



Guide to *pregnancy* *& parental* *leaves*

for osstf/feeso



OSSTF/FEESO

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Introduction

This brochure has been produced to help you prepare for your pregnancy/parental leave. The following offers an overview of issues related to pregnancy/parental leaves and benefits and provides answers to many questions that commonly arise.

Although the information in this brochure was up-to-date at time of printing, changes in government legislation or policies may occur at any time. Make sure you verify information regarding leaves and benefits prior to making any decisions.

For additional information regarding the relevant provisions in your Collective Agreement as well as the specific policies of your employer, please contact your local Bargaining Unit office.



Plan Ahead

The arrival of a new family member is a joyful event, but it also brings new personal, professional and financial demands. Take the time to plan ahead and get ready for these important challenges.

Look at the big picture

It is natural to focus on immediate concerns such as pregnancy/parental leaves and benefits, but also consider what steps you can take now to protect yourself and your family over the long term.

Do your research

Make sure you get the full range of information you need to make the right decisions for you and your family.

Consider your options

Not all decisions are created equal. Look carefully at the short and long-term effects that different choices will have on you and your family.

Be aware of both your rights and your obligations

Find out what you are entitled to by law and under the Collective Agreement. Make sure to meet deadlines and complete the necessary paperwork so you fully access what you are entitled to and receive it in a timely way!

Keep a complete record of all documents and correspondence

You may need verification at a later date regarding documents submitted and/or agreements with your employer. Wherever possible, keep written records, including photocopies, emails, fax records, or letters. Make sure your documentation includes proof of dates.

Anticipate possible “curves” in the road

Protect against potential crisis by anticipating problems. This includes financial problems caused by a delay in receiving Employment Insurance (EI) benefits or Supplemental Unemployment Benefits (SEB) payments while on pregnancy/parental leave, or salary deposits following your return to work. But it also includes a wide range of other personal and professional issues that could arise.

Ask the Important Questions

Taking Leaves of Absence

The decision to take a leave of absence and for how long is a personal one. Before making your choice, find out what options are available to you and what each involves.

The statutory right to pregnancy/parental leave is set out in the *Employment Standards Act* (ESA). But be aware that your Collective Agreement may provide for extended parental and other leaves in addition to these statutory rights. Details will vary depending on what has been negotiated locally.

Some questions to ask:

- ❖ What types of leaves are available to me/my partner?
- ❖ What does each type of leave involve and what is required to qualify?
- ❖ Are there limits on the number/types of leaves I/my partner can take?
- ❖ What are timelines for applying? For approval?
- ❖ How will the leave(s) affect future employment options and/or protections (e.g. seniority)?
- ❖ What if my partner/I have a change of mind or our circumstances change?

Health and Safety Protection

Consider whether you face any additional health and safety risks connected to your pregnancy and/or as a new parent. Possible workplace hazards include exposure to infection, potential violence, and/or workplace materials.

Birth mothers may also require workplace accommodations resulting from pregnancy-related medical conditions. Employers have an obligation under the *Ontario Human Rights Code* to accommodate an employee who has a permanent or temporary disability. Members should seek medical advice and documentation regarding any limitations/restrictions that may be required.

Some questions to ask:

- What potential hazards exist in my workplace, including exposure to chemicals and/or violence?
- What are the risks of exposure to potentially harmful diseases/infections in my current job?
- Do I have a medical condition that requires workplace accommodations?
- What protections/alternatives are available?
- What preventive steps do I need to take?

Be aware that many employers do not accept notes from midwives and will require a doctor's signature.

Use of Sick Leave

Sick leave may be used prior to the birth, if supported by medical documentation. Sick leave is considered hours of insurable earnings for the purpose of qualifying for Employment Insurance.

Arbitration decisions have established that a birth mother is entitled to take up to six consecutive weeks of sick leave immediately following the birth of her child.

Additional sick leave beyond these six weeks may be accessed, if supported by medical documentation.

While on sick leave, you will receive your regular salary and benefits coverage. But there are tradeoffs. The use of sick leave does not extend the length of pregnancy/parental leave or entitlement to EI benefits. You will also not be eligible to receive Supplemental Employment Benefits (SEB) during this time.

