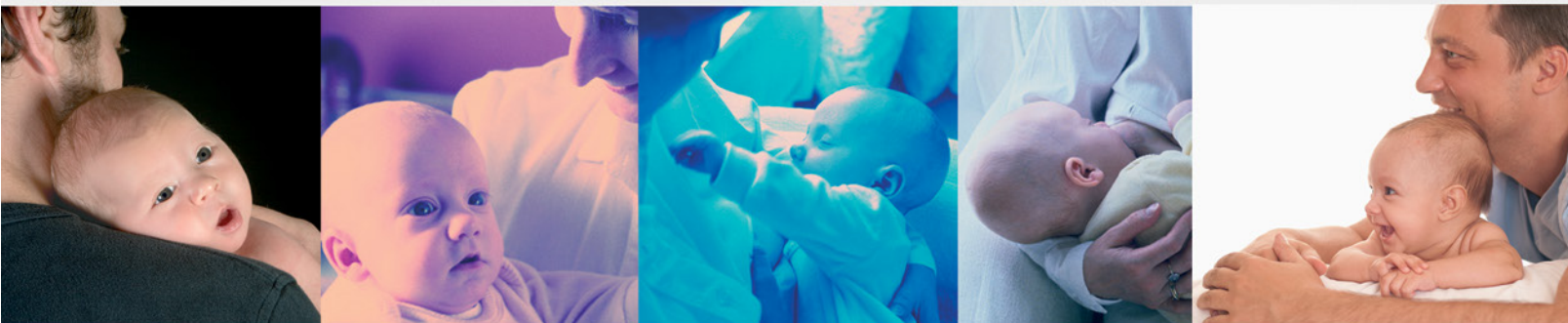


2020-2023 Edition

# Guide

to Parents Rights  
and the QPIP



For members of unions affiliated with the Fédération  
du personnel de soutien scolaire (FPSS-CSQ)

Sécurité  
sociale

CSQ  
Centrale des syndicats  
du Québec

Fédération du personnel  
de soutien scolaire (CSQ)



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# IMPORTANT

PLEASE READ THE FOLLOWING SECTION FIRST

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## Foreword

The goal of this document is to provide a summary of the rights provided by the collective agreement, the Québec Parental Insurance Plan (QPIP) and the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST). It is available from your union or at [securitesociale.lacsq.org/parentalrights](https://securitesociale.lacsq.org/parentalrights). It is understood that the collective agreement and relevant laws remain the true source of these rights and that the document thus has no legal value.

While this document covers key aspects of the QPIP, we recommend you also visit <https://www.rqap.gouv.qc.ca/en> or read the QPIP information brochures.

**It is important that you consult your union to ensure you are fully aware of all rights relating to your personal situation.**

## Who Should Read This

This document is intended for regular and probationary employees. For all other employment status, see the appendix (page 18).

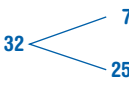
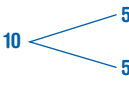
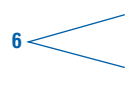

This reference document applies to Francophone school service centres (S3 2020-2023). In other cases (Cree and Kativik English school boards), some forms may need to be adjusted or made consistent.

People who live outside Quebec should also talk to their union, since they will be covered by EI rather than by the QPIP.

Mario Labbé, Advisor  
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# A. Québec Parental Insurance Plan (QPIP) at a Glance

## 1. Basic Plan and Special Plan – Summary Table for Biological and Adoptive Parents

| Type of benefit                 | Basic Plan   |                                | Special Plan  |                                |
|---------------------------------|--|--------------------------------|---|--------------------------------|
|                                 | Number of weeks of benefit   | % of average weekly of benefit | Number of weeks of benefit  | % of average weekly of benefit |
| <b>Biological Parents</b>       |  |                                |   |                                |
| Maternity (exclusive)           | 18   | 70%                            | 15  | 75%                            |
| Paternity (exclusive)           | 5  | 70%                            | 3   | 75%                            |
| Parentals (shareable)           | 32  | 70%<br>55%                     | 25  | 75%                            |
| Parentals (additional)          | 4 <sup>i</sup>   | 55%                            | 3 <sup>ii</sup>   | 75%                            |
| <b>Adoptive Parents</b>         |  |                                |   |                                |
| Welcome and support (shareable) | 13   | 70%                            | 12  | 75%                            |
| Adoption (exclusive)            | 10  | 70%<br>70%                     | 6  | 75%<br>75%                     |
| Adoption (shareable)            | 32  | 70%<br>55%                     | 25  | 75%                            |
| Adoption additional (shareable) | 4 <sup>i</sup>   | 55%                            | 3 <sup>ii</sup>   | 75%                            |

Note: Both parents must choose the same plan (this choice is irreversible, with rare exceptions). The first parent to apply makes the choice.

i If each parent actually took 8 shareable benefits first.

ii If each parent actually took 6 shareable benefits first.

### NEW BENEFITS (Bill 51 passed on October 9, 2020)

#### Adoption-Related Welcome and Support Benefits

New shareable welcome and support benefits are available to meet the specific needs of parents who adopt a child.

#### Adoption Benefits

The number of benefit weeks has increased, and each parent gets a certain number of non-shareable (exclusive) benefits.

#### Sharing Parental or Adoption Benefits

Additional benefits are available when both parents share a minimum number of parental or adoption benefit weeks. The parents can also share the additional benefit weeks.

#### Birth or Multiple Adoption Benefits

Each parent qualifies for additional exclusive parental or adoption benefit weeks. Under the basic plan, each parent gets another 5 benefit weeks at 70% of earnings, while under the special plan each parent gets another 3 benefit weeks at 75% of earnings.

#### Single Parent Benefits

For births or adoptions where just one parent is named on the birth certificate (or equivalent document for an adoption), additional parental or adoption benefit weeks are granted. Under the basic plan, 5 benefit weeks at 70% of earnings are added. Under the special plan, 3 benefit weeks at 75% of earnings are added.

