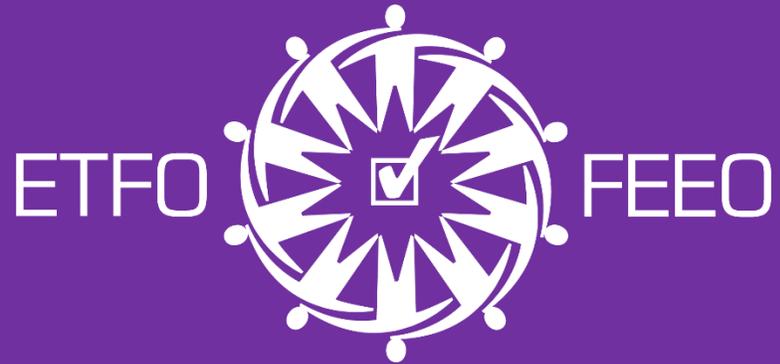


# **Pregnancy and Parental Leave**

## **Your Rights and Responsibilities**



**Hamilton and Waterloo OT Local, 2021**  
**Lorna Larmour, Professional Relations Services**

# ETFO Land Acknowledgement

In the Spirit of Truth and Reconciliation, the Elementary Teachers' Federation of Ontario acknowledges that we are gathered today on the customary and traditional lands of the Indigenous Peoples of this territory.



# Human Rights Statement

The Elementary Teachers' Federation of Ontario is committed to:

- providing an environment for members that is free from harassment and discrimination at all provincial or local Federation sponsored activities;
- fostering the goodwill and trust necessary to protect the rights of all individuals within the organization;
- neither tolerating nor condoning behaviour that undermines the dignity or self-esteem of individuals or the integrity of relationships; and
- promoting mutual respect, understanding and co-operation as the basis of interaction among all members.



# Human Rights Statement (continued)

Harassment and discrimination on the basis of a prohibited ground are violations of the Ontario Human Rights Code and are illegal.

The Elementary Teachers' Federation of Ontario will not tolerate any form of harassment or discrimination, as defined by the Ontario Human Rights Code, at provincial or local Federation sponsored activities.





This presentation is designed to be general in nature. Due to the individual nature of the employment relationship, members are encouraged to contact Service Canada for case specific information.

# Legislation Governing Pregnancy and Parental Leave

- *Employment Standards Act (E.S.A.).*
- *Employment Insurance Act (E.I. Act).*
- *Collective Agreement.*

# Leave Entitlements for the Birth Mother

The *Employment Standards Act* defines the leave period as:

## Pregnancy Leave

- 17 weeks pregnancy; and
- may begin 17 weeks before expected delivery date.

## Parental Leave

- 61 weeks parental leave; and
- to begin when the pregnancy leave ends.



# Leave Entitlements for the Birth Father or Partner of Birth Mother

The *Employment Standards Act* defines the leave period as:

## Parental Leave

- 63 weeks to begin no later than 78 weeks after the child is born or comes into custody, care and control for the first time.

**In order to qualify for pregnancy and/or parental leave you must have at least 13 weeks employment with the school board before the expected date of birth.**

# Leave Entitlements for Adopting Parents or Parents through Surrogacy

The *Employment Standards Act* defines the leave period as:

## Parental Leave

- 63 weeks to begin no later than 78 weeks after the child is born or comes into custody, care and control for the first time.

# E.S.A. Notice Requirements

The *Employment Standards Act* outlines minimum notice in the following manner:

## **Notice to begin a leave for pregnancy leave:**

- minimum of 2 weeks written notice;
- certificate from medical practitioner; and
- notice waived if complications arise.

## **Notice to begin a leave for a parental leave (adoption/partner):**

- 2 weeks written notice; and
- notice waived if child arrives early.

# E.S.A. Notice Requirements

**To change the date for beginning a pregnancy or parental leave to an earlier or later date:**

- Must provide at least 2 weeks written notice.

**To change the date for ending a pregnancy or parental leave:**

- Must provide at least 4 weeks written notice.