Sick leave cannot be used during holiday periods.

Some questions to ask:

- How much sick leave is available to me?
- What is the real financial tradeoff between taking sick leave following birth and losing EI and/or SEB benefits for those weeks?
- How can sick leave be accessed if I am already on pregnancy/parental leave?
- What preventive steps do I need to take?

If you are experiencing medical complications prior to the birth, you are entitled to use accumulated sick leave and do not have to go on pregnancy/parental leave. Use of sick leave before birth does not affect your right to sick leave following birth.

Financial Considerations

Consider your financial options carefully. Becoming a parent brings financial challenges as you face additional expenses at the same time as your income drops. Figure out what you/your partner can expect to receive during your leave(s) and what your expenses will be. This includes costs for maintaining benefits and making pension contributions.

Some questions to ask:

- How much would I/my partner receive through Employment Insurance (EI) benefits and for how long?
- Is there a Supplemental Unemployment Benefit (SUB) provision in my Collective Agreement? How much is it and how long is it paid?
- Do I/my partner meet the qualifications to receive EI benefits and/or SUB program (e.g. number of hours worked, timing of leave)?
- How will accessing regular EI benefits affect eligibility for collecting maternity/parental EI benefits?
- How will being on pregnancy/parental leave and/or collecting EI benefits affect eligibility for regular EI benefits following a return to work?
- What will it cost to maintain benefits and make pension contributions while on leave?
- How will taking leave(s) affect future increases in salary (e.g. increments for experience)?
- If you live in Quebec, there may be additional provincial entitlements. Please ensure you are aware of these.

Benefits Coverage

Your benefits are an important asset and offer significant protection for you and your family. Take time to re-evaluate your current level of coverage and determine whether it matches your changing responsibilities. Take advantage of any “windows” that may exist to change or add to your coverage at this time.

Your benefits usually include access to health and dental coverage, Long Term Disability Insurance (LTDI), life insurance, and the services of an Employee Assistance Program (EAP). However, don't forget that other negotiated items such as deferred salary leaves or increases in vacation leave and pay based on experience may also be affected by taking leave(s).

It is strongly advised that you maintain your benefits while on leave to ensure there is no lapse in coverage.

If you indicate that you wish to maintain benefits while on pregnancy/parental leave, there is a legal obligation under the *Employment Standards Act* (ESA) to pay the same share of premiums for benefits that you would have paid if you were actively employed. Check your Collective Agreement for the conditions/obligations regarding benefits coverage during other types of leaves or if working part-time.

For members who bargain under the *School Board Collective Bargaining Act*, your ELHT will continue to pay for their portion of your benefits and you must continue to pay your portion (currently 60%).

Some questions to ask:

- ♦ What benefits do I/my partner currently have?
- ♦ How will each be affected by taking pregnancy/parental leave? By other leaves?
- ♦ What needs to be done to maintain the different types of benefits coverage while on leave(s)?
- ♦ What is my responsibility to make sure benefits are continued? What is my employer's responsibility?

- ❖ Do I have to make direct payments to maintain any benefits coverage such as LTDI or can payment be made through my employer?
- ❖ Does my coverage need to be changed to cover my growing family? What is involved?
- ❖ What is the cost of maintaining coverage while on leave(s)?
- ❖ If I/my partner decide not to maintain coverage, can I rejoin or “catch-up” at a later date? How? What restrictions are involved?

Pension Plan

Taking leave(s) to care for children and/or deciding to work part-time can significantly affect when you/your partner can retire and how much your pension will be.

Whether you are a teacher or support staff working for a school board or university, it is your responsibility to contact your pension plan directly for details on how your pension will be affected, what you can/need to do to maintain contributions, and what the cost will be. Information is posted on the Ontario Teachers’ Pension Plan and Ontario Municipal Employees Retirement System websites, and your pension specialist will also be able to give you specific answers to questions about your personal situation.