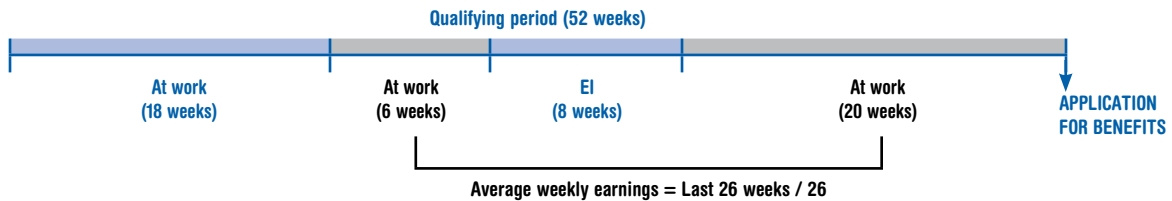
## 2. How Much?

Depending on the case, the benefit amount is set at 75%, 70% or 55% of the applicant's average weekly earnings (AWE) up to a maximum of \$1,692 in 2022 (or \$88,000 a year). **This is usually the average for the last 26 weeks of the qualifying period (52 weeks) in which the applicant had insurable earnings** (employment or business income, including vacation, paid leave, overtime, bonuses, etc.).

**Weeks where no insurable earnings were received are not part of the count for these 26 weeks.** This applies, for example, to weeks where a person might have had preventive leave benefits (CNESST), QPIP benefits for a previous child, EI benefits, or no income at all. These weeks have no effect on average weekly income.

However, each week where you have insurable earnings, **regardless of how little**, will be included in the 26 weeks used to determine your benefits. It is the 26 most recent weeks of insurable earnings that will be used, not the 26 best.

### Example



The minimum divisor to determine average weekly earnings is 16. That means if someone has **at least 16 weeks** in their qualifying period and an employment income fairly consistent with their usual earnings, they will be entitled to reasonably good benefits.

There are a number of exceptions whereby qualifying periods can be extended or modified to improve the benefit rate (preventive leave, closely spaced pregnancies, Employment Insurance [EI], etc.). These cases (sections 31.1, 31.2 and 32 of the Regulation under the Act respecting parental insurance, etc.) make it possible to go back further than 52 weeks (maximum 104 weeks) to find more weeks with work income or to move or change the qualifying period (see pages 16 and 17). In the case of closely spaced pregnancies, for example, Section 31.1 provides for the same benefit rate for the second child as for the first, but only if certain very strict conditions are met. It may also sometimes be helpful to file for benefits early (see page 17). **Talk to your union.**

QPIP benefits are calculated based on a person's **gross income (personal rather than family)** and subject to tax (federal and provincial), though these are the only deductions the QPIP will make. While these benefits have no other deductions (QPP, Employment Insurance, QPIP, RREGOP, union dues, etc.), the QPIP usually does not deduct enough taxes, often resulting in an onerous tax bill next spring. To avoid this occurrence, when applying for benefits you can ask that the QPIP deduct more federal and provincial tax.

## 3. Who and When?

The first condition of eligibility for QPIP benefits is that you must have had at least \$2,000 in insurable earnings in the qualifying period (see previous item).

The second condition is that you must have stopped receiving pay. This is usually when a person starts maternity, paternity, or adoption leave (after the five-day paid leave, where applicable). Once this condition is met, you can start what is called a benefit period (namely, the period when benefits may be paid). The benefit period always starts on a Sunday because for QPIP purposes, the week runs from Sunday to Saturday.

The benefit period was extended as of January 1, 2021.

- Maternity benefits: From 16 weeks before the expected delivery date to 20 weeks after delivery
- Paternity and parental benefits: From the week of the birth to 78 weeks later
- Adoption or foster care and support benefits: From the week the child arrives into care (or five weeks before for international adoptions) to 78 weeks later

Within these parameters, the QPIP lets people suspend and resume benefit payments as they choose. Both parents can also get benefits at the same time, though we should note that the QPIP pays benefits but does not grant leaves of absence. It is your service centre that grants the leaves of absence needed to collect these benefits under the terms of the collective agreement or, if not applicable, the Act respecting labour standards. This means you must get a leave of absence from your service centre before applying for QPIP benefits. **Talk to your union.**



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#### 4. Which plan should I choose?

For a mother who wants to take **46 weeks or more** off work, the basic plan is a better deal because additional benefits from the service centre are factored in. For an absence of **45 weeks or less**, the special plan is a better deal overall even though you may have no income in the last weeks.

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#### 5. How?

It is best to apply for benefits on the QPIP website ([rqap.gouv.qc.ca](http://rqap.gouv.qc.ca)), which has all the information you need. Each parent must file their own application. As a general rule, you cannot apply before the Sunday of the week you want to start getting benefits (unless you are filing early – see page 17). **Talk to your union.** Records of employment<sup>1</sup> for the weeks preceding the claim, which are needed to process it, are usually sent electronically by the service centre. We recommend you ask for a copy. If your service centre is slow to issue a record of employment, file your application anyway.

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#### 6. Earning Income While You Receive Benefits

**Gross** employment earnings (including paid sick leave<sup>2</sup>) are normally viewed as concurrent income and may be deducted from QPIP benefits. However, the QPIP does not factor in additional benefits paid by the service centre during maternity, paternity or adoption leave.

When people are entitled to concurrent income or earnings for a given week, they may call the QPIP Centre de service à la clientèle (1-888-610-7727) to ask that benefits be suspended for that week. However, they must do so **before** the benefits are paid. Where applicable, they may then carry that week forward to the end of the benefit period up to a maximum of 78 weeks after the child is born. Otherwise, they must declare the concurrent income, which will be deducted from their benefits. During the payment period for all benefit types, each dollar of concurrent income over and above the exemption is deductible. The exemption is calculated by subtracting the benefit amount from the average weekly earnings amount used to calculate QPIP benefits.

For example, if an employee has an average weekly income of \$1,000 and a QPIP benefit of \$700 (70%), the exemption will be \$300. If an employee gets employment earnings of \$400 and a QPIP benefit in the same week, the \$100 surplus is deducted from the benefit (\$400 earnings – \$300 exemption). Visit [rqap.gouv.qc.ca/income-reporting/index.asp](http://rqap.gouv.qc.ca/income-reporting/index.asp) to learn more.

