
OSSTF District 16 Pregnancy, Parental & Adoption Leave Guide



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Introduction

This package of information is intended to assist you in preparing for pregnancy / parental leave by providing an overview of the rules and procedures that govern these leaves. The material has been organized according to topics to make it easier for you to find the specific information you may require. Please check with the District Office regarding any questions you may have.

Federal and Provincial legislation, the terms of our collective agreement and YRDSB policies may have changed since this document was printed, so please make sure you verify the information prior to making any decisions. Updated legislation is also available through government websites.

It is strongly advised that you keep a complete record of arrangements made and documents submitted, including proof of the date submitted. Every effort should be made to obtain written confirmation.

Important Contact Information

YRDSB Human Resource Services Reception (416) 969-7170 Ext. 2479

EI Info:

Service Canada www.servicecanada.ca 1-800-O-Canada

Ontario Teachers' Pension Plan www.otpp.on.ca (416) 226-2700

Ontario College of Teachers www.oct.on.ca (416) 961-8822

OTIP 1-800-267-6847

OSSTF District 16 www.d16.osstf.ca (905) 836-5954

Planning Ahead

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

- Do your research and get the information you need to make the best decisions for you and your family.
- Review the Pregnancy, Parental, Adoption, Infant/Child Care Leaves brochure found on the BWW here: <https://bww.yrdsb.ca/services/hrs/Documents/Leaves/Pregnancy%20Parental%20Leave%20Flyer.pdf>
- Consider your options and look at the different financial, personal, and professional implications of each carefully.
- Be aware of both your rights and responsibilities.
- If you are not ready, do not feel pressured to make a decision before it is required.
- Be aware of deadlines and ensure your paperwork is completed in time to receive what you are entitled to.
- Remember you do not have to apply for pregnancy, parental and extended parental leave all at once, but can take it one step at a time.
- Keep a complete home file of copies of all your documents and correspondence with the Board, including dates. You may need this verification later.

During Your Pregnancy

This is the time to do your research and prepare yourself for the decisions ahead. Although you do not have to make all your decisions right away, it is wise to think ahead and get a clear picture of both your immediate and long-term options.

Notifying Your Principal & The Board

- When you are ready, but well in advance of the start of your leave, notify your principal of your intent to take a leave.
- During the same timeframe, apply for your leave by accessing the BWW eForm. Shortly after your leave is approved you will receive a leave package pertaining to benefits, pension, payroll information, etc that will be sent to your board email. Make sure to read all the attached documents and return the necessary forms.

Important Decisions To Make About Health & Disability Benefits

During a Pregnancy/Parental leave you may continue your benefits with the Board. While on Pregnancy/Parental leave the Board will continue to subsidize your coverage in Semi-Private, Major Medical, Basic Dental and Life Insurance. For additional Life Insurance and Longterm Disability, you will be required to pay the premiums if you choose to stay enrolled during your leave.

If you choose to cancel any benefits, they cannot be reinstated during your leave. If you choose to cancel Long Term Disability or additional Life Insurance while on leave, you will be subject to a pre-condition clause when you return to work.

For more information, make sure to thoroughly read the documents the board will send you as part of your leave package.

Types of Leave/How To Apply

The provincial Employment Standards Act covers the rights to pregnancy/parental leave. Additional conditions applying to pregnancy/parental leaves are outlined in the Collective Agreement and in Board policies; however, these conditions cannot override any of the statutory rights provided for in legislation.

To apply for any of the leaves listed below complete a leave of absence request eForm on the BWW.

Pregnancy Leave

Under the Employment Standards Act, a birth parent is entitled to up to **17 weeks** pregnancy leave to begin no earlier than 12 weeks before the expected birth date.

A person who experiences a miscarriage or stillbirth is still eligible for pregnancy leave if the miscarriage or stillbirth took place no more than 17 weeks before the expected due date.

Parental Leave

Under the Employment Standards Act (ESA), a birth parent is entitled to up to **61 weeks** parental leave to begin when their pregnancy leave ends. The birth parent must begin parental leave immediately after pregnancy leave unless the baby has not come into their care by the time the pregnancy leave ends (e.g. baby has been hospitalized since birth).