# E.S.A. Entitlements

**What are my protections and entitlements while on leave?**

**The *Employment Standards Act* in Ontario provides the following additional entitlements:**

## **Benefit Plans**

- The right to continue to participate in benefit plans including pension, life insurance, extended health, LTD, etc.
- Questions regarding Extended Health, Dental and Life Insurance coverage call OTIP Customer Service at 1-866-783-6847.

# Pension Plan Contributions

**1-800-668-0105**

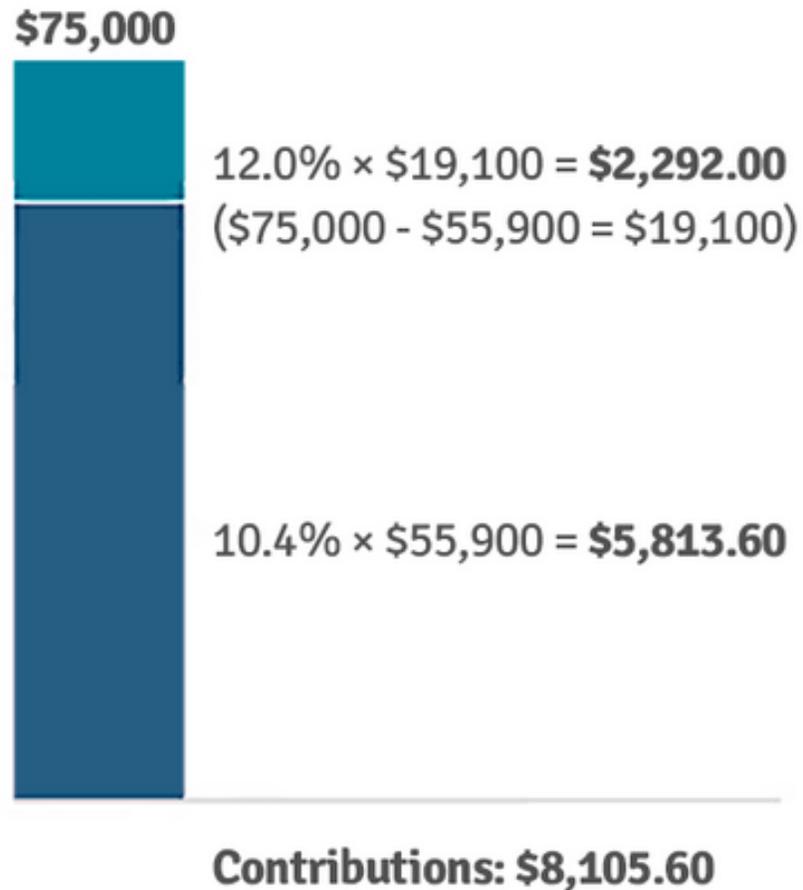
**[www.otpp.com](http://www.otpp.com)**

What happens if you waive the right to contribute to your pension throughout your leave?

Email: [Inquiry@otpp.com](mailto:Inquiry@otpp.com)