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<sup>1</sup> The same form is used for EI (normally called "termination of employment").

<sup>2</sup> The paid sick leave amount should be allocated in 2 equal portions over the 2-week pay period where it is provided.

## B. Pregnancy – Special Leave

### 1. Collective Agreement Provisions (Clauses 5-4.20 to 5-4.22)

#### a. Preventive Leave or Interim Reassignment for Pregnant or Nursing Workers (Clause 5-4.20)<sup>3</sup>

If an employee's working conditions entail risks to herself, her unborn child or the child she is nursing, she may be immediately reassigned to other duties at the same position or level or, if she consents, at another position or level. Employees wholly or partly reassigned for these reasons will retain their regular salary and benefits<sup>4</sup>.

Key reasons for reassignment or preventive leave include:

- Parvovirus (fifth disease)
- Other biological risks (rubella, chickenpox, whooping cough, measles, mumps)
- Risk of violence or aggression
- Some job-related movements or activities
- Use of toxic chemicals, etc.

However, pregnant employee who cannot perform their job due to personal health issues may qualify for a leave of absence due to complications or risk of miscarriage (see 1. b.).

If reassignment is not immediately possible, the employee may go on a preventive leave during which she gets an income replacement indemnity (IRI) from CNESST. For employee who qualify for QPIP, IRI benefits end as of the fourth week before the expected delivery date, at which point the employee can begin their maternity leave and QPIP benefits.

Income during preventive leave is as follows:

|                       |  |
|-----------------------|--|
| First 5 working days  | Regular salary is paid by the service centre         |
| Next 14 calendar days | 90% of net salary is paid by the service centre      |
| Subsequent days       | 90% of net salary is paid by the CNESST <sup>5</sup> |

The QPIP treats the first 5 workdays as insurable earnings. However, the 90% compensation paid by CNESST (or by the service centre for the first 14 days) for preventive leave is not considered insurable earnings, though these weeks extend the qualifying period used to calculate benefit rates and average weekly earnings (see page 5).

Please note that the CNESST does not pay benefits during summer break.

Preventive leave, the collective agreement, and the QPIP may interact in complex and varied ways, especially in cases of closely spaced pregnancies, though adverse effects from these interactions can often be reduced or eliminated. **Talk to your union.**

#### b. Complications or Risk of Miscarriage (Clauses 5-4.21 a), 5-4.22 and 5-3.32)

In cases involving complications or risk of miscarriage (high-risk pregnancy, placental abruption, anemia, gestational diabetes, back pain, etc.), the employee will qualify for special leave and salary insurance benefits (including sick leave, where applicable) for a period stated by the medical certificate but not extending past the day before the birth.

However, if the service centre refuses to continue salary insurance benefits after the start of the fourth week before the expected delivery date, **talk to your union.**

Note: The QPIP treats salary insurance benefits paid by the service centre as insurable earnings. Thanks to CSQ's efforts, since July 2012 we have been able to use Section 31.2 of the Regulation under the Act respecting parental insurance to ensure these benefits do not reduce your QPIP benefits (see page 17). **Talk to your union.**

<sup>3</sup> If you want to learn about preventive leave for pregnant or nursing workers, a pamphlet (D12822-1) is available at your union office or on the CSQ website ([lacsq.org/services/sante-securite-du-travail/retrait-preventif/](https://lacsq.org/services/sante-securite-du-travail/retrait-preventif/)).

<sup>4</sup> The same should apply when employees are removed from some of their duties but not reassigned. **Talk to your union.**

<sup>5</sup> Maximum eligible earnings of \$88,000 in 2022.

### c. Termination of Pregnancy (Miscarriage or Abortion) Prior to Start of 20th Week Before Expected Delivery Date (Clauses 5-4.21 b), 5-4.22 and 5-3.32)

The employee qualifies for a leave of absence and salary insurance benefits (including sick leave, where applicable) for as long as stated by the medical certificate.

### d. Pregnancy-Related Medical Appointments (Clauses 5-4.21 c) and 5-4.22)

Four days with pay, which may be taken in half-days. Sick days may be added to this.

2.

Employees on preventive leave retain all the rights and privileges of their regular assignment.

Benefits retained while on special leave 1. b., 1. c. or 1. d. are the same as those retained on maternity leave (see page 9).

Information on All  
Types of Special  
Leave (Clauses  
5-4.20 to 5-4.22)

3.

For the duration of special leave 1. a., 1. b. or 1. c., RREGOP will recognize exactly the same service as if the employee were still at work, without the employee having to pay contributions or take action of any kind.

Pension Plan  
(RREGOP)  
Provisions

The same applies to medical appointments (1.d), except that the usual RREGOP contributions are deducted by the service centre.

4.

What You  
Need to Do

#### a. Interim Reassignment and Preventive Leave (1. a.)

Talk to your doctor, who will fill out the *Certificat visant le retrait préventif et l'affectation de la travailleuse enceinte ou qui allaite* (Certificate of Preventive Leave and Reassignment for Pregnant or Nursing Workers [French only]) and the form provided for this purpose after consulting the Direction de la santé publique (DSP) or CLSC<sup>6</sup>.

Give the service centre a copy of the certificate along with a copy of the DSP or CLSC report as soon as possible. Pending test results, the employee must be reassigned or removed from the workplace. **This period is not to be considered sick leave.**

#### b. Special Leave 1. b., 1. c. and 1. d.

Notify the service centre as soon as possible and give them the relevant medical records.

Each pregnancy-related medical appointment must be confirmed by a medical certificate or a written report signed by a midwife.

6 For biological risks, it is important to act from the start of your pregnancy. If your own doctor is unavailable, go to an emergency clinic.



# C. Maternity Leave

**1.**  
**Collective  
Agreement  
Provisions  
(Clauses  
5-4.05 to  
5-4.19)**

To qualify for benefits paid by the service centre, the employee must have accumulated at least 20 weeks of service in the public or broader public sectors in the course of her career<sup>7</sup>.

