

PROVINCE OF NEW BRUNSWICK		<b>AD - 2203</b>
<b>ADMINISTRATION MANUAL SYSTEM</b>		
Section	Subject	
<b>LEAVE</b>	<b>MATERNITY LEAVE</b>	

**Policy statement**

Maternity leave provides a reasonable leave without pay for employees to take time off to give birth and care for a child.

**Application**

**Maternity Leave applies to:**

- Management and Non-Union employees of Parts I, II, and III of the Public Service

**Maternity Leave does not apply to:**

- individuals working on a casual/temporary basis with less than six months of continuous service.
- unionized employees. Refer to the appropriate [collective agreement](#).
- those on personal service contract. Refer to the terms of the contract and the [Employment Standards Act](#).

**Note: The [Pay while on maternity leave](#) section (below) only applies to regular employees. It does not apply to individuals working on a casual/temporary basis.**

**Special application**

For Part II the Deputy Head of Part I Department of Education and Early Childhood Development and for Part III the Chief Executive Officer has the authority to direct an employee to proceed on maternity leave at any time where, in his/her opinion:

- (Part II) the employee cannot perform her normal work function
- (Part III) the interest of the Regional Health Authority so requires

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**Duration of leave**

Upon request, employees shall be granted 5 months of maternity leave without pay for a period beginning before, on or after the expected termination date of pregnancy, and ending not later than 5 months after the expected termination date of pregnancy.

Employees requesting extensions to this leave are referred to the child care leave and leave without pay provisions.

The combined total of maternity and child care leave shall not exceed 78 weeks (18 months).

**Notice**

Notice must be given as follows:

<b>Employees must</b>	<b>By</b>
Notify supervisor in writing of their intention to take maternity leave	At least 3 months prior to the expected delivery date
Notify supervisor in writing of their intention to proceed on maternity leave:	At least 6 weeks prior to the intended leave

In case of unanticipated medical requirements, employees must notify their supervisor immediately.

**Sick leave**

Prior to the commencement of maternity leave, sick leave may be granted to an employee for illness arising from complications associated with their pregnancy, excluding delivery, upon production of an appropriate medical certificate.

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**Pay while on maternity leave**

**Note:** This section only applies to regular employees. It does not apply to individuals working on a casual/temporary basis.

Employees on maternity leave may receive 75% of their regular rate of pay for the initial 16 weeks of maternity leave, provided they meet the conditions outlined in the table below.

Regular rate of pay is the rate of pay the employee was receiving at the time maternity leave began and does not include:

- retroactive adjustment of rate of pay
- acting pay
- any other form of supplementary pay.

Leave income at 75% of regular rate of pay is a combination of:

- eligible Employment Insurance (EI) benefits
- Employer pay.

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**Pay while on maternity leave**  
(Continued)

The following table describes provisions under the Supplemental Unemployment Benefit (SUB) plan pursuant to the *Employment Insurance Act*:

When	Then	And on expected return...
During the 1 week waiting period for Employment Insurance (EI) eligibility	<ul style="list-style-type: none"> <li>• the employee receives a maternity allowance of 75% of regular rate of pay less any other monies earned during this period.</li> </ul>	<ul style="list-style-type: none"> <li>• if the employee does not return to work,</li> <li>• the employee shall compensate the Employer for the allowance received.</li> </ul>
During the next 15 continuous weeks, an employee who: <ul style="list-style-type: none"> <li>• has completed 1-year continuous employment</li> <li>• agrees to return to work for a period of at least 6 months and</li> <li>• provides proof of application and eligibility for EI benefits.</li> </ul>	<ul style="list-style-type: none"> <li>• the employee receives EI benefits</li> <li>• the Employer pays an allowance to the employee equal to the difference between:               <ul style="list-style-type: none"> <li>○ the EI benefits the employee is receiving and</li> <li>○ 75% of the employee's regular rate of pay.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• if the employee does not return and work for a period of 6 months,</li> <li>• the employee shall reimburse the amount of allowance received on a pro-rata basis.</li> </ul>

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**Employee benefits**

Employees on maternity leave **will:**

- be able to continue contributions to insurance and health plans on a cost-shared basis with the Employer during the period of leave where the plans allow it
- continue to accrue credits for vacation calculations
- be credited with continuous service for the period of the maternity leave
- not have a change to their anniversary date.

Employees on maternity leave **will not:**

- accumulate sick leave credits during the leave period, though employees retain previously earned sick leave credits.

For employees extending this period of leave, the child care leave and leave without pay provisions shall apply.

**Authorities**

- [\*Financial Administration Act\*](#), Section 6(1)(d)
- [\*Employment Standards Act\*](#) (Section 42)
- Board of Management Minutes as follows:
  - 87-876
  - 87-0580
  - 89.0274
  - 90.0426
  - 92.0317
  - 93.0657
  - 94.0279
  - 20.0004