



Parental Rights





Presentation plan

- General information
- Before maternity leave
- Maternity leave
- Paternity leave
- Adoption leave
- Rights and obligations under the collective agreement for leaves
- Parental leave
- Unpaid leave



General information



APTS tools

- Tools on parental rights:

APTS (www.apsq.com):

- Parental rights brochure
- Leaflet on preventive withdrawal for pregnant or breast-feeding workers

CCOMTL-APTS (www.apsq.com/ccomtl):

- At a glance: Parental Rights
- Written notices for leaves



Parental rights sources

- Quebec Parental Insurance Plan (QPIP) in effect since January 1, 2006
- New provisions in force progressively from October 29, 2020, to January 1, 2021
- APTS National Collective Agreement: article 25



Before the maternity leave



Risk prevention related to working conditions

Occupational Health & Safety Laws (*LSST*) and QPIP

Prevention program « *For a danger-free pregnancy*».

[LSST articles 40 à 48](#)

See APTS SST brochure: « Preventive withdrawal for pregnant or breast-feeding workers ».

Art. 25 of the national collective agreement

Temporary assignment and special leave art. 25.19



Pregnancy complications

Art. 25 of the National collective agreement

- Special leave. Medical certificate art. 25.19A a).
- Art. 25.20 : indemnified in salary and benefits insurance art. 25.13 (*idem* mat leave.).
- Ends at the beginning of the 4th week before the expected date of delivery. If disability persists, salary insurance continues until delivery > Art. 30.03
- Pregnancy complications



Interruption of pregnancy

Applicable regime LSST or QPIP

Art. 25 of the collective agreement

Before the
20th week
of the
pregnancy

- Medical certificate. Art. 25.19A a).
- Art. 25.20 : indemnified in salary and benefits insurance of 25.13 (*idem c. mat.*).

At 20 weeks
or more of
pregnancy

- Right to the maternity leave: [LAP art. 8](#)
- Right to the maternity leave provided for by the collective agreement : Art. 25.06



Maternity Leave



Eligibility for benefits

QPIP

- Be employed and/or self-employed
- Reside in Quebec
- Have earned insurable income of at least \$2,000 in the 52 weeks preceding the leave
- Have stopped working or experienced a reduction of at least 40% in your usual weekly salary



Eligibility for benefits

Art. 25 of the National Collective Agreement

Maternity leave

Have accumulated at least 20 weeks of service in the network or
...(art. 25.12 c) National provisions)



Prior notice

QPIP

As soon as an employee stops working

Art. 25 of the collective agreement

Two weeks' written notice, accompanied by a medical certificate (art. 25.09)



Duration and period of benefits and indemnities

QPIP

- Basic Plan: 18 weeks at 70 %
- Special Plan: 15 weeks at 75 %

Art. 25.10 of the collective agreement

21 weeks – Additional allowance (formula)



Calculating benefits

QPIP

**70 % or 75 % or 55 %
of average insurable earnings**

- i.e., total earnings for the last 26 weeks
- Excluding weeks without insurable earnings (CNESST, employment insurance, RQAP)
- Maximum insurable earnings in 2024: \$94,000



Benefit period

QPIP

- Earliest: 16th week before the expected date of delivery
- Latest: 20 weeks after delivery
- Payment of preventive withdrawal indemnity ceases in the 4th week before the expected date of delivery.

Art. 25 of the collective agreement

- Maternity leave must be simultaneous with the period of payment of benefits granted under the Parental Insurance Act (art. 25.01 and 25.07).



Benefit period

Is it possible to earn income while receiving QPIP benefits?

Total earnings (including QPIP benefits) must not exceed average weekly earnings. If it does, the excess amount will be deducted from QPIP benefits.

Be sure to pay the balance of unused sick days no later than December 15 of each year. To avoid a reduction in QPIP benefits, it is possible to request that payment of QPIP benefits be suspended during the period of payment of the sick bank, by applying to QPIP prior to payment.



Paternity leave



Eligibility for benefits

QPIP	Art. 25 of the National collective agreement
<ul style="list-style-type: none">• Same conditions as for maternity leave <p>AND</p> <ul style="list-style-type: none">• Be the child's father <p>OR</p> <ul style="list-style-type: none">• Be the spouse recognized on the birth certificate	<ul style="list-style-type: none">• Have accumulated 20 weeks of service• Be an employee and father of a newborn child <p>OR</p> <ul style="list-style-type: none">• The employee whose spouse has given birth if she is designated as one of the mothers (art. 25.21)



Prior notice

QPIP

- From the first day they wish to receive benefits. It is not possible to apply in advance (LAP art. 9).

Art. 25 of the National collective agreement

- Birth leave (5 days): notify employer as soon as possible (art. 25.21 DN)
- Leave of 3 to 5 weeks: 3 weeks' notice. This period may be shorter if the child is born before the due date (art. 25.30 b)).



Duration and period of benefits and indemnities

QPIP	Art. 25 of the National collective agreement
Basic plan: <ul style="list-style-type: none">• 5 weeks at 70 %	<ul style="list-style-type: none">• 5 working days paid at 100% (art. 25.21 DN)• 3 to 5 consecutive weeks with additional allowance up to 100% (art. 25.21 A)
Special plan: <ul style="list-style-type: none">• 3 weeks at 75 %	



Duration and period of benefits and indemnities

QPIP

Art. 25 of the National collective agreement

Payments

- Earliest: the week of the child's birth according to the QPIP
- Latest: end of the 78th week following birth

Payments

- National provisions: 5 paid working days between the beginning of the childbirth process and the 15th day following the mother's or child's return home.



