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## Parental Leave Assistance Program - Frequently Asked Questions

### 1. [What is the Parental Leave Assistance Program?](#)

The Parental Leave Assistance Program (PLAP) is designed to reduce the financial hardship that arises when a lawyer who is a partner in a small firm or a sole practitioner takes maternity, parental or adoption leave. The funds are intended to defray some of the overhead costs associated with maintaining a lawyer's practice during the parental leave. PLAP is not designed to be an income replacement program.

The Law Society of Ontario's ("Law Society") Parental Leave Assistance Program ("PLAP") is a program for lawyers who meet specified eligibility criteria to receive payment of benefits during a parental leave of absence. PLAP was launched in March 2009. In November 2012, the Law Society amended the eligibility criteria of PLAP, with an effective date of January 1, 2014, to adopt a means test.

PLAP is available to sole practitioners and partners in firms of five lawyers or less, where the applying lawyer meets the eligibility criteria and has an annual net practice income of less than \$50,000.

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## 2. [Why was PLAP implemented?](#)

The mandate of the Law Society of Ontario is to regulate the legal profession in the interest of the public and to promote access to justice. PLAP is a means of assisting lawyers to remain in small firms and sole practices, including practices in non-urban areas, thereby alleviating the shortage of legal services in some geographical regions. This program may also encourage practitioners, and perhaps a more diverse pool of lawyers, to join small firms or to set up sole practices, where they might otherwise be discouraged from doing so because of financial considerations related to taking parental leaves.

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## 3. [Who is eligible to apply for PLAP?](#)

To be eligible for benefits under PLAP, the applicant must satisfy all of the following requirements:

- Be a parent of a child.
- Be a member in good standing.
- Be a sole practitioner or a partner in a firm of five lawyers or less.
- Have had an active law practice and earned income from providing legal services, advice or opinions to clients for a period of at least six months immediately preceding the event.
- Have an active law practice with a business address in Ontario that is not a Post Office (PO) box.
- With respect to the law practice in Ontario, have insurance against professional liability.
- Have no access to any other maternity/parental/adoption financial benefits under public or private plans.

*Note: For the purpose of this subparagraph:*

*Lawyers who have entered into an agreement with the Canada Employment Insurance Commission and are eligible to receive EI Special Benefits are not eligible for PLAP.*

*Lawyers who have entered into an agreement with the Canada Employment Insurance Commission but are in the one year waiting period to be eligible for EI Special Benefits are eligible for PLAP.*

*Lawyers who have terminated their agreement with the Canada Employment Insurance Commission but remain eligible to claim EI Special Benefits are eligible for PLAP if they sign an affidavit stating that they will forego all EI Special Benefits.*

- Have a net practice income of less than \$50,000 for the period of twelve months immediately preceding the event.
- Cease to engage in remunerative work and to practise law during the leave for which he or she is receiving payment of benefits under PLAP.

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4. [What is meant by “other financial support”?](#)

The program is not intended to replace existing public or private assistance programs. To receive PLAP benefits, applicants must not have access to any other parental leave financial benefit programs under either public or private plans, including but not limited to,

- the Employment Insurance program under the *Employment Insurance Act*, or any other government program of the same nature, subject to the following note :

*Note: For the purpose of this subparagraph:*

*Lawyers who have entered into an agreement with the Canada Employment Insurance Commission and are eligible to receive EI Special Benefits are not eligible for PLAP.*

*Lawyers who have entered into an agreement with the Canada Employment Insurance Commission but are in the one year waiting period to be eligible for EI Special Benefits are eligible for PLAP.*

*Lawyers who have terminated their agreement with the Canada Employment Insurance Commission but remain eligible to claim EI Special Benefits are eligible for PLAP if they sign an affidavit stating that they will forego all EI Special Benefits.*

- a partnership agreement
- a policy at the firm where they practise or work
- an individual agreement with the firm where they practise or work
- any other form of financial parental benefits or any form of income replacement, other than financial support received from their family members or their spouse's family members.

“EI Special Benefits Program” means the program created under the *Employment Insurance Act*, S.C. 1996, c. 23 to provide maternity, parental, sickness, compassionate care and parents of critically ill children benefits for self-employed persons and “EI Special Benefits” are maternity, parental, sickness compassionate care and parents of critically ill children benefits paid under that program.

