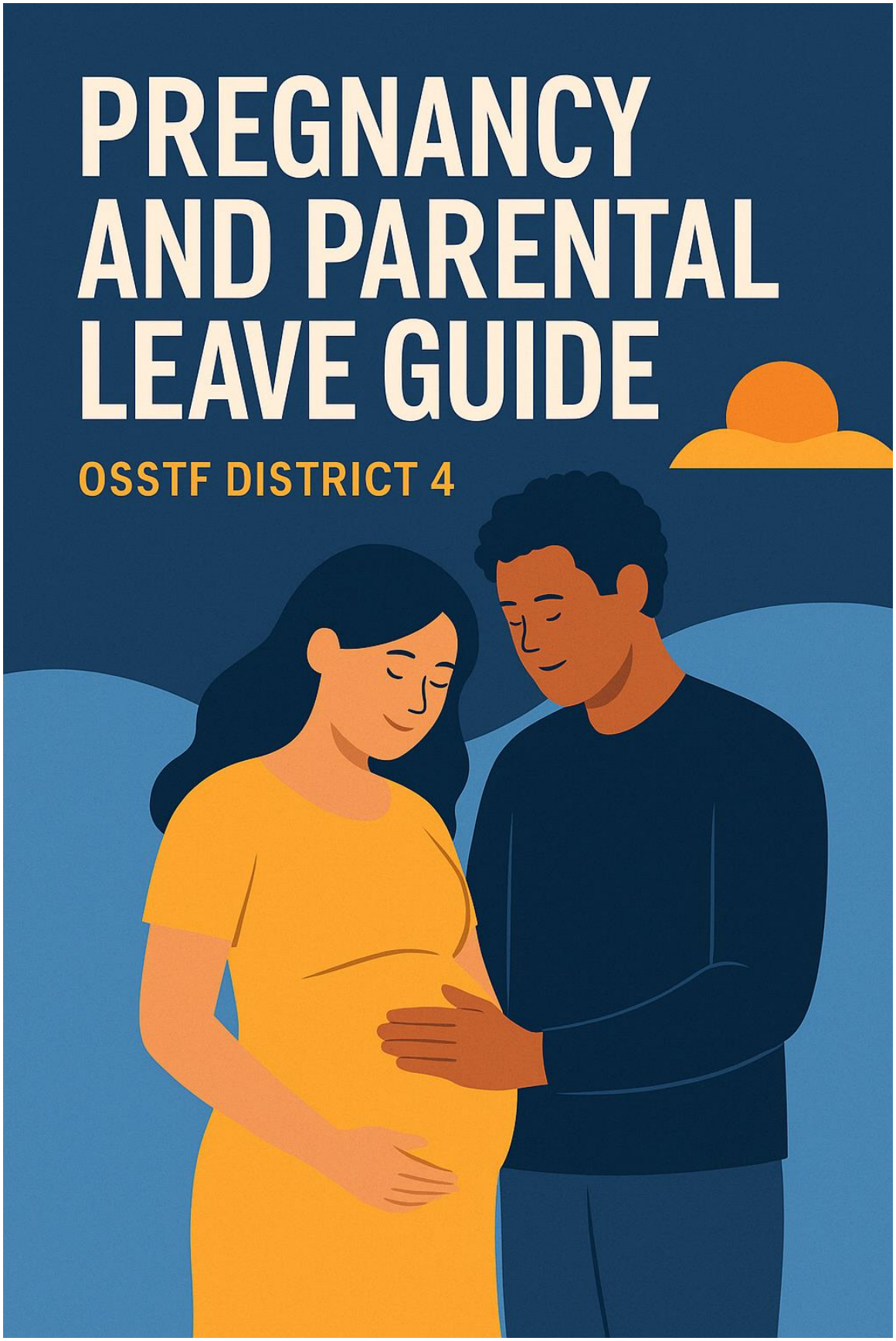
PREGNANCY AND PARENTAL LEAVE GUIDE

OSSTF DISTRICT 4



Pregnancy and Parental Leave Guide for OSSTF District 4 Members

This guide outlines the rights and entitlements of OSSTF District 4 T/OTBU members who are planning to take pregnancy and/or parental leave. It includes information relevant to both birth mothers and non-birth parents, drawn from the Employment Standards Act (ESA), Service Canada, and the OSSTF District 4 collective local and central agreements.

