

Pregnancy/Parental Leaves



Counselling and Member Services

Bruno Muzzi
2021

CONGRATULATIONS!

Agenda

- The Employment Insurance Act-**Federal**
- The Employment Standards Act-**Provincial**
- The Collective Agreement
- ELHT Benefit Plan
- Ontario Teachers Pension Plan
- Fifth's Disease
- Non-Traditional Issues
- Questions

- **Employment Insurance (EI) is about the money**
- **Employment Standards Act (ESA) is about the time off**

Employment Insurance

- **Maternity** Benefits
- Parental Benefits

Employment Standards Act

- **Pregnancy** Leave
- Parental Leave

The Employment Insurance Act



Be Aware

- To qualify for EI you must have accumulated at least 600 hours of insurable earnings in the last 52 weeks
- ***This works out to 86 instructional days (based on a 7 hour work day)***
- Benefits are based on the weekly earnings over 26 weeks before the claim
- Service Canada uses your best 14-22 weeks to determine your benefit payments.

Changes to support you during COVID-19

- Temporary changes in effect **until September 25, 2021**
- The waiting period **may** be waived
- **You only need 120 insured hours to qualify for benefits** because you'll get a one-time credit of 480 insured hours to help you meet the required 600 insured hours of work
- For maternity and standard parental benefits:
 - you'll receive at least \$500 per week before taxes but you could receive more.
 - For *extended* parental benefits, you'll receive at least \$300 per week before taxes but you could receive more
- If you received the CERB, the 52-week period to accumulate insured hours will be extended
- Sections on this page impacted by these temporary changes are flagged as **Temporary COVID-19 relief**.

<https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/eligibility.html>



The Employment Insurance Act

Maternity Benefits

Counselling and Member Services



The Employment Insurance Act

Maternity Benefits (1 + 15 weeks)

- 1 week unpaid waiting period
 - SEB Plan will top up this week (Part A, 14)
 - OECTA and School Boards will be reviewing how best to ensure full top-up is going to be provided for the final unpaid week
- 15 weeks of paid EI benefits
 - Benefits can be paid as early as 12 weeks before the expected date of birth, and
 - can end as late as 17 weeks after the actual date of birth.



The Employment Insurance Act

Maternity Benefits

- only available to the person who is away from work because they're pregnant or have recently given birth
- cannot be shared between parents.
- person receiving maternity benefits may also be entitled to parental benefits



The Employment Insurance Act

Maternity Benefits

- basic benefit rate: 55% of your average insured earnings
- up to a yearly maximum of \$56,300 (2021)
- max. weekly payment of **\$595** (2021)
- Your EI payment is taxable income.



The Employment Insurance Act

Maternity Benefits

- Maternity benefits can be followed by parental benefits
- You can apply for both at once

The Employment Insurance Act



Maternity benefits– Eligibility period:

- The 15-week maternity benefits must be taken within a specific 29-week window:
- The first pay cannot be earlier than 12 weeks before your due date/date of birth
- The last pay cannot be later than the 17 weeks after your due date/date of birth



The Employment Insurance Act

Parental Benefits

Counselling and Member Services

The Employment Insurance Act



Parental Benefits

Parental benefits are available to one, or both, parents of a newborn or newly adopted child.

You must choose one of 2 options:

- Standard parental benefits, OR
- Extended parental benefits

Your choice determines:

- the number of weeks of EI income, AND
- the weekly amount of EI benefits that you'll receive.

The Employment Insurance Act



Parental Benefits

If Parents Choose to Share EI benefit

- If sharing, each parent must choose the same option (standard; extended) and
- Each parent must submit their own application.
- Parents can receive their weeks of benefits:
 - Concurrently - at the same time or
 - Consecutively - one after another.

N.B. Once you start receiving parental benefits, you cannot change options.

