sheet – Maternity and Parental Leave for Exempt Staff Members

As per the *Policies for Ministers' Offices* (Policies), exempt staff leave follows the Program and Administrative Services (PA) collective agreement (CA) (for non-EX equivalent exempt staff) or the *Directive on Executive Compensation* (EX-equivalent Exempt Staff), as applicable. Notwithstanding the above, each case of maternity and parental leave is handled on a case-by-case basis and should be discussed with a departmental Ministers' Office contact for human resources related matters.

### Entitlements

- Employment Insurance Benefits: 15 weeks of maternity benefits are available, and for standard parental benefits (55% of average weekly insurable earnings), a maximum of 35 weeks parental benefits can be claimed within a 12 month period (after the week the child is born or placed for the purpose of adoption) or with extended parental benefits, 61 weeks within an 18 month (after the week the child is born or placed for the purpose of adoption) (33% of the claimants average weekly insurable earnings).
- Exempt staff members are entitled to receive the same top-up of the Supplemental Unemployment Benefit (SUB) **plan that public servants receive, and must agree to repay it if they do not return to work or if they return to work but voluntarily terminate** their employment prior to completing a period of work equal to the period of the maternity/parental leave.
- An exempt staff member is entitled to 93% of her weekly rate during the EI waiting period, less any other monies earned during this period.
- For each week the employee receives a maternity benefit under the Employment Insurance (EI) or the Québec Parental Insurance plan, she is eligible to receive the difference between 93% of her weekly rate and the maternity benefit, less any other monies earned during this period which may result in a decrease in her maternity benefit.
- Where an employee has received the full fifteen (15) weeks of maternity benefit under EI and thereafter remains on maternity leave without pay, she is eligible to receive a further maternity allowance for a period of one (1) week, equal to ninety-three per cent (93%) of her weekly rate of pay for each week, less any other monies earned during this period.
- The minister may approve an additional period without pay, but the exempt staff member would not be eligible for the SUB Plan top up during this period.

### Change in Cabinet / Government During Leave

#### What happens if there is a change in Cabinet or Government while an exempt staff member is away on maternity or parental leave?

- If there is a change in Cabinet or Government while an exempt staff member is on maternity or parental leave, the staff member will continue to draw an allowance (SUB Plan top up) for 30 calendar days following the change in cabinet.
- If at the end of the 30 calendar days, the exempt staff member is not rehired by the new minister, no repayment of the SUB Plan top up is required as it is treated as a layoff.
- Severance and earned but unused vacation credits are paid out, and at the discretion of the minister, separation pay is also paid out at that point which could impact the exempt staff member's EI eligibility as it is considered employment income and must be declared.
- If the exempt staff member is rehired by the new minister, the SUB top up would continue for the duration of the leave.

### Change in Cabinet / Government After Leave

#### What happens if there is a change in Cabinet or Government after an exempt staff member returns from leave but has not repaid the SUB Plan top up to up via weeks of service?

- If there is a change in Cabinet or Government while an exempt staff member is in the repayment phase (weeks of service), the staff member will continue to draw a salary for 30 days following the change in cabinet.
- If at the end of the 30 days, the exempt staff member is not rehired by the new minister, no repayment of the SUB Plan top up is required as it is treated as a layoff.

### Resignation

#### What would happen in the case of voluntary termination?

- In all cases of voluntary termination (resignation) of an exempt staff member, repayment of SUB Plan top up would be required if the exempt staff member does not return to work, or if they fail to return to work prior to completing a period of work equal to the period of the maternity or parental leave.

### Repayments

#### How do repayments work?

- Exempt staff members taking maternity or parental leave sign an undertaking which is a contract binding them to repay the SUB Plan top up should they not return to work, or if they fail to return to work prior to completing a period of work equal to the period of the parental leave.
- When there is a debt to the crown, the employee would make arrangements for repayment, or it would be deducted from first available funds (severance, salaries owing, income tax overpayments, etc).
- An exempt staff member who owes a debt to the crown would make arrangements with the associated department for the repayment of funds.