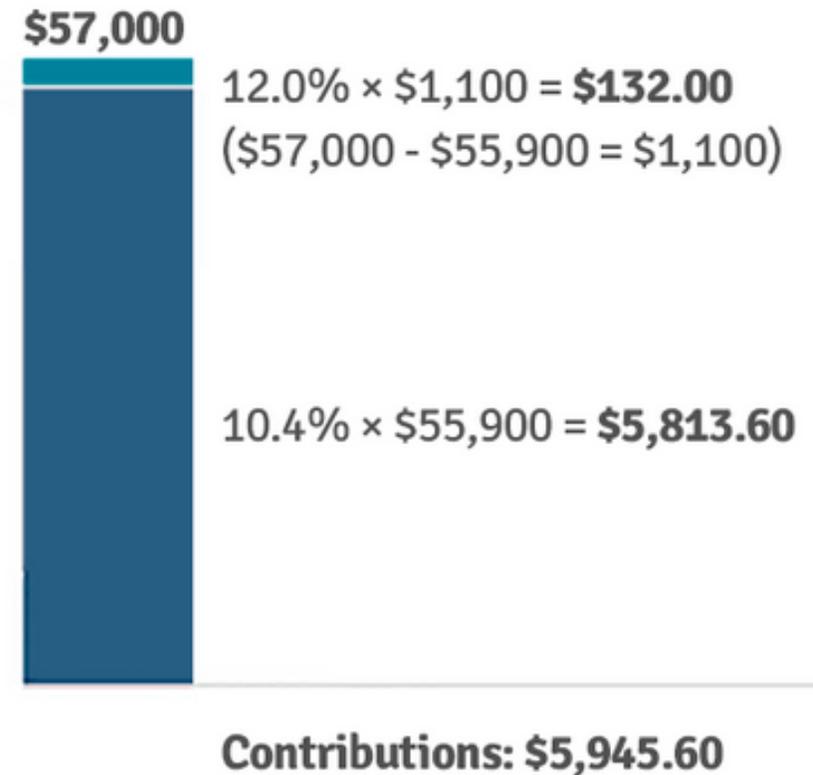
## Margaret's Contributions

Margaret's salary is \$75,000. In 2018, she will contribute \$8,105.60 to the plan, as follows:



## Daniel's Contributions

Daniel's salary is \$57,000. As you can see, almost all of his contributions will be made at the lower contribution rate in 2018.





## Your success story

If you like to work collaboratively along side the best minds in the business, Teachers' is the organization for you.

[Learn more >](#)

[Corporate](#)

[Investments](#)

[Members](#)



### Learn More About Ontario Teachers'

We are an independent organization that pays defined benefit pensions and invests plan assets on behalf of 323,000 active and retired members.



### Recent Transactions

View news releases and summaries of the latest additions and dispositions in our investment portfolio.



### Committed to Prompt, Reliable Pension Information

Ontario Teachers' prides itself on offering personalized, immediate service to members at all stages of their lives.

# E.S.A. Entitlements

## Length of Employment:

- The right to continue to accrue seniority and service.

# E.S.A. Entitlements

## Right to Reinstatement:

- The right to be reinstated to your position if the position still exists.

**Please refer to your collective agreement for additional language on the right to reinstatement.**

# E.S.A. Entitlements

## Right to be free from discipline:

- The Act prohibits the employer from disciplining or discriminating against an employee who is on a leave or may be preparing to go on a leave.

# Employment Insurance E.I. Benefits

## What is my entitlement to pregnancy benefits?

- 15 weeks plus 1 week waiting period.

## What is my entitlement to parental benefits?

- 35 (61) weeks if preceded by a pregnancy claim.
- 37 (63) weeks plus 1 week waiting period if no maternity claim.

# E.I. Benefits

**In order to qualify for benefits, the Employment Insurance Act requires:**

- ~~600 hours~~ of insurable employment in the 52 week period preceding claim.

**You may be at risk of not meeting the ~~600 hour~~ requirement if:**

- you only recently started to work;
- you are working less than 0.5;
- you recently returned from an unpaid leave or deferred salary leave; or
- you recently returned from a pregnancy or parental leave.

**Waterloo OT reports an 8 hour work day.**

**Hamilton OT reports an 8 hour work day.**

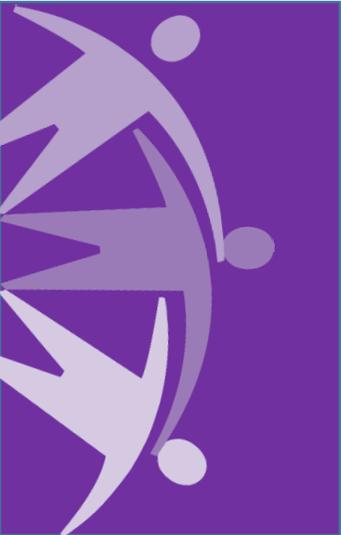
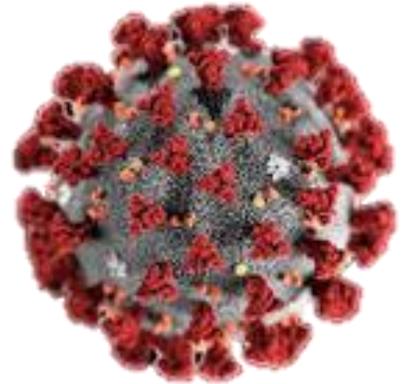
# COVID Alert - Employment Insurance

## Changes to support you during COVID-19

As of September 27, 2020, there are some temporary changes to the EI program to help you access EI maternity and parental benefits.