**a. Employees Who Qualify for QPIP Benefits (Clauses 5-4.05 to 5-4.12)**

An employee who qualifies for QPIP benefits is entitled to a **21-week** leave:

- With additional benefits paid by the service centre (difference between the QPIP and 90% to 100% of salary)
- Taken consecutively (subject to Clauses 5-4.07 and 5-4.08– see page 16)
- That is allocated at the employee's discretion but must include the delivery date

Benefits per pay period for the 21 weeks of leave are calculated as follows:

100% of the first \$225 gross of the basic weekly salary<sup>8</sup>  
plus  
88% of the excess of the first \$225  
minus  
benefits paid or payable by the QPIP

## Example

Basic weekly salary: \$600  
QPIP benefits at 70%: \$420  
\$225

+  
88% x (\$600 – \$225)  
–  
\$420  
= \$225 + \$330 – \$420 = \$135

In this example, the QPIP benefits of \$420 plus the service centre allowance of \$135 result in a total income of \$555, or 92.5% of the usual gross weekly salary. This percentage will range from 90% for high wages to 100% for lower wages. In every case, the employee will retain 100% of her net income during maternity leave.

The following benefits are retained during 21-week maternity leave (Clause 5-4.16):

- Life insurance
- Health and other applicable insurance plans with copayments
- Vacation accrual or payment in lieu thereof
- Accumulated sick days
- Accumulated seniority
- Accrual of experience (salary increment)
- Accumulation of continuous service for the purpose of acquiring tenure
- Right to apply for a posted position
- The right to apply for posted positions
- The right to defer up to 4 weeks of vacation

<sup>7</sup> Employees who have not accumulated 20 weeks of service will be entitled only to unpaid leave.

<sup>8</sup> For part-time employees, the basic weekly salary is the average salary for the 20 weeks preceding leave. If these 20 weeks include periods of salary, employment, or CNESST insurance, the reference salary used is considered, not the benefits received. In addition, periods of unpaid leave or contract interruption are excluded from the calculation.

## b. Employees Not Eligible for QPIP Benefits<sup>9</sup> (Clauses 5-4.05 to 5-4.11 and 5-4.14)

Employee not eligible for QPIP benefits are entitled to 20 weeks of leave; for 12 of those weeks, between 90% and 100% of their normal salary will be fully paid by the service centre.

The 12 weeks of benefits paid by the service centre are insurable earnings, which means at the end of the 12 weeks the employee will qualify for QPIP benefits. The employee must then ask the service centre for a record of employment.

Note: The situations of those ineligible for QPIP benefits are often complex and need to be reviewed case by case. **Talk to your union.**

2.

Linking the  
Collective  
Agreement  
with the QPIP

If we combine the rights provided by the collective agreement with those of the QPIP, we see that the mother can get income from the service centre or the QPIP over a 50- or 40-week period depending on the plan she has chosen (basic or special).

For 21-week maternity leave under the collective agreement, the employee is paid 90% to 100% of their basic weekly salary that she gets jointly from the service centre and the QPIP.

The employee then qualifies for leave without pay as an extension of her maternity leave, during which she can get QPIP parental benefits for a 29- or 19-week period depending on which plan she has chosen (basic or special).

### Example 1 – Basic plan

|                               |                |  |
|-------------------------------|----------------|--|
| Maternity Leave<br>(21 weeks) | Weeks 1 to 18  | 18 weeks of QPIP maternity benefits (70%) + benefits from the service centre = 90% to 100% of regular salary |
|                               | Weeks 19 to 21 | 3 weeks of QPIP parental benefits (70%) + benefits from the service centre = 90% to 100% of regular salary   |
| Extension<br>without pay      | Weeks 22 to 25 | 4 weeks of QPIP parental benefits (70%)  |
|                               | Weeks 26 to 50 | 25 weeks of QPIP parental benefits (55%)   |
|                               | Total          | (21 x 90% to 100%) + (4 x 70%) + (25 x 55%) = an average of 71% to 75% over a 50-week period                 |

### Example 2 – Special plan

|                               |                |  |
|-------------------------------|----------------|--|
| Maternity Leave<br>(21 weeks) | Weeks 1 to 15  | 15 weeks of QPIP maternity benefits (75%) + benefits from the service centre = 90% to 100% of regular salary |
|                               | Weeks 16 to 21 | 6 weeks of QPIP parental benefits (75%) + benefits from the service centre = 90% to 100% of regular salary   |
| Extension<br>without pay      | Weeks 22 to 40 | 19 weeks of QPIP parental benefits (75%)   |
|                               | Total          | (21 x 90% to 100%) + (19 x 75%) = an average of 83% to 88% over a 40-week period                             |

3.

CPension Plan  
(RREGOP)  
Provisions

For the duration of maternity leave (21 weeks), RREGOP will recognize exactly the same service as if the employee were still at work, without her having to pay contributions or take action of any kind. To learn about extension without pay, see page 14.

4.

What You  
Need to Do

Apply for benefits on the QPIP website at [rqap.gouv.qc.ca](http://rqap.gouv.qc.ca).

Send the service centre proof of your QPIP eligibility (see [example 3](#) at [securitesociale.lacsq.org/parentalrights](http://securitesociale.lacsq.org/parentalrights)).

Send the service centre a vacation deferral request, where applicable, at least two weeks before your leave ends (see [example 9](#) at [securitesociale.lacsq.org/parentalrights](http://securitesociale.lacsq.org/parentalrights)).

<sup>9</sup> Ineligible employees are those who have less than \$2,000 of insurable income in the 52 weeks before they apply for QPIP benefits, despite qualifying period extensions.

# D. Paternity or Adoption Leave

1.

Collective  
Agreement  
Provisions  
(Clauses  
5-4.23 to  
5-4.45)

**Paternity** leave (of five days and five weeks) is reserved exclusively for the father or a same-sex spouse officially designated as one of the child's mothers

**Adoption** leave is reserved for parents who adopt a child.

## a. Paternity or Adoption Leave (Five Working Days Paid at 100% by the Service centre)<sup>10</sup> (Clause 5-4.23 or 5-4.34)

These days may be discontinuous.

**Paternity** leave starts when the mother goes into labour and ends 15 days after she and the child return home.

**Adoption** leave must be taken between the time the child arrives into care (or five weeks earlier for international adoptions) and 15 days after.

One of the leave days may be taken for the child's christening or registration.