Calculating benefits

QPIP

**70 % or 75 % or 55 %
of average insurable earnings**

- i.e., total earnings for the last 26 weeks
- Excluding weeks without insurable earnings (CNESST, employment insurance, RQAP)
- Maximum insurable earnings in 2024: \$94,000



Adoption leave



Duration and period of benefits and indemnities

QPIP	Art. 25 of the collective agreement
<ul style="list-style-type: none">- Same conditions as the maternity leave	<ul style="list-style-type: none">- Have accumulated 20 weeks of service- - If the child is the spouse's, the employee is entitled to 5 working days, of which only the first 2 are paid. They are also entitled to unpaid parental leave (25.27b).



Prior notice

QPIP

- Notify the QPIP from the first day on which you wish to receive benefits: at the earliest, the week of the child's arrival in the case of an adoption outside Quebec, 5 weeks before the child's arrival.
- It is not possible to apply in advance.

Art. 25 of the National collective agreement

- Written notice of at least 3 weeks in advance (art. 25.30 b)



Duration and period of benefits and indemnities

Adoptions benefits exclusive for both parents

QPIP

- Basic plan: 5 weeks at 70 %
- Special plan: 3 weeks at 75 %

Art. 25 of the collective agreement

- 5 work days paid at 100 %
- 3 to 5 consecutive weeks with additional indemnities up to 100 %



Duration and period of benefits

Shareable adoption welcoming and support benefits

QPIP

- Basic plan: 13 weeks at 70 %
- Special plan: 12 weeks at 75 %

Art. 25 of the collective agreement

- Possibility of unpaid leave of up to 10 weeks for adoption (Art. 25.26).



Duration and period of benefits

QPIP

Payments

Reception and support benefits related to an adoption (QPIP only)

Adoption in Quebec: the benefit period can begin from the week of the child's arrival with one of the parents for adoption.

Adoption outside Quebec: the benefit period can begin 5 weeks before the week of the child's arrival.



Calculating benefits

QPIP

**70 % or 75 % or 55 %
of average insurable earnings**

- i.e., total earnings for the last 26 weeks
- Excluding weeks without insurable earnings (CNESST, employment insurance, RQAP)
- Maximum insurable earnings in 2024: \$94,000



Rights and obligations under the collective agreement for maternity, paternity and adoption leaves



Rights and obligations

Rights	Full-time	Part-time/temporary
Seniority	Accumulation	Accumulation based on the weekly average of days of seniority accumulated over the last 12 months.
Experience	Accumulation	Average weekly working hours over the last 12 months or 20 weeks.
Vacation	Accumulation	Accumulation: 8.77% to 11.21% on the basic salary from which the maternity leave allowance was established.
	Accumulation	Accumulation: 4.21% on the basic salary from which the maternity leave allowance was established.
Sick days	<p align="center">**Attention**</p> <p align="center">In December, for the week when sick leave banks are paid, it is suggested that the payment of QPIP benefits be suspended to avoid being penalized, since the payment of sick leave is considered to be remuneration.</p>	



Rights and obligations

Rights	Article 25 of the collective agreement
Holidays	No accumulation
Right to apply on positions	Yes (art. 25.13 & art. 25.34)
Right to obtain replacements	Yes (art. 25.18 & art. 25.34)
Salary insurance	Pay your share (art. 25.13 & art. 25.34)



Parental Leave



QPIP – parental leave

To receive parental benefits offered by the QPIP, the employee must be **on unpaid leave** from their employer.

Parents who adopt a child do not receive parental benefits, but rather shareable adoption benefits (QPIP). However, they can take unpaid or partial unpaid leave in the same way as biological parents (s. 25.27 a) 3) or s. 25.27 b)).

Eligibility and calculation of benefits

The same criteria as for maternity and paternity leave.



Duration and period of benefits

Prestations parentales et prestations d'adoption partageables

QPIP

- Basic plan:
 - 32 weeks : 7 first weeks at 70 % and 25 weeks at 55 %
 - If each parent uses 8 weeks:
 - + 4 shareable weeks
- Special plan:
 - 25 weeks at 75 %
 - If each parent uses 6 weeks:
 - + 3 shareable weeks

Art. 25 of the collective agreement

- Leave without pay



Duration and period of benefits

QPIP

Parentals benefits

(only QPIP)

- Earliest: the week the child is born
- To the latest: at the end of the 78th week following the birth of the child



Leave without pay



Leave without pay

Art. 25 of the national collective agreement

1. Unpaid leave of up to 2 years, immediately following maternity leave, paternity leave or adoption leave (25.27 a)).

During this leave, it is possible to avail one of the following changes:

- from unpaid leave to unpaid leave or vice versa;
- from partial unpaid leave to a different partial unpaid leave.

The person may modify their leave a second time as long as they have indicated this in their first modification request.



Leave without pay

Art. 25 of the national collective agreement

2. Unpaid leave of up to 65 continuous weeks, beginning at a time decided by the employee and ending no later than 78 weeks after the birth or adoption of the child. (25.27 b)).



Maternity leave timelines under the collective agreement and the QPIP

APTS	21 weeks of maternity leave	2 years of leave without pay or part-time leave without pay
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QPIP (Basic plan)	18 weeks of maternity leave	<i>Parental leave</i> 3 weeks + 29 = 32 weeks ⁸	Under the collective agreement, leave may be continued as leave without pay or part-time leave without pay
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50 weeks⁸

QPIP (Special plan)	15 weeks of maternity leave	<i>Parental leave</i> 6 weeks + 19 = 25 weeks ⁸	Under the collective agreement, leave may be continued as leave without pay or part-time leave without pay
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40 weeks⁸



Thank you!

www.ptsq.com

www.rqap.gouv.qc.ca

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