Planning Your Leave: Understanding Pregnancy and Parental Leave

Before starting your leave, it's important to understand the two types of leave available under the Employment Standards Act (ESA) and your collective agreement: pregnancy leave and parental leave.

- Pregnancy Leave is available only to birth mothers and provides up to 17 weeks of unpaid, job-protected leave. This leave can begin as early as 17 weeks before the expected due date and must start no later than the birth date.
- Parental Leave is available to all new parents, including birth mothers, fathers, and adoptive parents. Birth mothers who take pregnancy leave are eligible for up to 61 weeks of parental leave immediately following. Non-birth parents can take up to 63 weeks. Parental leave must be taken in one continuous period and begin within 78 weeks of the birth or placement of the child.

To qualify for either leave, you must have been employed by the school board for at least 13 weeks before the expected date of birth or the start of the leave.

There are three sections to this guide.

Section 1 - has been written specifically to cover rights and entitlements for members who are birth mothers (pages 2 to 5).

Section 2 - has been written to cover the rights and entitlements for Fathers and Non-Birth Parents (pages 6 to 8).

Section 3 – provides a series of additional example scenarios to help members understand how leaves could potentially be structured in different situations (pages 8 to 10).

Section 1: Pregnancy and Parental Leave for Birth Mothers

1. Notification Requirements: Steps to Take Your Leave

To ensure a smooth transition into pregnancy or parental leave, follow these steps:

Step 1: Provide Written Notice

- Submit your request for pregnancy or parental leave in writing to your principal or supervisor.
- You are expected to provide at least two weeks' notice before the start of your pregnancy leave. However, it is understood that in some cases, this may not be possible due to extenuating circumstances.

Step 2: Include Key Details

- Your written notice should include:
    - The type of leave you're taking (pregnancy, parental, or both).
    - The intended start date of your leave.
    - The estimated end date (if known).

Step 3: If You Need to Change the Dates

- To change the start date of your leave: Provide at least 2 weeks' notice.
- To change the end date of your leave: Provide at least 4 weeks' notice.

Step 4: If Your Baby Arrives Early

- If your baby is born earlier than expected, you can start your leave immediately.
- In this case, the formal notice period is waived, but written confirmation afterward is still recommended.

Step 5: Keep a Record

- Always keep a copy of your submitted notice and any correspondence with the board regarding your leave for your records.

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2. Sick Leave: Before and After Birth

If you're experiencing medical complications before birth, you can use your sick leave, supported by medical documentation.

- Pre-birth sick leave does not reduce EI or SEB eligibility.
- Post-birth: Up to 6 weeks of sick leave is often supported by arbitral precedent, with extensions possible based on medical needs.
- Sick leave does not extend the duration of your pregnancy/parental leave.

Example: Emily is due in March but is placed on bed rest in February. With a doctor's note, she uses her sick leave until the birth and then transitions to pregnancy leave.

3. Employment Insurance (EI) Benefits

Apply for EI through Service Canada immediately after stopping work.

Eligibility: 600 insured hours in the past 52 weeks.

Maternity and Parental Benefits Overview

Benefit name	Maximum weeks	Benefit rate	Weekly max
Maternity* (for the person giving birth)	up to 15 weeks	55%	up to $695
Standard parental	up to 40 weeks can be shared between parents, but one parent cannot receive more than 35 weeks of standard benefits	55%	up to $695
Extended parental	up to 69 weeks can be shared between parents, but one parent cannot receive more than 61 weeks of extended benefits	33%	up to $417

EI payments are taxable and may under-deduct, resulting in taxes owed. Adjust your withholdings if needed.

4. Supplemental Employment Benefits (SEB Plan)

Under the collective agreement, permanent and LTO teachers may receive SEB (Supplemental Employment Benefits) top-up while collecting EI benefits during pregnancy or parental leave.

Pregnancy Leave SEB (Local Agreement – Article L19.05.01(l): Birth mothers are entitled to six (6) weeks at 100% salary, followed by eleven (11) weeks at 95% salary, for a total of 17 weeks of SEB while receiving EI maternity benefits. This is a superior provision compared to the minimum outlined in the central agreement.

To receive SEB, teachers must apply for EI maternity or parental benefits and provide written proof of receipt (such as a confirmation notice or pay stub) to the board before SEB payments can begin. These top-up payments are funded by the employer and are not deducted from a teacher's sick leave bank.

