



# **District 14 OSSTF Kawartha Pine Ridge Teacher Bargaining Unit (TBU)**

## **Pregnancy, Parental, and Infant Care Leave Manual**



*Revised – October 2014*

*Dear OSSTF Member:*

*The arrival of a new family member is an incredibly wonderful event. This “Pregnancy, Parental, and Infant Care” guide has been compiled by your District Office in order that you may anticipate, plan and better understand your options under the Collective Agreement, the Employment Standards Act and the Employment Insurance Act.*

*We hope you find this manual helpful in explaining your rights and entitlements, and outline how the process works. We have attempted to provide the necessary information that you need.*

*However, every situation is unique and special circumstances not covered here may require that you seek additional information or assistance. Ultimately it is up to you to consider your family’s needs and to make choices and arrangements that are right for you. We advise you to keep a complete record of all arrangements, contacts made and documents submitted. Please feel free to contact us at the District Office with questions, comments or concerns.*

## Table of Contents

<b>Section</b>	<b>Title</b>	<b>Page</b>
1	<b>Planning Ahead</b>	4
2	<b>During Your Pregnancy</b>	4
3	<b>Legislation</b>	5
4	<b>The Collective Agreement</b>	6
5	<b>Types of Leave / How to Apply</b>	7
6	<b>Employment Insurance Benefits</b>	8
7	<b>Pension Contributions</b>	9
8	<b>Board Benefits</b>	9-10
9	<b>Reconciliation of Pay</b>	10
10	<b>Return to Work</b>	10
11	<b>Seniority, Salary and Sick Leave</b>	10
12	<b>Sharing of Entitlements</b>	11
13	<b>Income for a Typical One Year Absence</b>	11
Appendix A	<b>Sample Letter to the Employer</b>	12
Appendix B	<b>Scenarios</b>	13
Appendix C	<b>Checklist</b>	14

## 1. Planning Ahead

You face some important decisions in the months ahead. As you plan for the future, take time at each stage to:

- Do your research and get all the information you need to make the best decisions for you and your family.
- Consider your options and their personal, financial and professional implications.
- Be aware of your rights, responsibilities and entitlements.
- Be aware of deadlines and ensure documentation is completed.

If you are not ready, do not feel pressured to make a decision before it is required. You do not have to apply for everything all at once. Keep file copies of all your documents and correspondence with the Board.

*Recommendation: Always keep copies of any and all correspondence with the Employer.*

## 2. During your Pregnancy

There are a number of documents you should become familiar with and people you may need to contact as you approach your Maternity Leave:

- A) Documents and Legislation to Review:
- The Collective Agreement - available at <http://d14.osstf.ca>
  - The Employment Insurance Act (Federal) - available at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)
  - The Employment Standards Act (Provincial) - available at [www.labour.gov.on.ca](http://www.labour.gov.on.ca)
- B) Contact the Human Resources Department at the Board Office requesting their package of information: Phone 705-742-9773 or 1-877-741-4577
- C) Check to see what you may or must do during your Leave:
- Maintaining or modifying your benefits coverage
  - Maintaining your pension contributions
  - Maintaining your professional standing with the Ontario College of Teachers
- D) Call the Employee Assistance Program (EAP) - Shepell-fgi ([www.shepellfgi.com](http://www.shepellfgi.com))
- Ask for information on childbirth, parenting and other services they may offer
- E) Transition to your Replacement Teacher
- Prepare to hand over key documentation and information to the teacher who will be taking over your classes while on Leave, such as attendance and marks records (keep a set for yourself before you leave)
  - Ensure that course outlines and resources are available
  - Prepare “emergency lessons” in case you need to go on Leave earlier than expected

### 3. Legislation

There are two areas of legislation that deal with statutory rights concerning Maternity / Parental Leave: The Employment Standards Act (ESA) and the Employment Insurance Legislation from Service Canada. There is coordination between the Acts and language in our Collective Agreement.

#### **The Employment Standards Act, 2000 [ESA]**

Statutory **Pregnancy/Parental Leave** refers to the right take a leave under provincial law and protection of employment status.

- You must have at least 13 weeks of continuous employment with the same school board to qualify for Pregnancy and Parental Leave benefits.
- Under ESA, a birth mother is entitled to take a pregnancy leave of up to 17 weeks, and up to 35 additional weeks of parental leave for a total of 52 weeks.
- Birth fathers, adoptive parents and/or spouses, or others covered by the definition of parent under the legislation, are entitled to up to 37 weeks **Parental Leave**. This leave must begin no later than 52 weeks after the date the baby was born or the child first came into care.
- Parental Leave may be taken by one or both parents and may be taken at the same time as the other parent or consecutively.
- If the birth mother has a miscarriage or stillbirth, she is eligible for pregnancy leave as long as the miscarriage or stillbirth occurred no more than 17 weeks before the due date.
- Check the website for current Maternity Leave and Parental Leave provisions - [www.worksmartontario.gov.on.ca](http://www.worksmartontario.gov.on.ca)

#### **Employment Insurance Legislation**

Employment Insurance governs entitlements to benefits and is administered through Human Resources and Skills Development Canada (HRSDC).

