GS07 POST-PREGNANCY AND PARENTAL LEAVE TOP-UP AND ADOPTION LEAVE POLICY

Origin: General Secretary

1. What is the issue?

Currently, the United Church of Canada has a Post-Pregnancy Leave Policy and a Parental Leave Policy for ministry personnel found in the Pastoral Relations: Supporting the Pastoral Relationship Handbook.

This proposal addresses two issues, one related to current leaves for ministry personnel and the second a proposed new leave for parents of a child joining the family through adoption or surrogacy.

First, due to increases to the minimum salaries of ministry personnel, many are now above the maximum amount of yearly insurable earnings for Employment Insurance (EI) benefits. This means that many ministry personnel may no longer be receiving a salary top-up to 95% of their salary during a post-pregnancy or parental leave.

Second, the federal government is implementing a new 15-week shared Employment Insurance benefit for individuals who become parents through adoption or surrogacy. The new benefit will support parents who carry out responsibilities related to the placement of the child for adoption or, in case of surrogacy, the arrival of the child into their care. The benefit will make the program more inclusive of the ways families are formed in Canada.

The EI parental benefit provides temporary income support to qualifying parents who take a leave from work to care for their newborn or newly adopted child or children. This benefit is available to birth parents as well as to parents through adoption or surrogacy. Parents can share the benefit and choose between the standard option (up to 40 weeks, if shared) or the extended option (up to 69 weeks, if shared).

The EI maternity benefit provides up to 15 weeks of income support to qualifying workers who are pregnant or who have recently given birth to support their recovery. As such, the maternity benefit is not available to adoptive parents or parents through surrogacy.

The amendments to the *Employment Insurance Act* and the *Canada Labour Code* creating the adoption benefit and job-protected leave received royal assent in June 2024.

Once it is in place, parents through adoption or surrogacy will be able to combine the new benefit with parental benefits, making the total number of weeks of EI income support the same as that of birth parents (who can combine maternity and parental benefits). As a result, both groups will have a maximum total of 55 weeks (when standard parental benefits are shared) or 84 weeks (when extended parental benefits are shared).

This proposal seeks to update church policy with regard to top-up amounts and implement an Adoption Leave Policy ahead of the EI changes coming into force to ensure that benefits are equitable for parents welcoming a child whether through birth, adoption, or surrogacy.

2. Why is this issue important?

To ensure equity between ministry personnel whether welcoming a child through birth, adoption, or surrogacy the leave policies should be aligned.

Currently ministry personnel taking either post-pregnancy or parental leave receive a top-up from their community of faith for a portion of the time that they receive either maternity or parental benefits under a government insurance plan. Normally ministry personnel would receive 55% of their salary from the government insurance plan and 40% of their salary from the top-up. Communities of faith are reimbursed from The United Church of Canada Benefits Centre at the General Council Office for the costs of the top-up payments.

However, for 2025, Employment Insurance maternity and parental benefits are offered up to the maximum yearly insurable earnings amount of $65,700. 64% of the minimum salaries in the 2025 Minimum Comprehensive Salaries for Ministry Personnel grid are above this maximum set by Service Canada. For many ministry personnel, the top-up amount and government insurance benefits are no longer adding up to 95% of salary.

Updating the language in both the Post-Pregnancy and Parental Leave policies with regard to top-ups would ensure that ministry personnel continue to receive 95% of their salary for a portion of their leave.

Implementing an Adoption Leave Policy would create equity among ministry personnel by ensuring they receive the same benefits as those eligible for Post-Pregnancy and Parental Leave.

3. How might the General Council Executive respond to the issue?

The General Council Executive could approve the following three changes:

1. Post-Pregnancy leave

Current language:

The top-up payment will consist of the following:

a) income continuation of 95 percent of their weekly salary, if they are subject to a qualifying period of one week before receiving government insurance plan benefits;
b) a payment of 40 percent of their weekly salary for a period of 15 weeks; and

c) an income supplement in the form of an automobile allowance, calculated at 40 percent of the monthly average of the last six months of travel reimbursement paid to the ministry personnel, immediately preceding the commencement of the post-pregnancy leave. This allowance is paid monthly to the ministry personnel on post-pregnancy leave.