It is strongly recommended that you continue contributions to your pension plan. Where possible, plan ahead and set aside the money that will be needed. It will cost much more to purchase credits later.

Members of the university sector should consult the specific pension articles of the Collective Agreement and contact their employer’s pension specialist.

Some questions to ask:

- ❖ What are my options for maintaining contributions and what are the benefits/costs of each?
- ❖ What effect will pregnancy/parental and other leave(s) have on my pension if I do not maintain contributions?

- ◊ What will it cost to “buy back” credit later? What is involved?
- ◊ Am I able to buy pension credits if I choose to work part-time? Are there any conditions?

Return to work

Think ahead and help your return to work go more smoothly. Look closely at what your Collective Agreement says about matters such as the use of sick days and family care provisions, return to work notification, and deadlines for applying for extended or part-time leaves. Make sure you understand your rights and the limitations.

Some questions to ask:

- ◊ What notice must I give to my employer regarding a return to work?
- ◊ What happens if circumstances change and I need to return to work sooner/later than expected?
- ◊ Am I entitled to come back to the same position/location?
- ◊ When must I apply to extend my leave? To take a part-time leave of absence?

Professional Standing

Some OSSTF/FEESO members are required to be a member of a college or association as a condition of employment. Find out what you need to do to maintain your professional status, while on a pregnancy/parental leave.

Automatic payroll deductions for college membership fees may not occur while on leave, and you may need to make arrangements for payment directly to the college in order to maintain membership and avoid reinstatement fees.

Other Concerns

Looking after a family involves more than pregnancy/parental leaves. When issues arise, make use of other supports such as your Employee Assistance Program (EAP). EAP services often include personal or financial counselling, family care advice, and help for new parents.

Get the Information You Need

The decision to take a leave of absence and for how long is a personal one. Before making your choice, find out what options are available to you and what each involves.

Legislative Framework

The provincial *Employment Standards Act* (ESA) sets out the legal entitlement to pregnancy and parental leave(s) including length of time, timelines, and eligibility of both birth/adoptive parents (the permission to go on leave).

The federal *Employment Insurance (EI) Act and Regulations* establishes eligibility for receiving maternity and parental benefits including number of hours needed to qualify, the amount paid, waiting period, and number of weeks covered (the payment when on leave).

CAUTION

There are differences between the provisions of the *Employment Standards Act* and the *Employment Insurance Act and Regulations*. Make sure you clearly understand your rights and obligations under both.

Employment Standards Act (ESA)

Website: www.ontario.ca/document/your-guide-employment-standards-act-0/pregnancy-and-parental-leave

General

- ♦ To qualify for a statutory pregnancy/parental leave, you must have been employed by the same employer for at least 13 weeks before the expected date of birth.
- ♦ An employee is entitled to pregnancy/parental leave whether s/he is a full-time, part-time, permanent or contract employee.
- ♦ A medical certificate stating expected date of birth/notice of adoption must be provided if requested by the employer.
- ♦ Written notice must be given two weeks before starting a leave. If the baby is born or comes into care earlier than expected, you may begin your leave immediately.
- ♦ At least two weeks written notice is required to change the start date and four weeks notice to change the end date of a pregnancy/parental leave.
- ♦ Pregnancy and parental leaves must be taken as continuous leaves and cannot be sporadic.
- ♦ An employee on a statutory pregnancy/parental leave continues to accumulate sick leave credits, seniority and experience.
- ♦ During pregnancy/parental leave, the employer or ELHT must continue to pay its share of premiums for certain benefits plans that would have been covered if actively employed, including matching pension contributions, extended health and dental coverage, and life insurance. Check with your Bargaining Unit for details specific to your situation.

It is your right to choose when to start and end pregnancy/parental leaves as long as you stay within the time limits set out in the ESA. You are NOT required to choose dates that coincide with the start and end of the school year or semester.