The non birth parent, adoptive parent and/or spouse, and others covered by the definition of parent under ESA legislation, are entitled to up to 63 weeks of parental leave. For parents, other than the birth parent, the leave must begin no later than 78 weeks after the birth of the child, or the date when the child first came into the parent's care.

This leave may be claimed by one or both parents and may be taken at the same time or consecutively.

Infant Care Leave

The sum of your Pregnancy/Parental/Infant Care Leave cannot exceed 2 years.

A teacher must have been employed by the Board for at least two years to be eligible for an Infant Care Leave following a Pregnancy/Parental Leave. The application for an Infant Care

Leave should be made no later than 30 days prior to the date the Pregnancy/ Parental Leave is to end.

If you opt to take an Infant Care Leave the Board will not pay for employee benefits during the leave. You can choose to pay for your own benefits, or if you opt out you will be subject to the same penalties or pre-condition clauses when you return to work discussed earlier.

Adoption Leave (Parental)

Adoption/Parental Leave will be granted pursuant to the Employment Standards Act in effect at the time the leave is requested. A teacher shall be eligible for an Adoption/Parental Leave according to the provisions of the Employment Standards Act in effect at the time the leave is requested.

Spousal Sharing of Leave and Benefits

Under legislation, only the birth parent is eligible for pregnancy leave and maternity EI benefits. Either or both parents may take parental leave. Leave may be taken at the same time or consecutively. EI parental benefits, however, may only be claimed by one parent or shared between two partners. If shared, only one waiting period needs to be served per birth or adoption.

If both parents access EI parental benefits then the total benefit period will increase from 35 weeks to 40 weeks.

Employment Insurance & Supplemental Employment Benefits

Employment Insurance Benefits

The conditions applying to pregnancy/parental EI benefits are set out in federal Employment Insurance legislation. To be eligible for EI maternity/parental benefits, you must have worked 600 hours in the last 52 weeks or since the start of your last claim, whichever is shorter. This period is called the qualifying period. Please note that leaves of absence may affect eligibility for EI benefits. The maximum weekly benefit is \$595 for a 12 month leave and \$357 for an 18 month leave.

Maternity Benefits

- A birth parent may begin the pregnancy leave 12 weeks prior to delivery;
- EI Maternity benefits will also not be paid later than 17 weeks after birth.

Parental Benefits

- Under Federal Employment Insurance legislation, biological or adoptive parents, or their partners, can collect EI parental benefits, or these benefits may be shared. If shared, only one waiting period must be served per birth or adoption.
- Parental EI benefits for biological parents are payable within the 78 weeks following the child's birth date. For adoptive parents, the benefits are available only within the 78 weeks from the date the child is placed with the parent(s).

Applying for EI benefits

Complete and submit your application for Employment Insurance benefits immediately after your last teaching day and no later than 4 weeks after the birth of your child. The board will automatically send your Record of Employment once you notify them that you have delivered. You may risk losing benefits if you delay your application beyond four weeks—emergency situations however are taken into consideration.

Supplemental Employment Benefit

Birth Parent Only

A SEB plan to top up E.I. Benefits for eight (8) weeks of 100% salary is the minimum for all eligible teachers who opt for the 12 month E.I. option. If a teacher opts for the 18 month E.I. option they are still eligible for the SEB payment, but it will not increase to account for the lower E.I. payment. A teacher who is eligible for such leave shall receive 100% salary for a period not to exceed eight (8) weeks immediately following the birth of their child but with no deduction from sick leave or the Short Term Leave Disability Program (STLDP). The SEB Plan pay will be the difference between the gross amount the teacher receives from the 12 month E.I. option and their regular gross pay.

Parental/Adoption Leave (Not for Birth Parent)

If no waiting period is served, the employee's EI parental / adoption benefits will be supplemented up to 100% of their regular earnings, up to a maximum of 3 weeks.

If the waiting period is served the employee's EI parental / adoption benefits will be supplemented up to 100% of their regular earnings, up to a maximum of 5 weeks.