Proposed language in blue:

The top-up payment will consist of the following:

a. income continuation of 95 percent of their weekly salary, if they are subject to a qualifying period of one week before receiving government insurance plan benefits;
b. a payment equal to the difference between government insurance plan benefits and the ministry personnel's weekly salary, for a total of 95% of the weekly rate for a period of 15 weeks.
c. an income supplement in the form of an automobile allowance, calculated at 40 percent of the monthly average of the last six months of travel reimbursement paid to the ministry personnel, immediately preceding the commencement of the post-pregnancy leave. This allowance is paid monthly to the ministry personnel on post-pregnancy leave.

2. Parental leave

Current language:

The top-up payment will consist of the following:

a) income continuation of 95 percent of the ministry personnel's weekly salary, if the ministry personnel is subject to a qualifying period of one week before receiving government insurance plan benefits;
b) a payment of 40 percent of their weekly salary for a period of 9 weeks (10 weeks, if no qualifying period is required) from the commencement of the parental leave; and
c) an income supplement in the form of an automobile allowance, calculated at 40 percent of the monthly average of the last six months of travel reimbursement paid to the ministry personnel immediately preceding the commencement of the parental leave or, where applicable, the ministry personnel's immediately preceding post-pregnancy leave. This allowance is paid monthly to the ministry personnel on parental leave while the ministry personnel is receiving payments under paragraphs a) or b) above.

Proposed language in blue:

The top-up payment will consist of the following:

a) income continuation of 95 percent of their weekly salary, if they are subject to a qualifying period of one week before receiving government insurance plan benefits;

b) a payment equal to the difference between government insurance plan benefits and the ministry personnel's weekly salary, for a total of 95% of the weekly rate for a period of 9 weeks (10 weeks, if no qualifying period is required) from the commencement of the parental leave.

c) an income supplement in the form of an automobile allowance, calculated at 40 percent of the monthly average of the last six months of travel reimbursement paid to the ministry personnel immediately preceding the commencement of the parental leave or, where applicable, the ministry personnel's immediately preceding post-pregnancy leave. This allowance is paid monthly to the ministry personnel on parental leave while the ministry personnel is receiving payments under paragraphs a) or b) above.

4. Adoption Leave Policy:

Proposed new policy wording:

Adoption leave benefits are available to ministry personnel in communities of faith operated by the United Church of Canada. The United Church of Canada is committed to supporting its ministry personnel in their work and family life. The church recognizes the unique circumstances related to new parenthood and provides leave for ministry personnel who become parents through adoption or surrogacy.

For the purposes of this policy, the definition of "child" is a person who has not yet reached the age of majority in the province/territory in which the ministry personnel reside.

Policy

1. Adoption leave benefits are available to parents while caring for a newborn (born through surrogacy) or newly adopted child. Adoption leave benefits are payable either from the date of the child's birth or from the date of the child's placement in the home.
2. The ministry personnel shall inform the community of faith in writing of their request for adoption leave at least four weeks in advance of the date of the commencement of the leave, unless there is a valid reason why such notice cannot be given.
3. The ministry personnel will be granted adoption leave without pay for a single period according to the applicable government insurance plan limits. The period of adoption leave will be subject to the maximums set out by the applicable government insurance plan.
4. The community of faith may require the ministry personnel to provide evidence of the ministry personnel's entitlement to leave.

5. If the child of the ministry personnel is hospitalized within the period of adoption leave defined above and the ministry personnel have either not yet proceeded on adoption leave or have begun adoption leave and then have returned to work, the period of adoption leave specified in the original leave request may be extended. This extension will be equal to that portion of the period of the child's hospitalization during which the ministry personnel was not on adoption leave and will end not later than 104 weeks after the day on which the child was born or on which the child came into the ministry personnel's care.
6. Adoption leave granted under this policy shall be counted as "service" for purposes of salary and benefits calculations.
7. The ministry personnel may elect to continue pension contributions and group insurance plan membership during the period of the adoption leave. If they elect to continue, the community of faith will pay its share of the benefits contributions during the period of the adoption leave. If the ministry personnel choose to suspend making these contributions, coverage will be suspended until the ministry personnel returns to work and contributions recommence.
8. For ministry personnel whose appointment has a fixed end date, the adoption leave will end on the date the ministry personnel's appointment is completed, if the end date is prior to the conclusion of the period set out by the applicable government insurance plan.
9. If both parents are ministry personnel within The United Church of Canada, both parents may take a period of adoption leave provided that the total period of the leave taken by both parents does not exceed the maximum leave period provided under the applicable government insurance plan.
10. The ministry personnel shall provide a minimum of four weeks' notice in writing to the community of faith before their return to work.
11. This policy does not apply to newly blended families, where the child is the biological or adoptive child of one of the partners of the new union.
12. Ministry personnel residing in a manse retain their right of occupancy of the manse during the adoption leave.