Benefits retained during this leave are the same as those retained for maternity leave, including deferred vacation (see page 9).

## b. Paternity or Adoption Leave of Up to Five Weeks with Additional Benefits (Clause 5-4.24 or 5-4.35)

To qualify for benefits paid by the service centre, the employee must have accumulated at least 20 weeks of service in the public or broader public sectors in the course of his or her career.

The parent **eligible** for QPIP benefits is entitled to a five-week leave:

- With additional benefits paid by the service centre (difference between QPIP and 100% of salary)
- Taken consecutively (subject to clauses 5-4.30 and 5-4.31 or 5-4.36 and 5-4.37 – see page 16)
- Concurrent with QPIP benefits
- Starting no earlier than the week of delivery and ending no later than 78 weeks after (**paternity**)
- Starting no earlier than the week the child arrives at the home<sup>11</sup> (or five weeks before for international adoption) and ending no later than 78 weeks after (**adoption**)

Benefits retained during this leave are the same as those retained for maternity leave, including deferred vacation (Clause 5-4.27 or 5-4.43, see page 9).

Note: A person must be receiving QPIP benefits to qualify for additional benefits from the service centre (paternity, parental or adoption). For example, a father who chose the special plan and would like a five-week leave must receive parental benefits after his three paternity benefits to qualify for further benefits in his last two weeks of leave (Clause 5-4.01).

2

Linking the  
Collective  
Agreement  
with the QPIP

## a. Paternity Leave

Under the collective agreement, employees may take up to three separate but non-divisible leaves of absence that do not necessarily need to be consecutive.

First, during five-day paid paternity leave (5-4.23), employees get their usual salary from the service centre.

Second, during the maximum five-week paternity leave (Clause 5-4.24), employees get the equivalent of 100% of their salary when QPIP benefits and service centre payments are included.

Third, employees may take unpaid leave as an extension of paternity leave (Clause 5-4.43 A), see page 14), during which they can get paternity benefits (if any remain) or QPIP parental benefits **but no supplement from the service centre**.

<sup>10</sup> The employee can also supplement this leave with sick days, which may be useful if the child is born mid-week (see page 16).

<sup>11</sup> The moment the person assumes responsibility for the child "for adoption purposes" is deemed the starting point for both the QPIP and the collective agreement.

### Example 1 – Two Separate Leaves (QPIP Basic Plan)

|         |  |  |
|---------|--|--|
| Leave 1 | Week 1: September 19 to 23, 2022               | Paid paternity leave: 5 days with 100% paid by the service centre  |
| Leave 2 | Weeks 2 to 6: September 26 to October 28, 2022 | Up to 5 weeks of paternity leave: 5 weeks of paternity benefits with 70% paid by QPIP + remaining 30% paid by the service centre |

### Example 2 – Three Separate Leaves (QPIP Basic Plan)

|         |                                     |   |
|---------|-------------------------------------|---|
| Leave 1 | Week 1: September 19 to 23, 2022    | Paid paternity leave: 5 days with 100% paid by the service centre   |
| Leave 2 | Weeks 2 to 4: January 9 to 27, 2023 | Up to 5 weeks of paternity leave: 3 weeks of paternity benefits with 70% paid by QPIP + remaining 30% paid by the service centre              |
| Leave 3 | Weeks 5 and 6: March 13 to 24, 2023 | Unpaid leave as extension of paternity leave: 2 weeks of paternity benefits with 70% paid by the QPIP but no supplement by the service centre |

In example 2, since the father ended his five-week leave after just three weeks, he lost the right to additional benefits for the remaining two. The last two weeks of QPIP benefits were in fact paid during a **leave without pay**.

#### b. Adoption Leave

Combining collective agreement and QPIP rights and benefits will allow employees to receive service centre and QPIP income over a 51- or 41-week period depending on the chosen plan (basic or special).

During five-day paid adoption leave under the collective agreement, employees are paid 100% of their regular salary by the service centre.

During five-week adoption leave under the collective agreement, employees are paid 100% of their regular salary jointly by the service centre and the QPIP.

They then qualify for leave without pay as an extension of their adoption leave, after which they will get no more salary or benefits from the service centre but may keep receiving QPIP adoption benefits for up to 45 or 35 weeks depending on the chosen plan (basic or special).

### Example 1 – Basic Plan

|               |  |
|---------------|--|
| Week 1        | 5 days paid by the service centre = 100% of regular salary   |
| Week 2 to 6   | 5 weeks of adoption-related welcome and support benefits paid by the QPIP (70%) + service centre benefits = 100% of regular salary |
| Week 7 to 26  | 20 weeks of QPIP adoption-related welcome and support benefits (70%)   |
| Week 27 to 51 | 25 weeks of QPIP adoption-related welcome and support benefits (55%)   |
| Total         | $(6 \times 100\%) + (20 \times 70\%) + (25 \times 55\%) = \text{average of } 66.2\% \text{ over a 51-week period}$                 |

### Example 2 – Special Plan

|              |   |
|--------------|---|
| Week 1       | 5 days paid by the service centre = 100% of regular salary  |
| Week 2 to 6  | 5 weeks of adoption leave paid by the QPIP (75%) + service centre benefits = 100% of regular salary |
| Week 7 to 41 | 35 weeks of QPIP welcome and support or adoption benefits (75%)                                     |
| Total        | $(6 \times 100\%) + (35 \times 75\%) = \text{average of } 78.7\% \text{ over a 41-week period}$     |

**3.**  
**Adopting the**  
**Child of a Spouse**  
**(Clause 5-4.37)**

Employees who adopt the child of their spouse are entitled to five workdays of leave where only the first two are paid. These leave days may be discontinuous but must be taken within 15 days after the adoption application is filed.

People who adopt the child of their spouse are fully entitled to QPIP adoption benefits (50 or 40 weeks, depending on the chosen plan). To benefit, simply ask the service centre for an unpaid extension of your five-day adoption leave.

Benefits retained during this leave are the same as those retained for maternity leave, including deferred vacation (Clause 5-4.38), see page 9).

**4.**  
**Pension Plan**  
**(RREGOP)**  
**Provisions**

During five-day paid paternity or adoption leave, regular RREGOP contributions are deducted by the service centre.