- To be eligible for E.I. Maternity/Parental benefits, you must have worked at least 600 hours in the last 52 weeks or since the start of the last claim, whichever is shorter.
- The birth mother may collect E.I. Maternity benefits for up to 15 weeks (after the two week waiting period). These benefits may not start earlier than 10 weeks before the due date of the child (2 week waiting period plus 8 weeks of benefits).
- E.I. Parental benefits may be collected for up to 35 weeks by biological or adoptive parents, or their partners. These benefits may be collected by either parent, or shared. These benefits must begin and end no later than 52 weeks after the baby was born.
- E.I. benefits are taxable income.
- Check the website for current information on Maternity, Parental and Sickness benefits at <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml> .

## 4. The Collective Agreement

Our Collective Agreement language has been modified from the Bill 115 imposition of language, and subsequent Provincial MOU signed by OSSTF. From the MOU:

*Eligible employees on pregnancy leave shall receive a 100% salary through a Supplemental Employment Benefit (SEB) plan for a total of not less than eight (8) weeks immediately following the birth of her child, subject to provisions in the 2008 - 2012 collective agreement, but with no deduction from sick leave or the Short Term Leave Disability Program (STLDP).*

*Employees not eligible for a SEB plan will receive 100% of salary from the employer for a total of not less than eight (8) weeks with no deduction from sick leave or STLDP.*

*For clarity, for any part of the eight (8) weeks that falls during a period of time that is not paid (ie: summer, March Break, etc), the remainder of the eight (8) weeks of top up shall be payable after that period of time.*

### **From the 2008-2012 Collective Agreement:**

#### *Article 17 - Pregnancy and Parental Leave*

*17.01 - Pregnancy Leave (stays same)*

*17.02 - Parental Leave (stays same)*

*17.03 - Provisions Applicable to Both Pregnancy and Parental Leave (stays same)*

*17.05 - Supplementary Unemployment Benefits (SUB Plan) (stays same)*

*17.06 - Post Delivery (Pregnancy Leave) (17.06.01 through to 17.06.03 inclusive are removed, replaced by above)*

#### *Article 18 - Infant Care Leave (same)*

#### *Article 19 - Paternity Leave (same)*

#### *Article 20 - Adoption Leave (same)*

#### *Article 15.06 - Fifth Disease (Important to review when Pregnant) (same)*

*Other Key Information:* *While on Leave, teachers who hold a term position, such as a Position of Responsibility, must know if their term ends during their leave and re-apply for the position when it is posted. No one is obligated to inform a person on leave of the posting; term POR postings tend to come out early in March each year.*

*Teachers must make their own arrangements to pay their Ontario College of Teachers fees while on leave.*

## 5. Types of Leaves and Applying for Leave

### A) Pregnancy / Maternity Leave

For **Pregnancy Leave**, you are required to give the employer 2 weeks notice prior to beginning your leave. Consideration is given if you deliver earlier than your anticipated due date. Many teachers give notice much earlier to facilitate planning and process. Applications should be made in writing and should include:

- the date of commencement of the leave
- the anticipated date of return from the leave
- a request for any SUB plan payments to which you may be entitled
- a request for information on continuation of paying your share of benefits plan coverage and / or paying into the OTPP
- documentation from a medical practitioner stating the expected date of delivery

If your doctor determines that you are unable to work prior to beginning your Pregnancy Leave, the Employer cannot compel you to begin pregnancy leave earlier than it is required. In fact it is against the law for the employer to require you to begin your Pregnancy Leave earlier because of illness. Depending on your situation, using sick leave entitlement prior to starting the leave may be more advantageous. The Board will require medical documentation the same as it would for any extended use of sick leave before beginning Pregnancy Leave.

### B) Parental Leave

For **Parental Leave**, you are required to give the employer 2 weeks notice prior to beginning this leave. Birth mothers will often apply for Parental Leave at the same time as they apply for Pregnancy Leave. However, it is not required for you to do so.