The Employment Insurance Act



Parental Benefits

Must elect one of the two EI options

A. Standard:

- Up to 40 weeks, with a one-parent max of 35 weeks
- @ 55% of avg weekly insurable earnings
- maximum of \$595 weekly

B. Extended:

- Up to 69 weeks, with a one-parent max of 61 weeks
- @ 33% of average weekly insurable earnings
- Maximum of \$357 weekly

The Employment Insurance Act



Parental benefits– Eligibility period:

- Parental benefits can be received within specific periods starting the week after the child's date of birth, or the date your child is placed with you

These periods are:

- Standard parental: within 52 weeks (12 months)
- Extended parental: within 78 weeks (18 months)



The Employment Insurance Act

Parental Benefits

Must elect one of the two EI options:

Standard or Extended

- Both parents are required to choose the same parental benefit option
- The option chosen by the first claimant who completes the EI application will be considered as the option chosen by the second claimant
- The choice is final
- No waiting period if one parent has already served the one week waiting period



The Employment Insurance Act

Standard Parental Benefits

- The basic benefit rate is 55% of your average insured earnings up to a yearly maximum insurable amount of \$56,300 (2021).
- This means you can receive a maximum payment of **\$595** (2021) per week.
- Your EI payment is taxable income.



The Employment Insurance Act

Extended Parental Benefits

- The basic benefit rate is 33% of your average insured earnings up to a yearly maximum insurable amount of \$56,300 (2021).
- This means you can receive a maximum payment of **\$357** (2021) per week.
- Your EI payment is taxable income.

The Employment Insurance Act



Standard parental benefit - example:

Natalie is taking maternity leave.

She is sharing parental benefits with her partner to care for their newborn.

Only Natalie can take the maternity leave – she receives the 1 + 15 weeks



The Employment Insurance Act

Standard parental benefit - example:

The parental leave can be **shared**, up to 40 weeks with no one parent getting more than 35 weeks, so:

Mother	Father
35 weeks (max)	5 weeks
30 weeks	10 weeks
15 weeks	25 weeks
5 weeks	35 weeks (max)



The Employment Insurance Act

Extended parental benefit - example:

The parental leave can be **shared**, up to 69 weeks with no one parent getting more than 61 weeks, so:

Mother	Father
61 weeks (max)	8 weeks
40 weeks	29 weeks
15 weeks	54 weeks
8 weeks	61 weeks (max)

BENEFIT NAME	WHO TAKES	MAXIMUM WEEKS	BENEFIT RATE	WEEKLY MAX
Maternity	Person who gave birth	15 weeks	55%	Up to \$595 (Jan 1, 2021)
Standard parental	One parent	-35 weeks	55%	Up to \$595
Standard parental	Shared between two parents	-40 weeks shared -no one parent can take more than 35 weeks	55%	Up to \$595
Extended parental	One parent	-61 weeks	33%	Up to \$357 (Jan 2021)
Extended parental	Shared between two parents	-69 weeks shared -no one parent can take more than 61 weeks	33%	Up to \$357

The Employment Insurance Act



Additional EI Special Benefits:

- 1) Sickness – up to 15 weeks
- 2) Compassionate care benefits are Employment Insurance (EI) benefits paid to people who have to be away from work temporarily to provide care or support to a family member who is gravely ill and who has a significant risk of death. A maximum of **26** weeks of compassionate care benefits may be paid to eligible people.
- 3) The Family Caregiver Benefit for Children allows eligible caregivers to receive up to **35** weeks of financial assistance to provide care or support to a critically ill or injured child. Caregivers must be family members or someone who is considered to be like family to the child needing care or support.