Example: Sarah, a permanent teacher, gives birth in September and begins her pregnancy leave. She receives 15 weeks of EI maternity benefits and qualifies for SEB top-up. Under the local agreement, she receives 6 weeks at 100% of her salary and an additional 11 weeks at 95%, helping to maintain her income during this important period.

5. Benefits Coverage During Leave

During a statutory pregnancy, your ELHT (OSSTF Benefits Trust) continues to cover its share of your benefits premiums. To maintain coverage, you must continue paying your portion, typically 6% of the premium, through arrangements with OTIP. If you decide not to continue coverage during your leave, you must indicate this when completing the benefits election process through OTIP. Upon returning to work, you can reinstate coverage without penalty, as long as you do so within 31 days. After that window, your coverage will be suspended until you return to work and re-enroll.

It's important to note that while Long-Term Disability (LTD) is also administered by OTIP, it is **not part of the ELHT plan**. LTD coverage is handled separately, and opting in or out of LTD must be addressed independently from your health, dental, and life insurance benefits.

Example: Robin takes a 12-month parental leave and maintains her benefits by paying her 6% share of premiums through pre-authorized debit set up with OTIP.

Coverage under the ELHT plan includes:

- Extended health and dental
- Life insurance
- Employee Assistance Program (EAP)
  **LTD is optional and not included under ELHT benefits.*

For full details and forms, visit: https://www.osstfbenefits.ca/going-on-a-leave

6. Pension Contributions

While on pregnancy leave, your pension contributions through the Ontario Teachers' Pension Plan (OTPP) depend on whether the leave is paid or unpaid.

If your leave is covered by SEB top-up or sick leave, your pension contributions are deducted as usual, and credit accrues automatically for that portion. However, if any part of your pregnancy leave is unpaid, pension contributions will not occur automatically for that time. In order for that period to count toward your pension, you must arrange a buyback directly through OTPP.

It's strongly recommended to contact OTPP within 90 days of returning to work. If you arrange the buyback within this window, it qualifies as a current service buyback, meaning you only pay the employee's portion of contributions. If you wait longer than 90 days, the buyback becomes a past service buyback, which is generally more expensive. In that case, you're responsible for both the employee and employer portions, and the cost is calculated based on your salary at the time of buyback.

You have up to **5 years** from the end of your leave to initiate the process.

Example (Partially Paid Leave):
Amanda takes a 17-week pregnancy leave. The first 6 weeks are paid through SEB at 100% of

salary, and the next 11 weeks are topped up to 95%. Pension contributions continue during these paid weeks. Amanda then takes an additional 2 unpaid weeks. To ensure those 2 weeks count toward her pension, she contacts OTPP within 90 days of returning to work and arranges a buyback for that unpaid period.

Example (Fully Unpaid Leave):
Dana is an LTO teacher who does not qualify for SEB or sick leave during her pregnancy leave, so her entire 17 weeks are unpaid. Because no pension contributions are made during this time, Dana contacts OTPP within 90 days of returning to work to initiate a buyback and preserve her pension credit for the full leave period.

7. Returning to Work

Upon return, you have the right to the same position or a comparable one.

- Provide 4 weeks' written notice if returning earlier or later than planned.
- Can request part-time or Extended Parental Leave of up to 5 years (unpaid), subject to board approval.

Tip: Keep copies of all correspondence and request confirmations in writing.

Example: After his leave, Jordan returns in April and is placed in the same department with a comparable schedule. She had arranged a reduced workload through consultation with the board.

9. Additional Considerations

- Seniority and experience continue to accrue during pregnancy and parental leave.
- OCT/College of Teachers Fees: Must be paid manually if you're not receiving pay.
- EAP Access: Services for stress, parenting, and family planning are still available.
- Deferred Salary Plan: If on one, check implications for leave timing.
- Midwife Notes: Some boards do not accept these – a doctor's note may be needed.
- Outside Employment: Employment with another board during leave is not permitted unless you resign or receive board permission.

Recommendation - Always keep copies of notices, approvals, and receipts. Planning and documentation are the best way to protect your rights and ensure a smooth parental leave.

Section 2: Parental Leave for Fathers and Non-Birth Parents

Welcoming a child is a transformative experience, and for fathers and non-birth parents, understanding your entitlements and the process of taking parental leave is key to ensuring a smooth and supported transition. This guide outlines the steps required to initiate a leave, explains what benefits are available, and provides practical examples to help you make informed decisions.

1. Eligibility and Duration

To qualify for parental leave under the Employment Standards Act (ESA), you must have been employed by the school board for at least 13 weeks before the expected birth or adoption of the child.