Throughout the five-week paternity or adoption leave under the collective agreement, RREGOP contributions are deducted from regular salary as if the employee were working. There is therefore no loss of rights under RREGOP and no action needs to be taken. To learn about unpaid extensions, see page 14.

**5.**  
**What You**  
**Need to Do**

For birth or adoption leave (five days), apply in writing to the service centre as soon as possible and include a medical certificate showing the date of birth or a document confirming the adoption request (see [example 4](#) at [securitesociale.lacsq.org/parentalrights](https://securitesociale.lacsq.org/parentalrights)).

For paternity or adoption leave of up to five weeks, apply at least **three weeks** in advance (see [example 5](#) or [6](#), depending on the case, at [securitesociale.lacsq.org/parentalrights](https://securitesociale.lacsq.org/parentalrights)).

Apply for paternity, welcome and support, or adoption benefits online at the QPIP website ([rqap.gouv.qc.ca](https://rqap.gouv.qc.ca)).

Send to service centre proof of eligibility (see [example 3](#) at [securitesociale.lacsq.org/parentalrights](https://securitesociale.lacsq.org/parentalrights)).

# E. Leave Without Pay to Extend Maternity, Paternity or Adoption Leave (“Parental Leave”)

1.

Collective Agreement Provisions (Clauses 5-4.43 to 5-4.47)

There are two options for leave without pay.

## Option “A”: Full-Time Leave Without Pay for At Least 65 Continuous Weeks

- Starts at a time decided by the employee
- Ends no later than 78 weeks after the child is born or, in the case of an adoption, 78 weeks after the child is placed with the parent
- May be terminated early with 21 days’ notice

## Option “B”: Full- or part-time unpaid leave for up to two years

- Option to change the choice (from full-time to part-time or vice versa) once with 30 days’ notice
- May be terminated early with 21 days’ notice or 30 days’ notice if leave exceeds 65 weeks

The following benefits are maintained during leaves of absence without pay in extension of maternity, paternity or adoption leave (clause 5-4.44):

- Accumulation of seniority
- Accumulation of experience for first 52 weeks (salary increment)
- Maintenance of experience after first 52 weeks
- Health insurance (payment of copayments for the first 65 weeks and total premiums thereafter) and other applicable insurance plans

Note: Any of these leaves may be terminated upon notice. However, to extend a leave of absence, you need the agreement of the service centre, which may refuse. To avoid unforeseen circumstances, it may be wise to initially opt for the longest leave (Option B) and terminate it at the appropriate time.

2.

Linking the Collective Agreement with QPIP

During an extension without pay, employees do not receive any salary or allowance from the service centre. However, they will get the number of weeks of paternity, parental, welcome and support, or adoption benefits for which they qualify under QPIP based on the chosen plan and the sharing of benefits with their spouse, where applicable. Visit [rqap.gouv.qc.ca](http://rqap.gouv.qc.ca) to learn more.

Note: Any employee who wishes may take leave without pay for a period longer than the duration of QPIP benefits, in which case the weeks after the benefits end will be without income unless the employee returns to work part-time.

3.

Pension Plan (RREGOP) Provisions

Employees must request a buyback if they want to be credited with service for their leave without pay.<sup>12</sup> The buyback will then cost the same as the contributions that would have been deducted had the employee been at work,<sup>13</sup> as long as the buyback is requested within six months after leave without pay ends. The buyback can still take place after six months, but the cost will be based on a percentage of salary that may vary depending on the employee’s age when the request is made. The cost will be greater in the latter case. In all cases, the buyback may be paid for through source deductions or RRSPs. To learn more, visit [retraitequebec.gouv.qc.ca](http://retraitequebec.gouv.qc.ca).

4.

What You Need to Do

Send a written notice to the service centre at least **three weeks** (or 30 days if part-time) before maternity, paternity or adoption leave have ended (see [example 10](#) at [securitesociale.lacsq.org/parentalrights](http://securitesociale.lacsq.org/parentalrights)).

To switch from full-time to part-time leave (or vice versa), make a request 30 days in advance (see [example 11](#) at [securitesociale.lacsq.org/parentalrights](http://securitesociale.lacsq.org/parentalrights)).

You can apply for benefits at the QPIP website at [rqap.gouv.qc.ca](http://rqap.gouv.qc.ca).

Two weeks before your leave without pay ends, send a written notice confirming your return to work (see [example 12](#) at [securitesociale.lacsq.org/parentalrights](http://securitesociale.lacsq.org/parentalrights)).

To terminate leave early, provide 21 calendar days’ prior written notice (if leave is less than 65 weeks) or 20 working days’ prior written notice (if leave is more than 65 weeks) (see [example 13](#) at [securitesociale.lacsq.org/parentalrights](http://securitesociale.lacsq.org/parentalrights)).

Arrange to pay group insurance premiums with the service centre or the insurer.

To apply for a RREGOP buyback, complete the Application for a buyback of one or more periods of absence as soon as possible at [carra.gouv.qc.ca/fra/formulaire/pdf/RSP-727-ABS\\_en.pdf](http://carra.gouv.qc.ca/fra/formulaire/pdf/RSP-727-ABS_en.pdf).

<sup>12</sup> Employees can also choose to let the RREGOP “90-day bank” offset all or part of the leave. **Talk to your union.**

<sup>13</sup> For part-time leave with more than 20% of a full workload, the buyback cost will be proportional to the percentage of time absent from work. If the leave is for 20% or less, the contribution will be as though the person were at work full-time.



## F. Special Situations

Note: The collective agreement and QPIP make provisions for a number of special situations. For each of the following, and for others not described below, **it is important that you talk to your union.**

### 1. Temporary layoff employee at End of Contract

For employees on temporary layoff, the benefits provided for under the collective agreement are suspended during the layoff and resume when employees return to their regular assignment. The same applies during a period of interruption between two contracts.