Employment Insurance

- **Maternity** Benefits
- Parental Benefits

Employment Standards Act

- **Pregnancy** Leave
- Parental Leave



The Employment Standards Act

Pregnancy Leave

Counselling and Member Services

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ASSOCIATION

The Employment Standards Act



Pregnancy Leave (17 weeks)

- can only be taken by the expectant mother
- Can be taken as early as 17 weeks before the due date
- Latest it can begin is on the due date or when baby is born

The Employment Standards Act



Be Aware

- You must be employed for 13 weeks with the same employer to qualify
- The Employment Standards Act requires 2 weeks notice of commencement of leave (unless otherwise noted in the Collective Agreement)
- 4 weeks notice to employer to change the end date (unless otherwise noted in the Collective Agreement)

Giving Notice to the Board- Pregnancy Leave

- Written notice must be given at least two weeks prior to the date the leave will begin
- Should include the date your leave begins and the date it will end
- If the date is not clear the Board will assume that you are taking the full 17 weeks for Pregnancy Leave



The Employment Standards Act

Parental Leave

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Giving Notice to the Board: Length of Parental Leave

- Written notice must be given at least two weeks prior to the date the leave will begin.
- **N.B.** Because you will have selected one of the **EI benefits** options:
 - it is strongly recommended that you tell the Board which EI benefit option you have selected:
 - √ Standard (35 weeks), OR
 - √ Extended (61 weeks)
- *What happens if you don't let the Board know this information?*

Giving Notice to the Board: Length of Parental Leave

- If you don't tell the Board, they may assume that you are taking the extended leave (61 weeks)
- If you intend to use less than 61 weeks:
 - it may be wise to explicitly state in the written notice the number of weeks you do intend to take.

Changing Dates- Pregnancy &/or Parental Leaves

- If you want to start your leave earlier than planned, you must give **two** weeks notice before the new, earlier date.
- If you want to start your leave later you must give **two** weeks notice before the original start date.
- To **end** your pregnancy leave earlier you must give **four** weeks notice.
- To **end** your pregnancy leave later you must give **four** weeks notice before the original date.
- Unless it is in your Collective Agreement you cannot schedule an end date that is longer than what is entitled to under the ESA.

Employment Standards Act



New Leaves of Absence:

- **Family medical leave** is unpaid, job-protected leave of up to 28 weeks in a 52-week period.
- **Family caregiver leave** for employees with certain relatives who have a serious medical condition up to 28 weeks.
- **Critical illness** leave to provide care or support to a minor child or adult who is a family member, whose baseline state of health has changed significantly and whose life is at risk from an illness or injury. Critical illness leave may be taken for up to 17 weeks to care for an adult, and up to 37 weeks to care for a minor child.

The Collective Agreement: Central Terms

14. PREGNANCY LEAVE SEB PLAN

- 14.1 Teachers eligible for Employment Insurance while on pregnancy leave shall receive 100% of 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. This amount shall be received without deduction from sick leave or short term disability coverage. The amount paid by the school board for the eight (8) week period shall be equal to the teacher's annual salary divided by the number of school days in a school year (194 days), less the amount the teacher receives from Employment Insurance.
- 14.2 Teachers not eligible for Employment Insurance while on pregnancy leave 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 short term disability coverage. For clarity, for any part of the eight (8) weeks that falls during a period of time that is not paid (i.e. summer, March Break, etc.), the remainder of the eight (8) weeks of top up shall be payable after that period of time. nevertheless be provided with payment for the 2 week waiting period as part of the 8 week SEB.
- 14.3 Teachers who require a longer than eight (8) week recuperation period shall have access to sick leave and short term disability coverage through the school board's normal adjudication process.
- 14.4 Long Term Occasional Teachers, or teachers hired in term positions, shall be eligible for the SEB as described herein for a maximum of eight (8) weeks with the length of the benefit limited by the term of the assignment. Teachers on daily casual assignments are not entitled to the benefits outlined in this article.
- 14.5 For clarity, the aforementioned eight (8) weeks of 100% salary is the minimum for all eligible teachers. Where superior maternity entitlements existed in the 2008-2012 collective agreement, those superior provisions shall continue to apply.
- 14.6 Notwithstanding 14.1 through 14.5 above, where a bargaining unit so elects, the SEB or salary replacement plan noted above will be altered to include six (6) weeks at 100%, subject to the aforementioned rules and conditions, plus meshing with any superior entitlements to maternity benefits contained in the 2008-2012 collective agreement. For example, a 2008-2012 collective agreement that includes 17 weeks at 90% would result in 6 weeks at 100% pay and an additional 11 weeks at 90%.