Fathers and non-birth parents are entitled to up to 63 weeks of unpaid parental leave under the ESA. This leave must be taken in one continuous block and must begin no later than 78 weeks after the day the child is born or comes into care.

2. Steps to Take Parental Leave

Step 1: Notify the school board in writing at least two weeks before your planned start date.
Step 2: Indicate your intended start and end dates.
Step 3: Confirm your eligibility for Employment Insurance (EI) benefits with Service Canada.
Step 4: Once you begin receiving EI parental benefits, submit your EI documentation to the board to access any SEB (Supplemental Employment Benefits) top-up.

3. EI Parental Benefits

Understanding Parental Leave Benefit Options
When planning a parental leave, it's important to understand the two types of Employment Insurance (EI) parental benefits available through Service Canada: **Standard** and **Extended**. These benefits are designed to support new parents during their time away from work to care for a child. The table below outlines the key differences between the two options, including duration, benefit rate, and maximum weekly payment. This information can help you choose the plan that best suits your family's needs.

Benefit name	Maximum weeks	Benefit rate	Weekly max
Standard parental	Up to 40 weeks can be shared between parents, but one parent cannot receive more than 35 weeks	55%	Up to $695
Extended parental	Up to 69 weeks can be shared between parents, but one parent cannot receive more than 61 weeks	33%	Up to $417

4. SEB (Top-Up) for Non-Birth Parents

Under the local collective agreement (Article L19.05.03–L19.05.04), permanent and LTO teachers who take short-term parental leave (as a non-birth or adoptive parent) may receive a SEB (Supplemental Employment Benefits) top-up while collecting EI parental benefits.

Short-Term Parental Leave SEB (L19.05.04): Teachers taking short-term parental leave are entitled to a top-up to 95% of salary for up to 10 weeks, provided they have not already received SEB for pregnancy leave.

To access this benefit, teachers must apply for EI parental benefits and submit written proof of receipt (such as a confirmation notice or pay stub) to the board before SEB payments begin. SEB payments are funded by the employer and are not deducted from a teacher's sick leave bank.

Important: As per Article L19.05.04, a teacher may access SEB for either pregnancy leave or short-term parental leave, but not both.

Example (Non-Birth Parent):

Chris, a permanent teacher, takes 10 weeks of parental leave following the birth of his child. He applies for EI parental benefits and submits proof to the board. Since he has not received pregnancy SEB, he is eligible for short-term parental SEB under Article L19.05.04, receiving up to 10 weeks of top-up at 95% of his salary while collecting EI parental benefits.

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5. Benefits Coverage During Leave

During a statutory pregnancy, your ELHT (OSSTF Benefits Trust) continues to cover its share of your benefits premiums. To maintain coverage, you must continue paying your portion, typically 6% of the premium, through arrangements with OTIP. If you decide not to continue coverage during your leave, you must indicate this when completing the benefits election process through OTIP. Upon returning to work, you can reinstate coverage without penalty, as long as you do so within 31 days. After that window, your coverage will be suspended until you return to work and re-enroll.

It's important to note that while Long-Term Disability (LTD) is also administered by OTIP, it is **not part of the ELHT plan**. LTD coverage is handled separately, and opting in or out of LTD must be addressed independently from your health, dental, and life insurance benefits.

Example: Robin takes a 12-month parental leave and maintains her benefits by paying her 6% share of premiums through pre-authorized debit set up with OTIP.

Coverage under the ELHT plan includes:

- Extended health and dental
- Life insurance
- Employee Assistance Program (EAP)
  **LTD is optional and not included under ELHT benefits.*

For full details and forms, visit: https://www.osstfbenefits.ca/going-on-a-leave

6. Pension Contributions During Parental Leave

While on unpaid parental leave, contributions to the Ontario Teachers' Pension Plan (OTPP) do not occur automatically. To ensure your leave time counts toward your pension, you must contact OTPP directly to arrange a buyback.

You may choose to purchase pension credit for the time you were on leave; however, it's generally much cheaper to arrange this within 90 days of returning to work. This is known as a current service buyback, where you only pay the employee's portion of contributions. If you wait beyond 90 days, the buyback becomes a past service buyback, which can be significantly more expensive. In that case, you're responsible for both the employee and employer portions, and the cost is calculated based on your salary at the time of the buyback, which may be higher. That said, you still have up to 5 years to initiate the process. For details and to start the process, visit www.otpp.com or call OTPP directly.