Procedures: Adoption Leave Top-Up Payments

Ministry personnel on adoption leave will receive top-up payments, payable by the community of faith monthly, for a portion of the leave period. These top-up payments will be provided regardless of the choices that are made in connection with receiving benefits from a government insurance plan until the coming into force of the new EI benefits. The community of faith will be reimbursed from The United Church of Canada Benefits Centre at the General Council Office for the costs of the top-up payments. Two months after the beginning of the leave, the Benefits Centre will contact the community of faith with the reimbursement forms. For a faster reimbursement process, the community of faith can notify the Benefits Centre about an upcoming leave by reaching out to benefits@united-church.ca.

Once the government adoption leave benefits are implemented, the top-up payment will consist of the following:

a) income continuation of 95 percent of the ministry personnel's weekly salary for one week, if the ministry personnel is subject to a qualifying period of one week before receiving government insurance plan benefits;
b) a payment equal to the difference between government insurance plan benefits and the ministry personnel's weekly salary, for a total of 95% of the weekly rate for a period of 15 weeks; and
c) an income supplement in the form of an automobile allowance, calculated at 40 percent of the monthly average of the last six months of travel reimbursement paid to the ministry personnel immediately preceding the commencement of the adoption leave. This allowance is paid monthly to the ministry personnel on adoption leave while the ministry personnel is receiving payments under paragraphs a) or b) above.

Until the implementation of the new government adoption leave benefits, the top-up payment will consist of the following:

a) income continuation of 95 percent of the ministry personnel's weekly salary for 16 weeks which accounts for the one-week EI qualifying period and the 15 weeks adoption leave.
b) an income supplement in the form of an automobile allowance, calculated at 40 percent of the monthly average of the last six months of travel reimbursement paid to the ministry personnel immediately preceding the commencement of the adoption leave. This allowance is paid monthly to the ministry personnel on adoption leave while the ministry personnel is receiving payments under paragraphs a) or b) above.

The community of faith will continue to provide the ministry personnel with basic telephone service during the period of adoption leave.

5. What will be the impact?

First, Communities of faith are reimbursed for the top-up amounts, thus this change does not create a financial impact for them. It does create a larger financial draw from the national Restorative Care Plan (RCP) which funds the top ups. The current experience has been of a minimal financial impact.

Second, the new Adoption Leave Policy for ministry personnel would ensure that ministry personnel receive 95% of their salary for 15 weeks of adoption leave. Once it is in place, parents through adoption or surrogacy will be able to combine the new benefit with parental benefits, making the total number of weeks of EI income support and leave entitlement the same as that of birth parents (who can combine maternity and parental benefits). As a result, both groups will have a maximum total of 55 weeks (when standard parental benefits are shared) or 84 weeks (when extended parental benefits are shared).

6. How does this proposal help us live into the commitments on equity?

This proposal helps us live into equity commitments because it will ensure that all ministry personnel, regardless of where they are on the minimum salaries schedule are receiving 95% of their salary during a post-pregnancy, adoption or parental leave.

As we live into our apology to members of the 2S and LGBTQIA+ community, this proposal helps us live into our equity commitments by ensuring that ministry personnel in the 2S and LGBTQIA+ community who welcome a child through adoption or surrogacy receive the same leave and top up benefits as ministry personnel who birth a child.

If this proposal is in response to assigned work – either from General Council or a previous GCE meeting, please list proposal / motion numbers.

Motion from 44th General Council: GC44 2022-42
Motion from the 44th General Council Executive: 2023-09-22-050