The Collective Agreement: Central Terms – Art. 14

Pregnancy Leave SEB Plan - Summary

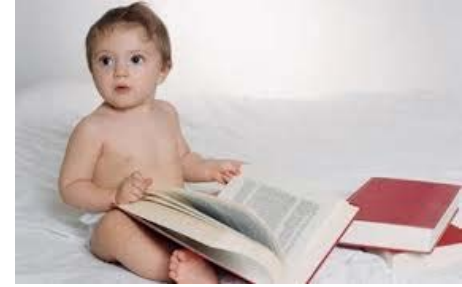
- 14.1 EI eligible: 8-week EI top-up to 100%. Immediately following birth
- 14.2 Not EI eligible: 8-week at 100% of salary. Immediately following birth
- 14.3 if greater than 8-week period required for recuperation: access to Sick Leave + STLDP days
- 14.4 LTOs get the above; must be within length of contract. Daily OTs not entitled
- 14.5 meshing of Central 6 weeks leave with local provisions apply

Using Sick Leave – Part A, Article 3 or 4

If you are unable to work due to health reasons prior to delivery of your child:

- ✓ Able to use your sick leave
- ✓ Regardless whether related or unrelated to the pregnancy
- ✓ You will require medical confirmation

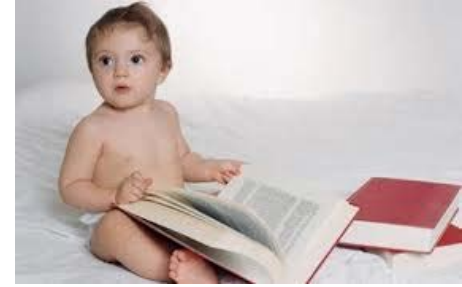
Returning From Leave: Statutory vs. Extended



The date you choose to return from your parental leave may have an impact on your:

1. Premium payments towards the OECTA ELHT benefit plan
2. ability to have **paid** sick leave

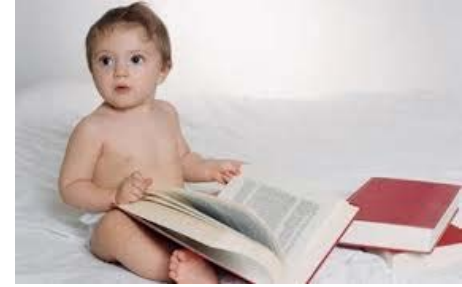
Returning From Leave: Statutory vs. Extended



Premium payments towards the OECTA ELHT benefit plan

1. Regardless if the leave is a statutory or non-statutory leave, if you return to work prior to June 15:
 - ✓ **Benefit premiums are paid by the ELHT for June, July, August**
2. If your statutory leave ends prior to July 15th
 - X **You will have to pay ELHT premiums for July and August**
3. If your statutory leave ends prior to August 15th
 - X **You will have to pay ELHT premiums for August**

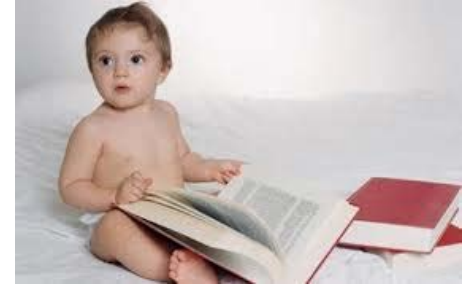
Returning From Leave: Statutory vs. Extended