Pregnancy Leave

- ♦ A birth mother may take up to 17 weeks unpaid pregnancy leave.
- ♦ Leave cannot begin earlier than 17 weeks before the expected birth date and must begin no later than the birth of the child.
- ♦ Pregnancy leave may be extended if the baby has not yet been born by the date when the 17 weeks are finished.
- ♦ Pregnancy leave may be taken following a miscarriage or stillbirth if this took place within 17 weeks of the due date.
- ♦ An employer cannot require an employee to take pregnancy leave before the birth date even if her pregnancy restricts the work she can do or if she is sick.
- ♦ If sick leave is used following the birth, this time will count towards the length of the pregnancy leave.

Parental Leave

- ♦ Parental leave may be taken by a birth parent, adopting parent, or a person who is in a relationship of some permanence with a parent and will be caring for the child.
- ♦ Birth mothers who take pregnancy leave are entitled to take up to 61 weeks of parental leave. All other new parents are entitled to take up to 63 weeks of parental leave.
- ♦ Employees may decide to take a shorter leave if they wish. However, once an employee has started parental leave, they must take it all at one time. The employee **cannot** use up part of the leave, return to work for the employer and then go back on parental leave for the unused portion.

(Note that under the federal Employment Insurance Program, employees are able to return to work and earn a certain amount of wages without having their employment insurance benefits reduced. However, under the ESA, a return to work, even on a part-time basis, would end the parental leave.)

Employment Insurance (EI) Act and Regulations

Websites: www.canada.ca/en/services/benefits/ei.html

CAUTION

If you do not have enough hours accumulated since your last claim, you may not be eligible to receive maternity/parental benefits. Your statutory right to pregnancy/parental leave is not affected. Check with EI directly regarding current benefit rates and maximum payment level, as well as the number of hours required to qualify.

General

- ♦ Maternity/Parental Employment Insurance (EI) benefits fall under the category of Special Benefits.
- ♦ To qualify, you must have accumulated the required number of hours of insurable earnings within the last 52 weeks preceding the application, or since the start of your last EI claim (600 hours).
- ♦ The basic benefit rate is 55% of your average insured earnings up to a yearly maximum insurable amount.
- ♦ Your EI payment is a taxable income, meaning federal and provincial taxes will be deducted.
- ♦ EI benefits will be paid during the summer months, if you are on pregnancy/parental leave during that period.
- ♦ To apply, visit a local Service Canada Centre or apply online. (www.canada.ca/en/services/benefits/ei/ei-regular-benefit/apply.html)
- ♦ You may be eligible for additional leaves if your child is critically ill.

If your newborn/newly adopted child is hospitalized, you can claim parental benefits immediately following the child's birth/placement or when s/he comes home. Each week of hospitalization extends the period in which you can claim benefits, but does not increase the maximum overall benefit payable.

Maternity Benefits

- ♦ Your application can be prepared ahead of time, but to be processed it must include a medical certificate indicating date of birth and a Record of Employment (ROE) from the employer. Find out ahead of time whether your employer sends the ROE directly to the office or to you.
- ♦ A birth mother may collect benefits for up to 15 weeks following a one week waiting period. This benefit period may be interrupted if sick leave is used following the birth.
- ♦ Benefits will be paid no earlier than 12 weeks before the expected delivery date and will not be paid later than 17 weeks following the birth or expected date of birth, whichever is later. Check with your EI office to ensure you maximize your benefits within this time frame.
- ♦ If a pregnancy terminates in the 20th week or later, the claim for maternity benefits can be considered if the qualifying conditions are met.

**For teachers, one school day counts for eight hours.
The days during summer, Christmas and March
breaks do not count.**

Parental Benefits

- ♦ Biological or adoptive parents may collect parental benefits for up to 35 weeks or 61 weeks.
- ♦ Benefits may be collected by either parent, or shared to a combined total of 61 weeks. If shared, only one waiting period will be served.
- ♦ Benefits for biological parents are payable within the 52 weeks following the child's birth date. For adoptive parents, the benefits are available within the 52 weeks from the date the child is placed with the parent(s).
- ♦ Applications must include proof of child's birth or adoption, a statement declaring intent to stay home to care for the child and a Record of Employment (ROE) from your employer.