The following changes will be in effect for 1 year and could apply to you:

- 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.



# Employment Insurance E.I. Benefits

## When does my E.I. claim begin?

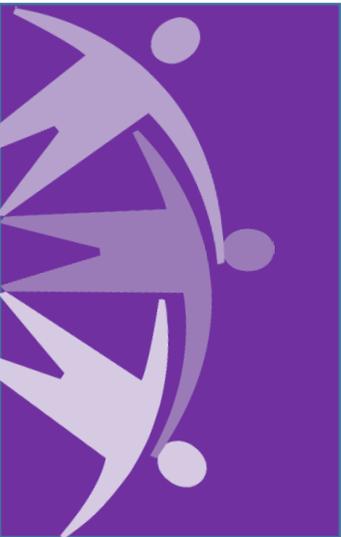
- Up to 12 weeks before child is born (pregnancy claim).
- No later than 78 weeks after the baby is born or comes into your care (parental claim).

## How much money will I receive during my pregnancy claim?

- You will receive 55% of weekly insurable earnings to a maximum of \$56,300 = \$595 weekly approximately.

# E.I. Benefits Parental Leave

- Standard parental benefits can be paid for a maximum of 35 weeks and must be claimed within a 52 week period (12 months) after the week the child was born or placed for the purpose of adoption. The weekly benefit rate is 55% of the claimant's average weekly insurable earnings up to a maximum amount. The two parents can share these 35 weeks of standard parental benefits.
- Extended parental benefits can be paid for a maximum of 61 weeks and must be claimed within a 78 week period (18 months) after the week the child was born or placed for the purpose of adoption. The benefit rate is 33% of the claimant's average weekly insurable earnings up to a maximum amount. The two parents can share these 61 weeks of extended parental benefits.



# E.I. Benefits Review



## Pregnancy benefits followed by parental benefits summary:

<b>Pregnancy Benefits</b>	1 week waiting period followed by 15 weeks of benefit 55% of insurable income = \$595 (minus taxes)
<b>Parental Benefits (Standard)</b>	35 weeks of benefit 55% of insurable income = \$595 (minus taxes)

OR

<b>Pregnancy Benefits</b>	1 week waiting period followed by 15 weeks of benefit 55% of insurable income = \$595 (minus taxes)
<b>Parental Benefits (Extended)</b>	61 weeks of benefit 33% of insurable income = \$357 (minus taxes)

# How Do I Apply?

- Record of Employment.
- Online application @ [www.canada.ca](http://www.canada.ca).

# **\*\*NEW\*\* 5/8 Week E.I. Opportunity**

- Parents, with children born or placed for adoption on or after March 17, 2019, will be eligible for a new benefit.
- Additional 5 weeks of EI parental benefits when both parents agree to share them to take time off work.
- For those who choose the extended parental leave benefit (78 weeks), an additional 8 weeks of E.I will be available to couples who share the time off.