#### Example

|   |   |
|---|---|
| Maternity leave   | June 6 to October 28, 2022                            |
| June 6 to June 24, 2022 : start of maternity leave (3 weeks)              | QPIP benefits + service centre payments = 90% to 100% |
| June 27 to August 26, 2022: Layoff or break between 2 contracts (9 weeks) | QPIP benefits = 70%                                   |
| August 29 to October 28, 2022: Remainder of maternity leave (9 weeks)     | QPIP benefits + service centre payments = 90% to 100% |

In this example, it is important to understand that once maternity leave has begun, nothing can interrupt the 21-week countdown. This is why the leave will end on October 28 despite the layoff or break between two contracts, with the result that the employee loses her right to nine weeks of additional benefits.

If the delivery date is in summer, a laid-off employee may also qualify for EI benefits until the week before she gives birth. **Talk to your union.**

As well, when QPIP benefits end in spring, the employee may be unable to work enough hours to qualify for summer EI benefits. However, sometimes you can get around this problem. **Talk to your union.**

Note: When employees are on the priority list or are offered a position by virtue of this, they may accept the position while continuing their leave (maternity, parental, preventive leave, complications or risk of miscarriage, etc.) so they can keep accumulating all rights and benefits due to them (seniority, experience, sick and vacation days, group insurance maintenance, accumulated service, RREGOP buyback rights, etc.).

### 2. Employees who Become Pregnant During Leave Without Pay Under the Parental Rights Provisions (Clause 5-4.05 B)

Employees are entitled to end their leave without pay and start a new maternity leave and associated benefits. If the leave without pay does not fall under parental rights, other conditions may apply. QPIP eligibility or service centre benefits may also be affected by a long absence without pay or a part-time return to work. **Talk to your union.**

### 3. Closely Spaced Pregnancies (Section 31.1 of the Regulation under the Act respecting parental insurance)

Two pregnancies in quick succession can adversely affect QPIP eligibility or benefit amounts, especially for a employee who has taken preventive leave. However, there are ways to remedy such issues, which vary from case to case. For example, for close pregnancies preceded by preventive leave, Section 31.1 of the Regulation allows the person, under certain strict conditions, to use exactly the same qualifying period as that used for the previous child (if at least 89 weeks of CNESST or QPIP benefits were received in the 104 weeks prior to the second benefit application). **Talk to your union.**

### 4. Maternity or Adoption During Deferred Salary sabbatical Leave (Appendix 3 of Collective Agreement)

Based on your specific circumstances, this situation can have various implications for both the collective agreement and the QPIP. **Talk to your union.**

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## 5. Suspension, Division or Extension of Maternity, Paternity, Adoption or Unpaid Leave

Employees **then qualifies** for that one or another of these leaves be suspended, split or extended for given reasons and based on certain conditions (for example, when the child is hospitalized,<sup>14</sup> the employee has an accident or falls ill, etc.). The QPIP also provides for suspensions based on the same reasons. In the event of accident or illness, under certain conditions, employees may also be entitled to CNESST or EI disability benefits. **Talk to your union.**

In addition, under section 81.14.1 the *Act respecting labour standards*, it is also possible to request that paternity, adoption or unpaid leave, be divided into weeks without having to invoke the preceding reasons, **but only if the service centre consents. Talk to your union.**

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## 6. Termination of Pregnancy (Miscarriage or Abortion) as of the Start of the 20th Week Before the Expected Delivery Date (Clause 5-4.05 D))

The employee is entitled to 21-week maternity leave under the collective agreement and to QPIP maternity benefits but not to parental benefits.<sup>15</sup>

The father is entitled to five days of paid leave under the collective agreement but not to five weeks of paternity leave or to QPIP paternity or parental benefits.

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## 7. Supplementary Benefits for People with More than One Service centre

If a person has more than one service centre, the service centre, when calculating additional benefits (maternity, paternity or adoption), must factor in only the portion of QPIP benefits generated by the salary it has paid. **Talk to your union.**

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## 8. People with Self-Employment income (Business Income)

If you have business income (self-employed worker), you may choose whether to have it factored into your QPIP benefits in addition to your job earnings. QPIP's Centre de service à la clientèle can do a "double calculation" to help you choose the best option. Visit [rqap.gouv.qc.ca](http://rqap.gouv.qc.ca) to learn more.

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## 9. Parental Leave (Clause 5-4.48)

To look after a minor child whose affective disorders, disability or illness requires a parent's presence, employees will be granted unpaid leave on a part-time or full-time basis for up to one year.

To learn about retained rights and RREGOP buybacks, see page 14.

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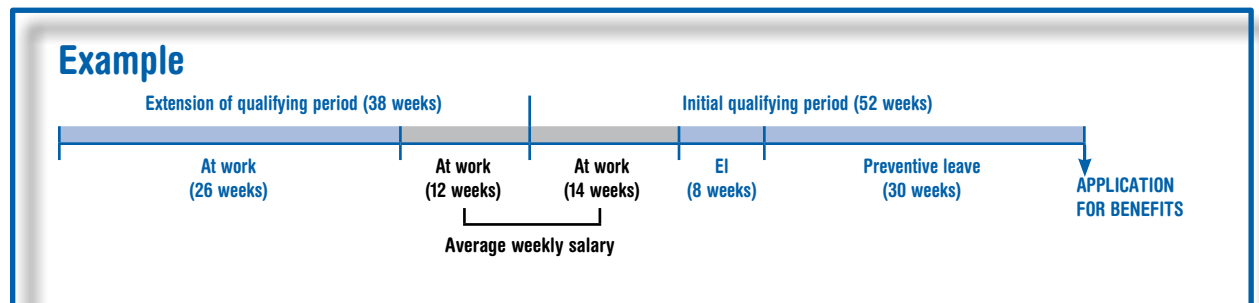
## 10. Use of Sick Leave to Support Parental Rights

Clause 5-3.45 B) states that under some conditions we can use sick days **for any leave covered by Clause 5-4.00**. This applies to maternity, paternity or adoption leave, unpaid leave, preventive leave, compassionate leave, or leave for pregnancy complications or risk of miscarriage. This can be quite useful when one of these leaves begins or ends in the middle of a week. **Talk to your union.**

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## 11. Extending the Qualifying Period

When the qualifying period has less than 26 weeks of insurable earnings, it may be extended if reasons can be found in Section 32 of the Regulation under the Act respecting parental insurance (e.g., preventive leave, EI benefits, QPIP benefits for a previous child, etc.). Where applicable, the extension will be automatically applied by the QPIP up to a maximum of 104 weeks preceding the benefit claim.