Income Tax Implications

- ◆ Deductions from maternity and parental benefits are not based on your total income. EI will base your tax deductions on the assumption that they are your only source of income for the year. This means that income tax deducted will not take into account:
 - ◆ Salary you receive before going on leave
 - ◆ Other employment income
 - ◆ Top-up benefits
 - As a result you may not pay enough income tax and could end up owing taxes at the end of the year.

**Before claiming EI during a short-term layoff,
evaluate the effect this may have on a later claim
for maternity/parental benefits.**

Your Collective Agreement

Negotiated Rights and Protection

As well as the statutory rights established through provincial and federal legislation, OSSTF/FEESO Bargaining Units have won additional rights and protections for their members. These are set out in your current Collective Agreement. Although the details will vary depending on the Bargaining Unit and what has been negotiated, the list of related issues covered by your Collective Agreement commonly includes the following:

- ◆ Supplemental Employment Benefits (SEB)
 - normally linked to receiving EI benefits
- ◆ Extended parental and other leaves such as adoption leave
- ◆ Number of hours of insurable earnings credited per day of salaried work for EI purposes.

- ◆ Process for maintaining benefits coverage while on leave, including:
 - different types of benefits such as health and dental, life insurance, long-term disability, and access to Employee Assistance Programs
 - responsibility for paying premium costs
 - process for reinstatement
- ◆ Seniority accumulation for leaves other than pregnancy/parental
- ◆ Credit for salary increases
- ◆ Use of vacation days and eligibility for increased vacation day credit/vacation pay based on experience
- ◆ Accumulation of and access to sick leave
- ◆ Return to work following leaves
- ◆ Protection against discrimination based on family status
- ◆ Access to and conditions of part-time work/leaves

Check with your Bargaining Unit office for detailed information on what your Collective Agreement provides.

Your Bargaining Unit can also help you with questions about:

Benefit Plans:

Find out what you are entitled to, costs of premiums, coverage while on leave, and how to make changes to your coverage.

Employer Policies and Procedures:

Your employer may have specific requirements and procedures for matters not required by legislation or covered under the Collective Agreement.

Health and Safety Policies and Procedures:

Seek information on potential workplace hazards and how you can protect yourself.

QUESTIONS?

Call your local OSSTF/FEESO Bargaining Unit office. Your union is there to protect your interests.

Pension Plans

Check directly with your pension plan to find out how pregnancy/parental and other leaves will affect your eligibility for a pension. Find out how much it will cost to maintain pension contributions and what you need to do.

- 🌀 **Ontario Teachers' Pension Plan (OTPP)**
www.otpp.com
Phone 416.226.2700 or 1.800.668.0105
- 🌀 **Ontario Municipal Employees' Retirement System (OMERS)**
www.omers.com
Phone 416.369.2400 or 1.800.387.0813
- 🌀 **University Pension Plans**
Contact your university pension administrator

Professional Affiliation

- 🌀 **Ontario College of Teachers (OCT)**
www.oct.ca
Phone 416.961.8800 or 1.888.534.2222
- 🌀 **College of Psychologists of Ontario (CPO)**
www.cpo.on.ca
Phone 416.961.8817 or 1.800.489.8388
- 🌀 **College of Audiologists and Speech-Language Pathologists of Ontario (CASLPO)**
www.caslpo.com
Phone 416.975.5347 or 1.800.993.9459
- 🌀 **Ontario College of Social Workers and Social Service Workers (OCSWSSW)**
www.ocswssw.org
Phone 416.972.9882 or 1.877.828.9380
- 🌀 **College of Early Childhood Educators**
www.college-ece.ca
Phone 416.961.8558 or 1.888.961.8558