## EI PARENTAL SHARING BENEFIT

### UNDER THE CURRENT RULES...

Either parent may take  
up to **35 WEEKS**  
(paid at 55% of average  
weekly earnings)

The other parent may  
take the remainder of  
the **35 TOTAL WEEKS**

Parents can  
share the 35 weeks  
in various combinations  
**35 TOTAL WEEKS**  
(e.g., 20/15, 10/25)

If a couple decides that  
one parent takes **35 WEEKS**,  
there are no weeks available  
to the other parent

### WITH THE NEW EI PARENTAL SHARING BENEFIT...

Available when both parents  
agree to share parental leave

Either parent may take  
up to **35 WEEKS**  
(paid at 55% of average  
weekly earnings)

The other parent may  
take the remainder of  
the **40 TOTAL WEEKS**

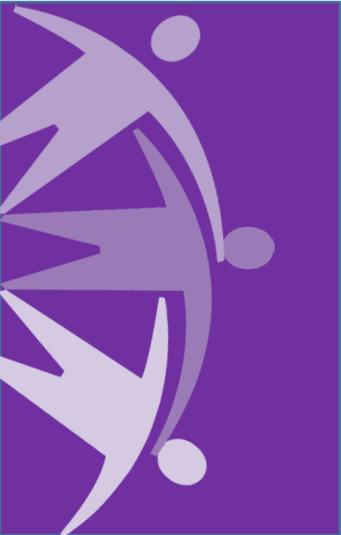
Parents can  
share the 40 weeks  
in various combinations  
**40 TOTAL WEEKS**  
(e.g., 20/20, 15/25)

A minimum of **5 WEEKS**  
is available for each parent



# Your Responsibility When in Receipt of E.I. Benefits

- Provide all required information/documents.
- Provide Service Canada with child's actual date of birth.
- Provide the date of child's placement with you, in the case of an adoption, and the name/address of the adoption authority.
- Report it if you stop providing care for your child.
- Report all employments, whether you work for someone else or for yourself.
- **Accurately report all employment earnings before deductions in the weeks in which they were earned, as well as any other monies you may receive.**



# Stillbirth/Miscarriage

- Possible entitlement to a pregnancy leave.
- No entitlement to a parental leave.
- The pregnancy leave ends 17 weeks after it began or 12 weeks after the stillbirth or miscarriage, whichever is later.



## Parents may now apply for the following at the same time:

- register birth;
- apply for a birth certificate (long-form certificate);
- social insurance number; and
- child benefits.

# Intersection of Regular Benefits and Special Benefits

I am thinking of getting pregnant. Should I claim my regular EI benefits?

Regular benefits  
+ Special benefits  
50 weeks



The Family Supplement rate is based on:

- Net family income up to a maximum of \$25,921 per year; and
- the number of children in the family and their ages.

# Collective Agreement



**Collective  
Agreements**



## **Member Payment Upon Leaving**

- If over payment occurs prior to leaving for your pregnancy/parental leave, it will be recuperated.
- Payroll typically make every effort, depending on the timing of notification, to adjust final pay.

## **Member Payment Upon Return**

- Pay is in accordance with the proportion of the year taught.
- Total monies owing will be equally distributed over remaining pays.

# Leaves and Top Ups



Type of Leave	Top Up Entitlement
<p>Central Agreement Language Pregnancy Top Up</p> <ul style="list-style-type: none"><li>• 8 weeks</li></ul>	<ul style="list-style-type: none"><li>• 8 weeks of top up @ 100% from school board.</li><li>• Board pays full top up if member do not qualify for EI.</li><li>• LTO's are eligible but limited by duration of assignment.</li> <li>• Must apply.</li><li>• Proof of waiting period.</li><li>• Proof of weekly benefit.</li><li>• Proof of type of benefit.</li><li>• Proof of date of birth of child.</li></ul> <p>Can go to “My Current Claim” statement to find all EI information.</p>

# Other Top Ups



Type of Leave	Type of Benefit
Family Medical Leave (up to 28 weeks)	Compassionate Care Benefit (up to 26 weeks)
Critical Illness Leave (Child) (up to 37 weeks)	Family Caregiver Benefit (Child) (up to 35 weeks)

## Top Up Entitlement

- 8 weeks of top up @100% from school board.
- Must qualify for EI.
- Only for the 194 school days.
- LTO's are eligible but limited by duration of assignment.

# Application for Leave



- Apply for a pregnancy/parental leave in writing to the employer.
- Upon returning to work, the onus is on the employee to report, in writing, readiness to resume their duties.
- For adoption leaves, the employer would like advance notice if possible and in writing.