<sup>14</sup> If the child is critically ill or hospitalized, the employee may be entitled to EI benefits for a critically ill child (see <https://www.canada.ca/en/services/benefits/ei/coregiving.html>).

<sup>15</sup> Service centre benefits are payable only during the 18 weeks that QPIP maternity benefits are paid.

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## **12. Decline in Insurable Earnings in the Weeks Preceding the Benefit Claim (“Small Weeks”)** **(Section 31.2 of the Regulation under the *Act respecting parental insurance*)**

If there is a decline in insurable earnings in the weeks preceding a claim, Section 31.2 of the Regulation, under some conditions, lets the qualifying period be moved so that it starts before the week with the most recent decline in earnings. One such condition is that you must have had a second type of income apart from your job (e.g., CNESST, QPIP, Employment Insurance, etc.). As of July 26, 2012, thanks to the efforts of the CSQ, this provision now also applies to salary insurance paid by the service centre. **Talk to your union.**

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## **13. Early Start of Benefit Period**

It can at times be useful to start a benefit period some weeks before you want to start receiving them. This option can help you search further back in time for weeks with insurable earnings or exclude undesirable weeks (“small weeks”) that might occur after you file the benefit claim (for example, if a good contract is followed by a poorer one in the weeks before you want to get QPIP benefits). However, two conditions must be met: You must have had an interruption of earnings, and you must be within 16 weeks of the expected birth. **Talk to your union.**

# Appendice

## Scope by Employment Status

| <b>JOB PROFILE</b><br>Regular or probationary position  | <b>WHAT APPLIES</b><br>Everything in this document applies.   |
|---|---|
| <b>Part-time position</b><br>(less than 26.25 hours/week<br>or less than 29 hours/week<br>for manual support)   | All the provisions in this document apply, except for the average weekly rate used to calculate the complementary benefit paid by the service centre during maternity leave. The rate used is: <ul style="list-style-type: none"> <li>• Average salary for the last 20 weeks (excluding any layoff period)</li> </ul>   |
| <b>Position with a work week of less than 15 hours</b>  | All the provisions in this document apply, except that the special disability leave related to pregnancy is unpaid. In addition, employees may receive employment insurance sickness benefits if they are eligible.<br><br>The four days for pregnancy-related medical visits are paid.   |
| <b>Temporary position with a minimum six-month hiring period</b><br><br><b>Adult education position with a minimum six-month hiring period</b><br><br><b>Cafeteria position with less than 15 hours/week, with a minimum six-month hiring period</b><br><br><b>Student supervisor position with less than 15 hours/week, with a minimum six-month hiring period</b> | All the provisions in this document apply, along with the following terms and conditions (Appendix 13 of the collective agreement): <ul style="list-style-type: none"> <li>• Rights apply only for the scheduled work period.</li> <li>• For unpaid leave to extend maternity, paternity, or adoption leave, only Option A is available.</li> <li>• The special pregnancy-related disability leave is unpaid. Employees may also receive employment insurance sickness benefits if they are eligible.</li> <li>• The four days for pregnancy-related medical visits are paid.</li> <li>• Maternity leave: To be eligible for benefits paid by the service centre, employees must have worked 20 weeks in the last 12 months.</li> <li>• Maternity leave: The basic weekly salary, used to calculate the complementary benefit to be paid by the service centre, is the average salary for the last 20 weeks (excluding any layoff period).</li> </ul> |
| <b>All other employees not mentioned above (see the guide for unions not covered by public sector agreements at <a href="http://securitesociale.lacsq.org/parentalrights">securitesociale.lacsq.org/parentalrights</a>)</b>   | The <i>Act respecting labour standards</i> , including: <ul style="list-style-type: none"> <li>• Leave for pregnancy-related medical visits (unpaid)</li> <li>• Maternity leave: 18 weeks (unpaid)</li> <li>• Paternity leave: Five days upon birth, two of which are paid if the employee has been employed for 60 days, plus five consecutive weeks of leave (unpaid)</li> <li>• Parental leave: 52 consecutive weeks of leave (unpaid)</li> <li>• Family obligation (related to care, health, or education): 10 days per year (unpaid)</li> <li>• In-person attendance required (critical illness or accident): Up to 12 weeks (unpaid)</li> </ul> Application of the <i>Occupational Health and Safety Act</i> , including preventive withdrawal and temporary assignment<br><br>Application of the <i>Act respecting parental insurance</i>  |

## PERSONAL TIMELINE – MATERNITY LEAVE

### REQUIRED NOTICES AND DEADLINES

| Event  | Deadline                                 | Date                |
|--|--|---------------------|
| Written notice to service centre with medical certificate (example 1)      | 2 weeks before start of leave            |                     |
| Start of leave   |  |                     |
| Application for QPIP benefits  | As of the start of leave                 |                     |
| Submission of proof of eligibility for QPIP maternity benefits (example 3) | Upon receipt                             |                     |
| Expected date of the birth   |  |                     |
| Actual date of the birth   |  |                     |
| Receipt of notice of return to work from the service centre                | 4 weeks before end of leave              |                     |
| Vacation deferral notice (example 9)                                       | 2 weeks before end of leave              |                     |
| Notice of extension without pay (example 10)                               | 3 weeks before end of leave              |                     |
| End of maternity leave (21 weeks)  |  |                     |
| Deferral of vacation (where applicable)                                    |  | From _____ to _____ |
| Start of extended leave without pay  |  |                     |
| Notice of change in leave (Template 11)                                    | 30 days in advance                       |                     |
| Receipt of notice of return to work from the service centre                | 4 weeks before end of leave              |                     |
| Notice of return to work on predetermined date (example 12)                | 2 weeks before returning                 |                     |
| Notice of return to work prior to predetermined date (example 13)          | Advance notice of 21 days or 30 days     |                     |
| End of extended leave without pay  |  |                     |
| Buyback of unpaid leave from Retraite Québec                               | No more than 6 months after end of leave |                     |



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