If your spouse is going to apply for Parental Leave, they must submit an application in writing that should include:

- the date of commencement of the leave
- the anticipated date of return from the leave
- a request for any SUB plan payments to which you may be entitled
- a request for information on continuation of paying your share of benefits plan coverage and / or paying into the OTPP (if applicable)

### C) Infant Care Leave

For **Infant Care Leave**, you are required to give the employer 2 weeks notice as well. As with the other leaves above, you will need to make an application for your leave in writing that should include:

- the date of commencement of the leave
- the anticipated date of return from the leave
- a request for information on continuation of paying the full costs of benefits plan premiums

## 6. Employment Insurance Benefits

### Eligibility

- To be eligible for E.I. benefits you must have worked at least 600 hours in the last 52 weeks or since the start of your last claim, whichever is shorter. For teachers at full time, a day equates to 8 hours which would mean about 75 days of teaching.
- HRSDC / Service Canada will require a medical certificate and a Record of Employment (ROE) from the Board before they can process your application. The Board automatically sends the ROE to the HRSDB after you have written them with an intended date to start your leave.

### Entitlement

- A birth mother is entitled to 17 weeks of Maternity benefits (less the 2 week waiting period) followed by 35 weeks of Parental benefits for a total of 52 weeks of leave. A single 2 week waiting period must be served prior to receiving benefits.
- The partner of a birth mother is entitled to 37 weeks of Parental Leave E.I. benefits less the 2 week waiting period.
- There are other special provisions should you or your child have medical issues resulting from the birth.
- As of January 2014, the weekly benefit is 55% of normal salary up to a maximum of **\$514**. The 55% is calculated using the last 26 weeks of work to average your weekly earnings.

**Special note for partners of birth mothers:** As the parent of a child who has come into your family, you are entitled to E.I. Parental benefits even if the birth mother might not be. Parental Leave under E.I. rules is a withdrawal from work or the opportunity to work, so it is possible for E.I. benefits to continue through the summer months. Even if you cannot receive any of the 6-week top-up, you might still be eligible to receive SUB payment for the 2 week E.I. waiting period if it falls within a normal pay period.

To file a claim for Employment Insurance, you will need to apply on-line at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca) or by contacting the local Service Canada Centre.

It is not unusual, after reconciliation of pay, for HRSDC / Service Canada to send a notice that they are aware that you may have received compensation which hasn't been declared while collecting E.I. benefits and this may result in an E.I. clawback or penalty. Relax! This is not new earned income, just a reconciliation of what was owed and you have done nothing wrong. Just call Human Resources and they will issue a letter of explanation on your behalf.

**Recommendation:** *Members should contact Service Canada directly to get the necessary information on E.I. eligibility and benefits. Some people's situations may be unique and only Service Canada can give you the appropriate information.*



## 7. Pension Contributions

The rules concerning teachers' pensions have important retirement implications for teachers taking leave from the Board. You should carefully weigh your options before making a decision. It may seem expensive to make pension contributions during your leave; however, the financial implications of not contributing to your pension plan are considerable. It will cost you more to purchase credit later and payments made now to a registered pension plan are tax deductible. You also need to consider that the amount of your pension will be less than it would be without contributions and may postpone the date you can retire with an unreduced pension.

*NOTE: As of September 1, 2010, the OTPP was to begin a number of plan enhancements to make it easier and more convenient to buy back an absence in education. Members should refer to [www.otpp.com](http://www.otpp.com) or call 1-800-668-1050 for more information.*

Some other information about how the OTPP works and about payments into the OTPP while on leave:

- Qualifying years refers to the years you may count towards reaching your 85 factor - i.e. the date you may retire with an unreduced pension.
- Credit years refers to the years in which you have made pension contributions. Your credit years determine the amount/value of your pension when you retire.
- Qualifying years are not the same as Credit years and in order to gain pension credit for the time on leave, you will have to make contributions to the Pension Plan.
- Under the Employment Standards Act, the Board will continue to make your pension contributions during your pregnancy/parental leave, unless you waive this benefit. However, you must reimburse the Board for your total pension contributions. Arrangements, as outlined in the Collective Agreement, must be made with the Board prior to beginning your leave. Usually a series of post-dated cheques is required.

## 8. Board Benefits

You are entitled to remain in the Board's Benefits plans while on Pregnancy/Parental leave and the Board will continue to pay its share of benefits premiums as if you had been working. However, since you will not be receiving salary from which to make deductions for any teacher share of premiums, you will be required to arrange payment of your premiums with the Board.