Example (Timely Buyback): Alex takes a full-year parental leave after the birth of his child. He contacts OTPP within 90 days of returning to work and arranges to buy back the missed service. Because he met the deadline, he only pays his portion of the contributions, which amounts to $4,200, eligible for RRSP room.

Example (Delayed Buyback): Jordan takes a 5-month parental leave but doesn't apply to buy back pension service until two years later. By this time, her salary has increased, and she must pay both the employee and employer shares. The total cost is over $7,000, making it significantly more expensive than if she had acted within the 90-day window.

7. Returning to Work

Upon return from your parental leave, you are entitled to the same position you held prior to the leave or a comparable one if your original role no longer exists. If you're interested in a reduced workload, you may apply for part-time teaching under Article L20.02 of the local collective agreement, subject to board approval.

Section 3 - Example Scenarios

Example 1: John, a permanent teacher, applies for 35 weeks of standard parental leave starting the day his child is born. He notifies the board two weeks prior and applies for EI. After receiving confirmation of his EI benefits, he submits the paperwork to the board and receives a SEB top-up for 10 weeks.

Example 2: Alex adopts a child and chooses to take 61 weeks of extended parental leave. He receives 33% of his salary through EI and is eligible for SEB top-up for the first 10 weeks, assuming he meets all requirements.

Example 3: Birth Mother Takes Full Leave, Father Takes Partial Leave
Maria, a teacher and the birth parent, begins her pregnancy leave two weeks before her due date. She takes the full 17 weeks of pregnancy leave, followed by 61 weeks of parental leave.

She receives 15 weeks of EI maternity benefits and 35 weeks of EI standard parental benefits. Under the local collective agreement, she gets 6 weeks of SEB at 100% salary and 11 weeks at 95%.

Her partner, Jason, also a teacher, takes 10 weeks of standard parental leave six months after the baby is born. He applies for EI and receives 55% of his salary for those 10 weeks. Since he did not receive pregnancy SEB, he qualifies for the SEB top-up to 95% for those 10 weeks under the local agreement. Important note: Combined, the standard EI parental benefit allows only 40 weeks. Since Maria took 35, Jason can only take 5 weeks with EI support unless they opt for the extended benefit plan.

Example 4: Birth Mother Takes Pregnancy Leave Only, Father Takes Full Standard Parental Leave

Amira takes only the 17-week pregnancy leave and does not continue with parental leave. She collects 15 weeks of EI maternity benefits and receives SEB for 6 weeks at 100% and 11 weeks at 95%.

Her partner, Brian, decides to take the full 35 weeks of standard parental leave. Since Amira didn't use any of the parental benefit weeks, Brian is entitled to the full 35. He applies for EI and receives 55% of his salary. As he did not use pregnancy SEB, he qualifies for 10 weeks of SEB top-up to 95% under the local agreement.

Example 5: Parents Split Extended Parental Leave
Jasmine takes the full 17 weeks of pregnancy leave and chooses to take 30 weeks of extended parental leave after that. She receives 15 weeks of EI maternity and 30 weeks of EI extended parental benefits at 33% of her salary. She also receives 6 weeks of SEB at 100% and 11 weeks at 95%.

Her partner, Michael, takes 31 weeks of extended parental leave after Jasmine returns to work. He receives 31 weeks of EI at 33% and qualifies for 10 weeks of SEB at 95% since he did not take pregnancy SEB.
This arrangement works within the 69-week combined limit for extended EI parental benefits.

- Pregnancy Leave: For birth mothers, up to 17 weeks of unpaid leave.
- Short-Term Parental Leave: Referred to as "Parental Leave" under the ESA. Up to 61 weeks for birth mothers (if pregnancy leave is taken), or 63 weeks for other parents (including non-birth, adoptive, and same-sex partners). This leave must be continuous.

Example 6: (Father) Daniel welcomes his second child in December. He opts to take 12 weeks of parental leave starting in January to support his partner and bond with his newborn. He coordinates this leave with semester changes to minimize classroom disruption.

Note: Fathers or non-birth parents generally do not qualify for sick leave benefits unless related to their own medical condition.

Example 7: (Co-parents): Alex and his partner adopt a child. Alex takes 33 weeks, and his partner takes 28 weeks. Their benefits are coordinated through EI. Both parents may be eligible to share leave, as long as the total does not exceed the combined maximum.