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5. [In order to determine annual net practice income, applicants are required to list their practice revenues and practice expenses. If I pay myself a salary, does this qualify as a “practice expense”?](#)

No. Practice expenses refer to operational/overhead expenses arising from the operation of a law practice (such as rent or lease costs, telephone costs, hydro costs, etc.) which are incurred, whether or not paid, in the 12-month period immediately preceding:

- the date of the birth of the child;
- in the case of an adoption, the date upon which the child is placed with the lawyer;
- the date of a stillbirth or miscarriage after the 19<sup>th</sup> week of gestation; or
- the date upon which a birth mother on the advice of a physician or midwife because of complications caused by her pregnancy ceases to practise law.

Expenses incurred for personal benefit are not considered practice expenses for the purpose of the PLAP application.

Example -- A lawyer's payroll expenses include wages totalling \$125,000. This amount represents wages paid to the lawyer's administrative staff (\$50,000) as well as wages paid to the lawyer personally (\$75,000).

In completing the PLAP application, the wages paid to the applicant lawyer's administrative staff are listed a practice expense. However, the wages received by the applicant lawyer are not considered a practice expense – rather, they would be considered part of the applicant's net practice income.

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6. [What benefits will an applicant receive?](#)

Eligible applicants will receive \$750 per week for up to twelve weeks, to a maximum of \$9,000 per leave. If more than one parent is eligible under PLAP, each parent may claim benefits but the total combined amount of benefits cannot exceed \$9,000 per leave per family unit.

Applicants will not be eligible for benefits for any given week in which they engage in remunerative work or practise law.

For tax purposes, the benefits paid under PLAP are considered taxable income. A T4A will be issued to the applicant by the end of February of the year following the payment of the benefits.

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7. [How are benefits paid?](#)

Benefits will be paid by electronic funds transfer (EFT) on a bi-weekly basis, based on a full week. Partial weeks will not be eligible for benefits. Benefits will only be payable to the member, not the firm.

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8. [How do I apply?](#)

- A lawyer who wishes to apply for PLAP benefits must,
  - complete and file a PLAP application, in the form of an affidavit, and provide all requested supporting documents.
  - provide,
    - a certified copy of the applicant's Social Insurance Number card
    - a void cheque for the bank account to be used to deposit benefit payments

The Law Society may require additional information and supporting documentation at any time to determine any lawyer's eligibility for benefits under PLAP.

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9. [When do I apply?](#)

Applications under PLAP must be filed within 4 weeks of either:

- the date of the birth of the child;
- in the case of an adoption, the date upon which the child is placed with the lawyer;
- the date of a stillbirth or miscarriage after the 19<sup>th</sup> week of gestation; or
- the date upon which a birth mother on the advice of a physician or midwife because of complications caused by her pregnancy ceases to practise law.

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10. [Where can I obtain an application form?](#)

Applications are available in both [English](#) and [French](#) on the Law Society's website in the [Parental Leave Assistance Program](#) section.

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11. [When can I take the leave?](#)

A leave must begin and end within the 16 weeks immediately following:

- the date of the birth of the child, unless the child remains hospitalized, in which case the period is extended by the number of weeks during which the child remains hospitalized;
- in the case of an adoption, the date upon which the child is placed with the lawyer; or
- the date of a stillbirth or miscarriage after the 19<sup>th</sup> week of gestation.

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12. [Is there a limit on the number of leaves for which one applicant can receive benefits?](#)

The number of leaves that can be taken is not capped. If a lawyer satisfies the eligibility criteria, he or she will be entitled to the benefits.

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13. [Can men and women apply?](#)

Yes, men and women lawyers who meet the criteria are eligible to apply for PLAP.

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14. [Is PLAP available for part-time practitioners?](#)

Yes, part-time practitioners are also eligible for the program.

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15. [What happens if I do not return to work following the leave or return to a different type of work? Is there a claw back?](#)

We will not ask you to repay the benefits if you do not return to work or to private practice. To be eligible for the program, professional activities must have ceased and you must not be receiving other benefits.

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16. [If both parents are eligible, can they both get full benefits as they both pay their membership fees?](#)

If more than one parent is eligible under PLAP, each parent may claim benefits as long as the total combined amount of benefits does not exceed \$9,000 per leave per family unit.

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17. [If I have a multiple birth am I entitled to more benefits?](#)

The amount of benefits offered by the Law Society of Ontario for a parental leave is \$750 per week for twelve weeks, to a maximum of \$9,000 per leave per family unit (not per child).

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18. [Does my leave period need to be continuous?](#)

If a lawyer engages in remunerative work or practises law in a given week, he or she will not be eligible for benefits for that week.