Ability to have paid sick leave

- The date of your return will determine if you immediately qualify for the 11+120 sick days
- This is especially important if you are unable to return on your first day back because you are ill or injured
- Under Articles 9.17AII and 9.17AIII (Part B-Local Terms)
- You are able to extend your pregnancy or parental leaves beyond the statutory leaves
- These leaves are **without** pay
- These leaves are **without** the statutory protections found under the ESA

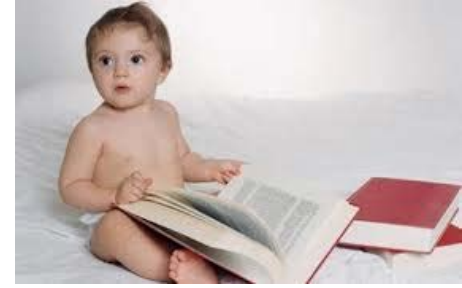
Returning From Leave: Statutory vs. Extended



Returning from a Statutory Leave

- ✓ If you return to work the day immediately after your statutory leave ends:
- ✓ then you immediately receive your 11+120 sick days
- ✓ There are no problems!
- ✓ This means even if you are ill (e.g. with a cold) on the first day back, you can take a sick day (and it will be paid day)
- ✓ If your statutory leave ends during the Christmas Break, the March Break, or during the Summer Break:
 - ✓ **The above still applies !**

Returning From Leave: Statutory vs. Extended



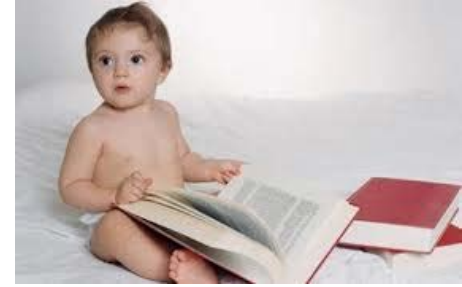
Returning from an Extended Leave

Your entitlements are a little different if, after your statutory leave, you take an extended (and unpaid) leave

Example

- *your statutory leave ends on June 15th*
 - *You really don't want to come back to work for the 2 weeks*
 - *You decide to take the last 2 weeks of June as an UNPAID and EXTENDED leave*
 - *[this applies if you want to get to the March Break, or Christmas Break]*
- X *This creates a problem if you become ill, or are injured, over the summer break***

Returning From Leave: Statutory vs. Extended

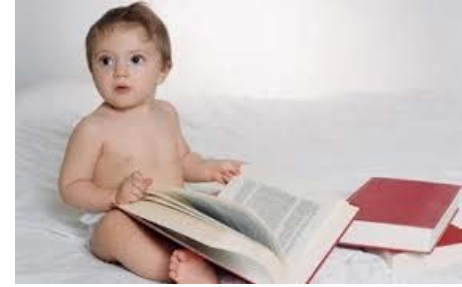


Returning from an Extended Leave

From an arbitrated decision OECTA vs. OCSTA & the Crown (February 28, 2018) [Kaplan]

Summary of decision: teachers on a **voluntary unpaid non-statutory** leave of absence were not entitled to sick leave where they were prevented from returning to work on their planned return date due to an intervening illness or injury.

Returning From Leave: Statutory vs. Extended



Returning from an Extended Leave

From an arbitrated decision OECTA vs. OCSTA & the Crown (February 28, 2018) [Kaplan]

Meaning: if you take an extended (i.e. unpaid, non-statutory) leave to take you to the March Break, the Christmas Break, the end of June:

After your unpaid, non-statutory leave:

- X You must first return to work (i.e. step foot in the building) before you will be allotted your sick leave
- X If you become ill or injured during the break, when school starts if you cannot return to work you will not be covered by sick days
- X After your illness or injury is over, you will not be allotted your sick leave until you return to work and a bona fide return to work occurs

The Local Collective Agreement



Paternity Leave:

9.07 A male teacher shall be granted a special leave, with salary and no deduction from sick leave, to a maximum of five days for needs directly related to the birth of his child.

