



**LETTER OF UNDERSTANDING #11/2017-20**  
**Between**  
**MANITOBA HYDRO**  
**And**  
**THE CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 998**  
**RE: BENEFIT ELIGIBILITY CHANGES FOR ADOPTIVE PARENTS**

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This letter will confirm the understanding reached between Manitoba Hydro and the Canadian Union of Public Employees, Local 998 with respect to benefit eligibility changes for adoptive parents in recognition of the legal and administrative costs incurred through the process of adopting a child.

1. Section F, Article 6 of the collective agreement shall be amended such that adoptive mothers will no longer be entitled to parental leave top-up allowances and the associated benefits in accordance with Maternity Leave – Plan B.

Specifically:

- a) Removing the reference to Adoptive Mothers in Section F, Article 6.10; and
  - b) Removing Section F, Articles 6.11, 6.12, and 6.13;
2. Adoptive parents will be eligible for parental leave in accordance with the provisions of Section F, Articles 6.7, 6.8, 6.9, and 6.10.
3. In order to be eligible for the adoptive benefit set out below, employees (excluding students) must have:
  - a) Passed their probationary period; and
  - b) Formally and legally adopted an eligible child, defined to be an adoption using the formal process through which a child becomes a permanent part of a new family under The Adoption Act and The Child and Family Services Act in Manitoba.

If eligible, employees shall be entitled to receive an adoptive benefit in the form of a of a \$10,000 taxable payment.

4. The following provisions will apply to the administration of the adoptive benefit:
  - a) To receive the adoptive benefit, employees must provide satisfactory evidence of their formal and legal adoption of an eligible child within 30 days of the adoption being finalized.
  - b) For the purposes of assessing eligibility for the adoptive benefit, eligible children are defined as those that are under the legal age of majority (18) that are formally and legally adopted into an employee's family. Although the adoptive benefit is not intended to apply in situations where an employee chooses to adopt a child that made up part of their family unit prior to the adoption, special circumstances will be considered by the Corporation.

- c) Eligibility for the adoptive benefit does not require an employee to take parental leave under Section F, Article 6 – Maternity, Parental, Adoptive Leave.
- d) In keeping with the spirit of this letter, only one (1) taxable payment is applicable per adoptive circumstance.
  - i. Situations involving two employees adopting a child together will be considered a single adoptive circumstance. In such a case, only one (1) adoptive benefit (\$10,000) will apply between the employees.
  - ii. Situations involving the adoption of multiple children at the same time will be considered a single adoptive circumstance. In such a case, only one (1) adoptive benefit (\$10,000) will be made.
- e) Full-time employees in receipt of the adoptive benefit must remain in the employ of the Corporation for at least six (6) months (958 hours for part-time employees) from the date they received payment or the date they return from parental leave (if applicable).

Should an employee fail to remain employed within the six (6) month period after receiving the adoptive benefit or from the date they return from parental leave after receiving the adoptive benefit, they shall reimburse the Corporation for the full value of the benefit received.

Employees must sign an Adoption Benefit Agreement authorizing the Corporation to deduct any amounts owing from the employee's final pay/payouts.

Agreed this 30<sup>th</sup> day of August, 2017.



M. Levitt  
Manager  
Employee Relations Department



C. Mravinec  
President  
CUPE 998

*Intent: In response to problematic collective agreement language, the parties have agreed to replace the top-up benefit that was previously provided to adoptive mothers with a new benefit for adoptive parents (mothers and fathers) in the form of a \$10,000 taxable payment. The adoptive benefit is afforded in recognition of the unique legal and administrative costs incurred through the process of adopting an eligible child (i.e. An individual that is under the legal age of majority (18) that is formally and legally adopted into an employee's family). The adoptive benefit is not intended to apply to situations where an employee chooses to adopt a child that was part of their family unit prior to the adoption (e.g. Step children, children for whom an employee is already a legal guardian, common-law children, etc.). Although the Corporation reserves the right to determine eligibility for the new adoptive benefit, as it is difficult to contemplate all possible scenarios in which a child may be adopted into a family, it is understood that some degree of flexibility will need to be exercised in assessing eligibility and unique cases may need to be discussed between the parties. This LOU shall be rolled into the collective agreement at the next round of bargaining either as is or with mutually agreed to negotiated revisions.*