A leave must begin and end within the 16 weeks immediately following:

- the date of the birth of the child, unless the child remains hospitalized, in which case the period is extended by the number of weeks during which the child remains hospitalized;
- in the case of an adoption, the date upon which the child is placed with the lawyer; or
- the date of a stillbirth or miscarriage after the 19<sup>th</sup> week of gestation.

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19. [When can I start receiving payments?](#)

Once a completed application has been reviewed and approved, benefits will be paid on a bi-weekly basis, with payment two weeks in arrears. For example, benefits claimed for a week falling in the period of February 20, 2022 to March 5, 2022 would be paid on March 18, 2022

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20. [Can I do any kind of legal work or enroll in CPD while receiving assistance?](#)

You are not entitled to receive the benefit if you continue to do remunerative work or engage in the practice of law. You do not need to cease the practice of law for 12 consecutive weeks, however. If you do engage in remunerative work or the practice of law in a given week, you can opt not to receive the benefit for that week. This will not affect the overall entitlement to 12 weeks of benefits to be taken in the 16 weeks following the birth or adoption. Before you do any remunerative work while on leave, please contact Membership Services to ensure that you are in an appropriate fee paying status and category prior to practising law.

Participating in Continuing Professional Development is not remunerative work in this context.

You will be considered to be engaged in remunerative work or the practice of law if you are providing legal services as defined in the Law Society Act, Section 1, subsections (5) to (7), as follows:

Provision of legal services

(5) For the purposes of this Act, a person provides legal services if the person engages in conduct that involves the application of legal principles and legal judgment with regard to the circumstances or objectives of a person.

(6) Without limiting the generality of the subsection (5), a person provides legal services if the person does any of the following:

1. Gives a person advice with respect to the legal interests, rights or responsibilities of the person or of another person.
2. Selects, drafts, completes, or revises, on behalf of a person,
  - a document that affects a person's interests in or rights to or in real or personal property,
  - a testamentary document, trust document, power of attorney or other document that relates to the estate of a person or the guardian of a person,
  - a document that relates to the structure of a sole proprietorship, corporation, partnership or other entity, such as a document that relates to the formation, organization, reorganization, registration, dissolution or winding-up of the entity,
  - a document that relates to a matter under the *Bankruptcy and Insolvency Act (Canada)*,
  - a document that relates to the custody of or access to children,
  - a document that affects the legal interests, rights or responsibilities of a person, other than the legal interests, rights or responsibilities referred to in subparagraphs l or v, or
  - a document for use in a proceeding before an adjudicative body.
3. Represents a person in a proceeding before an adjudicative body.
4. Negotiates the legal interests, rights or responsibilities of a person.

#### Representation in a proceeding

(7) Without limiting the generality of paragraph 3 of subsection (6), doing any of the following shall be considered to be representing a person in a proceeding:

1. Determining what documents to serve or file in relation to the proceeding, determining on or with whom to serve or file a document, or determining when, where or how to serve or file a document.
2. Conducting an examination for discovery.
3. Engaging in any other conduct necessary to the conduct of the proceeding.

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#### 21. [If I start my leave before the baby is born can I still receive benefits under PLAP?](#)

A leave must begin and end within the 16 weeks immediately following:

- the date of the birth of the child, unless the child remains hospitalized, in which case the period is extended by the number of weeks during which the child remains hospitalized;
- in the case of an adoption, the date upon which the child is placed with the lawyer; or
- the date of a stillbirth or miscarriage after the 19<sup>th</sup> week of gestation.

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22. [What happens if I return to work earlier – if I don't take the full 12 weeks for my leave?](#)

Your benefits will stop and you are responsible for notifying the Law Society immediately of any changes in your leave period. If the change in your leave period results in an overpayment of benefits, you will be responsible for repaying the Law Society.

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23. [Who is paying for this program?](#)

PLAP is fully funded by lawyer members' fees. The Law Society supports, through membership fees, other programs that aim to assist lawyers to remain in the legal profession and in private practice. The aim of the PLAP is to provide support to women and men who might otherwise be unable to maintain a practice while on parental leave.

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24. [Why is PLAP not open to paralegals?](#)

PLAP is a program that was developed following extensive consultation with lawyers regarding the challenges faced by women lawyers in private practice and by sole and small firm practitioners. The three-year pilot program was designed to address the needs expressed by the lawyers in those consultations and is subsidized by lawyer fees.

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