Pension Contributions & The Ontario College of Teachers

Pension Contributions

As soon as your leave begins the board stops collecting pension contributions from you to remit to the Ontario Teachers's Pension Plan. You do have the option to 'buy back' the pension contributions you would have regularly made if you were not on a leave of absence. It may seem expensive to make pension contributions while on leave; however, the financial implications of not contributing to your pension plan while on leave are considerable. Remember that it will cost more to purchase the credit later, and that direct payment to a registered pension plan is a tax deduction. You also need to consider that the amount of your pension will be less than it would be with the additional credited service and it may postpone the date you can retire with an unreduced pension.

While on leave you will be contacted by the Ontario Teachers' Pension Plan with further details about buy back options.

The Ontario College of Teachers

While on leave you are responsible for the payment of the College of Teachers fee. Contact the College to make the payment and keep yourself in good standing.

Return to Work

Three months before your leave ends you will be contacted by Human Resources so that you can complete important return to work documents. Make sure to routinely check your email around that time so as not to cause any delays. This section will highlight important rights and responsibilities you have as you make your journey back to work.

Staffing Assignment

If your combined pregnancy/parental leave is for 18 months or less (61 weeks or less for adoption/parental) you will return to the same school and subject group or position if you have not been declared system surplus.

If your leave is for more than 18 months, but not greater than two years, and there is a vacancy at your school that you are qualified for and you would not usually be declared surplus, then you will be given a position in your same school/subject grouping. If no such position exists you will be guaranteed a position with the Board.

If you are on leave during the spring staffing cycle you should still receive a teaching preference form if you will be returning to work at any point the following year. If you do not receive a form please contact your branch president.

Experience and Seniority

A teacher returning from Pregnancy/Parental/Infant Care Leave shall receive experience for seniority purposes for the leave period (maximum 2 years) and shall receive a full grid increment, if eligible, for the leave period (maximum 18 months). A teacher returning from Adoption/Parental Leave shall receive experience for seniority purposes for the leave period and shall receive a full increment, if eligible, for the leave period.

Sick Day Entitlement

A teacher returning from Pregnancy/Parental/Adoption Leave shall have existing sick leave benefits and retirement gratuity credits fully reinstated. Full time teachers are entitled to 11 sick days at 100% and 120 sick days at 90% for the remainder of that school year.

On-call Requirements

When you return to work you will be required to complete your regularly assigned number of on calls less any that were completed by the LTO replacing you.

Impact of Your Leave on Your TPA Cycle

There are allowable periods of time that are not to be counted in the 5- year evaluation cycle which change the year that a teacher is due for their appraisal.

If your leave is during all or part of a year that is NOT scheduled as an evaluation year then a change to your evaluation year cycle is warranted reflecting the length of your leave, thus changing the evaluation date to a date in the future.

Example:

Tracey was last evaluated in April 2014. In May of 2015 they start a pregnancy/parental leave and returns to work in May of 2016. Upon their return to work Tracey would complete a *'Request to Amend a Teacher's Evaluation Year Form'* so that their next evaluation will be during the 2019-2020 school year.

Exception to this:

If a teacher is on an extended leave during all or part of a year that is scheduled as an evaluation year, any performance appraisal that would otherwise be carried out during that period must be conducted within 60 school days following the return from leave.

The *'Request to Amend a Teacher's Evaluation Year Form'* can be found on the BWW and should be submitted upon your return to work to your principal.

Checklist of Action Items

This list is not meant to be exhaustive and may change. Make sure to check your personal and board email as well as your regular mail throughout your leave to respond to important correspondence in a timely manner.

- When you are ready, but well in advance of the start of your leave, notify your principal of your intent to take a leave.
- Apply for your leave by accessing the BWW eForm. If you plan to take an Infant Care Leave you can apply for it at the same time or wait up until 30 days before your pregnancy / parental leave ends.
- Complete and return the leave forms sent to you by Human Resources.
- Complete and submit your application for Employment Insurance benefits immediately after your last teaching day and no later than 4 weeks after the birth of your child.
- Email your HR rep immediately after the birth of your child if they don't arrive on your due date.
- Pay your OCT fee if you are on leave between January and March.
- 3 months before your leave ends complete the 'Return to Work' package sent to your board email.
- If you are on leave during the spring staffing cycle, complete your teaching preference form if you will be returning to work at any point the following year.
- As soon as you return to work and if you are eligible complete a 'Request to Amend a Teacher's Evaluation Year Form'.