The Local Collective Agreement



Adoption Leave:

9.08 Any teacher shall be granted a special leave, with salary and no deduction from sick leave, to a maximum of five days for needs directly related to the adoption of a child within Canada.

9.08 (a) Any teacher shall be granted a special leave, with salary and no deduction from sick leave, to a maximum of ten days for the needs directly related to the adoption of a child outside of Canada.

The Local Collective Agreement



ARTICLE X - SPECIAL LEAVE

10.01 (a) The Board may, upon written application of the teacher, allow a leave of absence for up to two years for the purposes of study and/or travel, and/or for the care of a family member, and/or for personal regeneration and/or personal or career development.

10.01 (b) Teachers may request a special leave of absence for part of a school year commencing on September 1st and ending January 31st or commencing February 1st and ending on August 31st.

...

10.03 [unpaid leave]

N.B. Consult with the York Unit office



ESA Rights: Grid and Seniority

- ESA Pregnancy & Parental Leave provides up to 18 months leave
- During this statutory leave:
- You cannot be penalized for taking either of these leaves
- You continue to accrue “teaching experience”
- You continue to accrue seniority

N.B.: When you return to work, check your salary and grid placement!

OECTA Benefit Plan



- Your benefit premiums continue to be covered during the statutory ESA Leave (up to 18 months)
 - You must have been enrolled in the OECTA ELHT prior to starting the leave
- You must enroll your newborn child in the plan within 31 days of giving birth or taking custody
- You are strongly encouraged to continue to pay the premiums for your LTD plan

Extended Leaves



- If you decide to take an **extended** leave, (beyond the 78 weeks of statutory leave):
 - you accrue seniority
 - You do **not** accrue teaching experience to move up the salary grid
- You assume the total cost of ELHT benefit plans for any extended leaves
- OECTA strongly advises to continue paying your LTD premiums

College of Teachers Fee

- If your leave occurs when the school board regularly deducts the OCT fee, teachers will be required to make the payment directly to the OCT

Pension



- Teachers are strongly encouraged to pay their portion of their pension payments while on leave –
- buyback information is sent to Teacher 45 days after start of leave
- Ontario Teachers Pension Plan:
1.800.668.0105
- www.otpp.com

Pension Buybacks



- Teachers can buy pension credit for periods of Board-approved leaves of absence, including:
 - Maternity/pregnancy leaves
 - Parenting leaves
 - Other personal leaves of absence
- A Teacher can buy back a total of 5 years in a career
- An additional 3 years for maternity leaves
- Buybacks must be made within a specified time period

Pension Buybacks



- You can buyback any portion of your leave:
 - ✓ Begin your buyback immediately
 - ✓ Portion of it
 - ✓ The portion you buyback is reflected in your pension credit
- For each board-approved leave you have up to “6 years” to buy it back:
 - ✓ During your 1st year of pregnancy/parental leave
 - ✓ For the next 5 years upon your return to work

Pension Buybacks



Pay **during** your absence

- ✓ Begin your buyback immediately
- ✓ Provide the OTPP with postdated cheques or by setting up automatic bank withdrawals.
- ✓ sign into the OTPP website any time after your leave starts to determine your monthly payments.
- ✓ No interest charges accrue on the buyback during your leave

Pay when you return to work

- ✓ You have up to 5 years to finish paying off your buyback
- ✓ This 5-year window starts the first day you return to work
- ✓ Interest now begins to accrue on the buyback amount
- ✓ Once the 5-year window **ends**: you are **unable** to purchase any more pension credit
- ✓ If you buy back only part of your absence, you will receive a corresponding amount of credit.