Other Contact Information

OSSTF/FEESO

🌀 District _____

🌀 Bargaining Unit _____

🌀 **Provincial Office**

60 Mobile Drive, Toronto, ON M4A 2P3 Telephone:
416.751.8300; 1.800.267.7867 Fax: 416.751.3394
www.osstf.on.ca

Employer

🌀 Human Resources _____

🌀 Benefits Officer _____

🌀 Payroll _____

Other

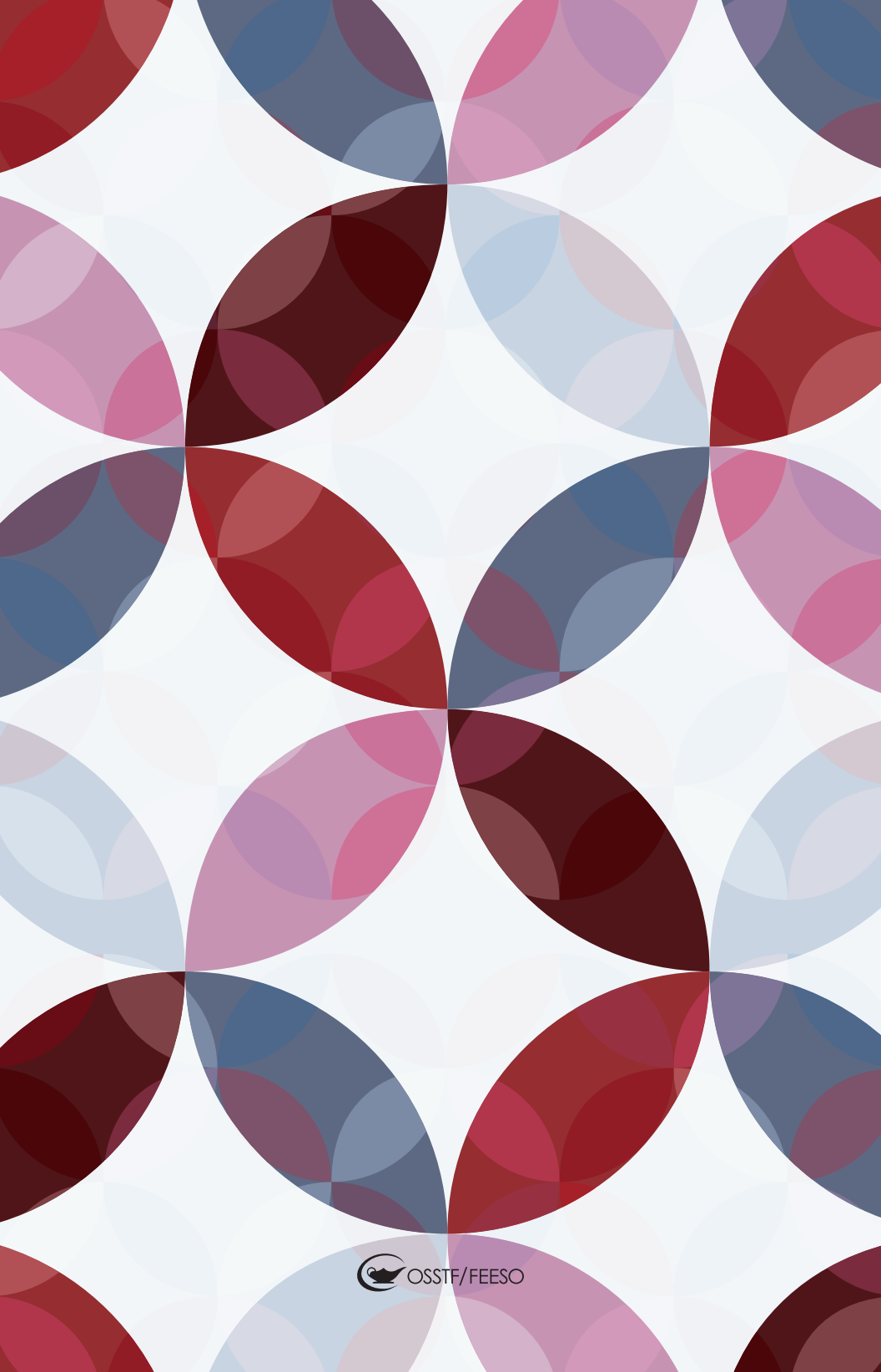
🌀 Long Term Disability _____

🌀 Health/Dental Benefits _____

🌀 Employee Assistance Program _____

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