**WATERLOO OT – members utilize “request for Leave of Absence” form.**

**Hamilton OT – member send and email to the HR Staffing Officer.**

# Extended Parental Leave



HAMITON OT - The OT is entitled to upon written request an unpaid extension of the leave up to a period of 24 months.

- Accrue seniority but not for grid purposes.



## Waterloo OT:

### Family Care

A **Long-Term Occasional** Teacher shall be entitled to a family care leave with pay and with deduction from accumulated sick leave account for up to two (2) school days per year.

# Sick Leave



- Use of sick leave prior to birth typically requires authorization from a doctor.
- Yearly entitlement for an LTO member is 11 days at 100% income and 120 days STD at 90% income.
- Involve your local representatives should difficulty arise with regard to Attendance Management or Wellness programs.

# Self Funded Leave



MEMBERS MAY NOT RESCIND  
THEIR LEAVE DURING THE  
YEAR OFF.

# Fifth Disease



- When a case is known to the school, board officials typically notify staff.
- There is typically a protocol whereby the educator is either reassigned to an alternate work location or they are able to use sick leave.
- Speak to your doctor about the possibility of a blood test to check your immunity.

**Waterloo OT – The principal will notify the LTO's. They do try to make the announcement to the school however the principal is not always in the building. The OT goes on sick leave or is relocated. If they chose relocations, then sick leave is not used whilst waiting for relocation.**

**Hamilton OT – Board has made arrangement for expedited immune status testing. A warning sign shall be posted on the door in the main entrance of the school. The Health and Safety department shall post the information to the Communicable Diseases webpage to notify all Board staff.**

# Offense Declaration



- Must be completed according to the board timelines.

Hamilton OT

## **Reactivation/Offense Declaration**

All OT's need to complete the Offence Declaration and Reactivation by the end of June of each school year to remain on the OT List.

# Personal Belongings



- Consider removing your personal items from the worksite when on leave.
- This will ensure your personal resources are not damaged or misplaced.

## Supporting Members & Local Leaders

### Advice: Members as Employees

A Member's Guide to EI

A Member's Guide to Long Term Disability

A Member's Guide to The WSIB

Advice for Stewards About Workplace Accommodations

Depression

Guide to Pregnancy and Parental Leave

LGBTQ Rights in Your Workplace

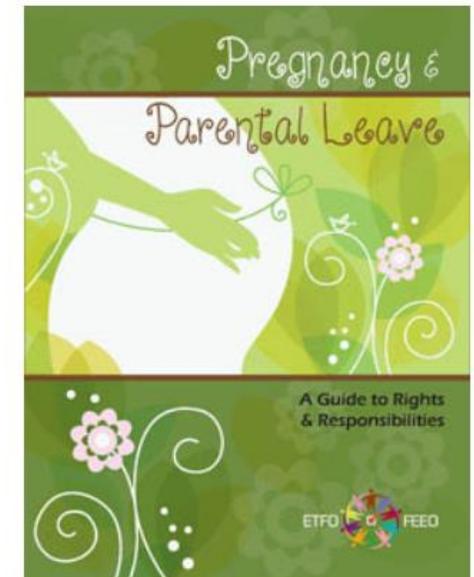
Supporting Members & Local Leaders > Advice: Members as Employees > **Guide to Pregnancy and Parental Leave**

## Guide to Pregnancy and Parental Leave

**Updated May 2017**

This booklet sets out a general guide to member rights and responsibilities under the Employment Standards Act, the Employment Insurance Act and Collective Agreement entitlements.

The booklet is available for download: [PDF](#) | [Word](#)



# Federal Government

The logo for Service Canada is centered within a large black oval. It features the word "Service" in a white serif font above a horizontal line, and the word "Canada" in the same font below the line. A small red and white Canadian flag is positioned to the right of the word "Canada".

Service  
Canada

[www.canada.ca](http://www.canada.ca)

# Just a call away



## Local Office

HAMILTON: 905-547-7221

WATERLOO: 519-571-0222