Pension Buybacks



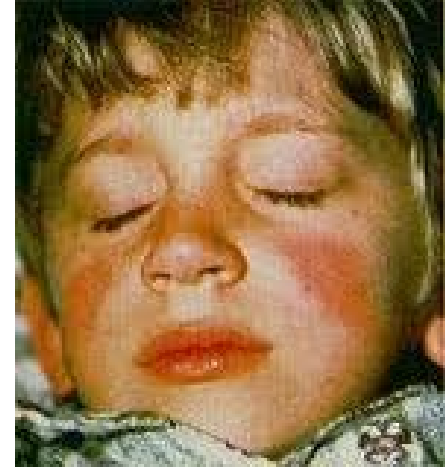
- ✓ Buying back your pension credit adds **both** qualifying and credit years
- ✓ Qualifying affects your 85 factor:
 - ✓ the date you can retire
- ✓ Credit year affects actual pension income:
 - ✓ the amount of money you will receive each month
- ✓ Purchasing the buyback in full:
 - ✓ **NO delayed retirement date**
 - ✓ **A greater pension income**

Fifths Disease



- Fifth disease is a virus that causes a mild rash mainly in children
- Adults may be infected
- It is contagious

Fifth Disease



- If exposed see your doctor:
 - A blood test will confirm the exposure
- Usually there is no adverse effect on the mother or child
- Have blood test to determine if you are immune to the virus
- However, $\leq 5\%$ of pregnancies the unborn child may develop severe anemia resulting in a miscarriage

Fifth's Disease



- If you suspect or are aware of Fifth's Disease in your school:
 - Immediately schedule an appointment with your family doctor
 - Speak to both your OECTA school rep and the York Unit
- While waiting for the blood test results Teachers will be reassigned to a new location
- If the tests show immunity the Teacher may return to work
- If the Teacher is not immune she will be reassigned to a new work location

- Call the OECTA Office for assistance

Non Traditional Issues



- How your child was conceived is a privacy matter
- Do not discuss in the staffroom or with Board administrators
- This would include such pregnancies as:
 - » *Unwed childbirth*
 - » *Artificial insemination*
 - » *In vitro fertilization*
 - » *Surrogate births*
- **Reproductive technologies are denominational rights issues**

Websites

- **Employment Insurance Maternity and Parental Benefits**
<http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml>
- **Pregnancy and Parental Leave-Ontario**
<http://www.labour.gov.on.ca/english/es/pubs/guide/pregnancy.php>
- **OTPP**
<https://www.otpp.com/members/cms/en/life-career-events/taking-time-off.html#maternity>

Questions



Counselling and Member Services

Changes to the Employment Insurance Act – Working While on Claim

Maternity and Parental Benefits - NEW

- The maximum yearly insurable earnings amount is **\$51,700.00**. If a teacher is earning that amount, or more, their maximum EI weekly benefit would be **\$547.00** (the average insurable weekly earnings being **\$994.55**).
- The teacher on maternity/parental leave could work part-time and continue to receive EI benefits so long as this teacher's final take-home weekly amount did not exceed **\$895.00** (i.e. 90% of \$994.55)
- If the above teacher were to work part-time and earn **\$440.00** per week, under the WWC program, 50 cents of each dollar earned would be deducted from the teacher's EI benefits.

Example:

$$\begin{aligned} \text{EI weekly benefit} &= (0.5)(\text{part-time weekly earnings}) \\ &= \$547 - (0.5)(\$440) \\ &= \$547 - \$220 \\ &= \mathbf{\$327} \end{aligned}$$

This teacher's final take-home amount would be:

$$\begin{aligned} &= \text{EI-adjusted benefit amount} + \text{earned income} \\ &= \$327 + \$440 \\ &= \mathbf{\$767.00} \text{ (up from } \mathbf{\$547}) \end{aligned}$$

This teacher would not have to specifically apply for the WWC program, they need only declare their earnings online.



The Employment Insurance Act

Parental Benefits

Must elect one of the two EI options **Extended:**

- Up to 61 weeks for the birth or adoption for mother or father paid at 33% of average weekly insurable earnings
- Must be claimed within 78 week period after the week the child was born, or placed for the purpose of adoption