*Recommendation: We strongly advise that teachers maintain their benefits coverage during leave periods, especially in the Long Term Disability Plan (LTD), since there may be limits to re-enrolment and on what is covered if benefits packages are allowed to lapse.*

### **Extended Health Care, Semi-Private Hospital and Dental Benefits**

- The Board will continue to pay its share of the benefits package - 100% of Extended Health Care, Semi-Private Hospital and Dental - during Pregnancy and Parental Leave. During unpaid Infant Care Leave the teacher must arrange payment with the Board for the full cost of premiums in order for benefits to continue.
- The Board will send you a statement of your current benefits and any premium share you would be required to pay to remain enrolled.

## **Long Term Disability**

- LTD is 100% paid by the teacher and provides protection should you become incapacitated and unable to work. Should you opt out and become ill you will not be protected and may have difficulty re-enrolling when/if you return to work. We strongly recommend that you maintain enrollment in the LTD plan. You must make arrangements to continue paying premiums while on leave.
- If you become disabled while on leave, you should rescind your leave and go on sick leave while you apply for LTD. This will put you back on full salary during your sick leave elimination period, which you must serve before LTD benefits can start.

## **Life Insurance**

- The Board will continue to pay its share of Life Insurance while the teacher is on Pregnancy/Parental Leave but not during Infant Care leave. If you pay for optional life insurance coverage you will need to arrange to continue paying for any optional coverage. If you cancel it, you will have to re-apply when you return to work.

## **9. Reconciliation of Pay**

A reconciliation must be made on the last pay you receive before beginning your leave. For about the first half of the school year, teachers receive more pay than for what they have actually worked. Later in the school year a salary credit is owing (in order to provide for the 16% end of June pay). Depending on when your leave begins, your final pay may be reduced (earlier in the year) or larger (later in the year) in order to reconcile the difference. This is normal and you will receive what you are entitled, but reconciliation should be anticipated.

## **10. Return to Work**

At some point during your leave, you will need to confirm to the Board, prior to the spring staffing process, your intent to return to work at the end of your leave. Your right to return to work includes the following provisions:

- Teachers return to the school (but not necessarily the same daily teaching assignment) they were at prior to beginning their leave, unless declared surplus or redundant while on leave
- All teachers, even those on leave, are subject to the rules governing surplus and redundancy; being on a leave does not protect anyone from surplus or redundancy

## **11. Seniority, Salary and Sick Leave Accumulation**

Generally, teachers on a statutory leave are considered as if they had been at work during the time of leave and continue to accumulate credit.

### For Pregnancy and Parental Leave:

- Teachers continue to accumulate seniority and recognition for experience on the grid while on Pregnancy/Parental Leave.

### For Infant Care Leave:

- Teachers accumulate seniority only on an unpaid Infant Care Leave.

## 12. Sharing of Leave and Benefits

- Only the birth mother is eligible for Pregnancy Leave and E.I. Maternity benefits.
- Either or both parents may take Parental Leave and the leave may be taken at the same time or consecutively. Both parents can receive E.I. Parental benefits, but the entitlement has to be shared as if you were a single individual. Only one waiting period need be served per birth or adoption.

## 13. Income for a Typical One-Year Absence - Sample Scenarios

Each teacher's circumstance will be unique, but the following will illustrate the anticipated income for a typical one-year absence combining 17 weeks of Pregnancy Leave and 35 weeks of Parental Leave for a full-time teacher at an annual salary of \$62,000. Depending on the circumstance, some or all of SUB and Top-Up might not be available. All figures are before applicable deductions. As well, these calculations are for explanatory purposes only – TBU members are not paid weekly.

**Annual Salary = \$62,000**

<b>Normal Weekly Salary</b>	$\$62,000 / 194 \text{ days} \times 5$	<b>=</b>	<b>\$1,597.94</b>
<b>E.I. Entitlement from HRSDC:</b>	50 weeks @ \$507 / week	<b>=</b>	<b>\$25,350.00</b>
<b>*Two Week SUB Payment from KPR:</b>	100% of \$62,000 for 2 wks	<b>=</b>	<b>\$3,195.88</b>
<b>*Six Week Top-Up as per MOU:</b>	$(\$1,597.94 - \$507.00) \times 6$	<b>=</b>	<b>\$6,545.64</b>
<b>Total GROSS income from all sources for One Year of Leave</b>		<b>=</b>	<b>\$35,091.52</b>

\*provided they fall within regular working periods

## Appendix A - Sample Letter: Request for Leave

DATE

Larry Piccinin  
Senior Manager of Human Resources  
Kawartha Pine Ridge District School Board  
1994 Fisher Drive  
Peterborough, ON  
K9J 7A1

Dear Larry Piccinin:

I am expecting a baby in the near future and my anticipated date of delivery is \_\_\_\_\_ . I have enclosed a certificate from my doctor / midwife / nurse practitioner indicating my anticipated date of delivery.

I would like to access any SUB Plan and Employment Insurance top-up entitlements as per the Collective Agreement. Please forward any information to me concerning these entitlements.

I wish to begin my Pregnancy Leave on \_\_\_\_\_, and my anticipated date of return from my Pregnancy Leave will be \_\_\_\_\_.

Sincerely,

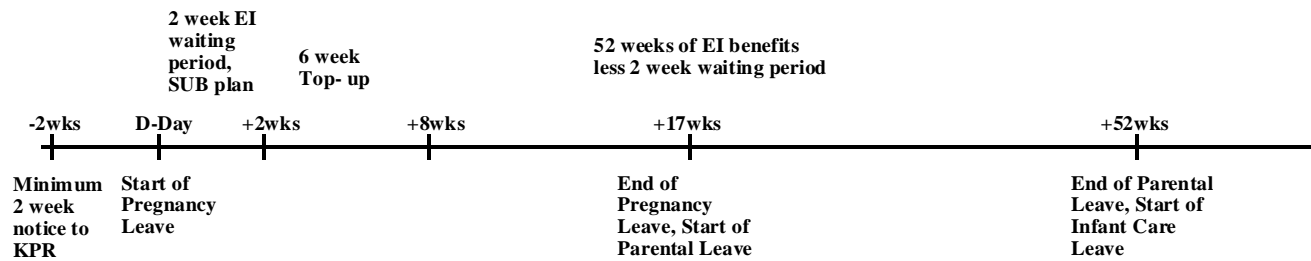
\_\_\_\_\_

*NOTE: You may wish to add the following items to your letter, depending on your circumstances:*

- A) I wish to continue benefits coverage.
- B) I wish to continue to pay my Ontario Teachers' Pension Plan contributions.
- C) I wish to begin my Pregnancy Leave on \_\_\_\_\_, to be followed by Parental Leave, with my anticipated date of return being \_\_\_\_\_.

**\*\*You will also need to give the Employer notification of the birth of your child\*\***

## Appendix B – Scenarios



The following is a general time line for Pregnancy and Parental Leave. Included are some sample scenarios outlining how specific circumstances might affect entitlements.

### **Scenario 1 - Pregnancy Leave start date is October 1<sup>st</sup> (baby does not arrive before that date), mother has been on medically prescribed sick leave since September 15<sup>th</sup>.**

- mother uses sick leave (11 days @ 100%, remaining at 90% if no top up available from previous year) from September 15<sup>th</sup> to September 30<sup>th</sup>
- 2-week SUB plan at 100% of salary for the E.I. waiting period
- 6 weeks of top up to 100% of salary (made 8 weeks total 100%)
- all weeks remaining E.I. benefits at 55% of salary to a maximum of \$507/wk

If the mother received the regular 4% pay on September 15, she will have been paid 10% of her annual entitlement. However, as of October 1, she will have worked about 20 days (give or take a few days; depending on the school calendar) out of 194 or 10.3% of the year. This will require a reconciliation of pay. Reconciliation should occur on the last pay date before the start of leave.

### **Scenario 2 - Baby's due date is July 12<sup>th</sup>, mother completed the school year.**

- mother serves 2 week waiting period during summer, no top up. Then receives regular E.I. Maternity benefits until start of school year.
- After school would have started, next 8 weeks are topped up from EI rate to member's 100% rate, as per the MOU

**\*\* The MOU is clear – for every mother, she should receive 8 weeks of 100% pay top up. If baby is born outside of regular school year pay period, the top up may be delayed but will still happen.**

## **Appendix C - CHECKLIST FOR PREGNANCY / PARENTAL LEAVES**

- Review the Collective Agreement language regarding Pregnancy, Parental, and Infant Care Leaves of Absence.
- Contact the OSSTF District Office to discuss your options.
- Obtain a medical certificate from a doctor, midwife, or nurse-practitioner stating the expected date of birth.
- Provide written notice to Human Resources at Kawartha Pine Ridge District School Board.
- Contact the benefits and payroll departments of KPR to discuss health benefits, long-term disability and pension contributions.
- Obtain information from Human Resources and Skills Development Canada (HRSDC) regarding your application for Employment Insurance benefits.
- Prepare your class marks, attendance, and curriculum records for easy hand-off to your incoming replacement.
- Complete your application for E.I. benefits and submit to Human Resources and Skills Development Canada (HRSDC).
- Relax! You've taken care of all the paperwork. (Record of Employment ROE was forwarded by board to HRSDC automatically)

**Every situation is unique - please don't hesitate to call if you have questions**