

Anticipating a Pregnancy and/or Parental Leave

Congratulations! You may be expecting a child, adopting, or planning on it in the near future. Preplanning can assist in making prudent decisions. This bulletin will provide you with some basic information.

Employment Standards Act (ESA)

This provincial legislation establishes minimum rights to leaves from work. To qualify you must have worked for the employer for a minimum of 13 weeks.

Your leave period is 17 weeks for pregnancy and 61 weeks for parental. You may begin your leave up to 17 weeks in advance of the expected date of birth but no later than the birth. Parental leave must begin directly after the pregnancy leave ends. Where a pregnancy leave is not taken, the parental leave is 63 weeks and may begin no later than 78 weeks from the time the child is born or comes into your care for the first time. Each parent has a right to take a parental leave.

How much notice must be provided to the Board?

The *Act* requires that you provide your employer with a minimum of two weeks written notice. Notice requirements are waived if the baby arrives early. The *Act* requires that you advise your employer four weeks in advance of your return to work. Your local *Collective Agreement* may have language that provides for a shorter return period.

Employment Insurance Act (EI)

This federal legislation sets out the minimum entitlement to the benefit you receive throughout the pregnancy/parental period. To qualify, you must have worked for 600 hours within the 52 week period prior to your claim. If you are a designated early childhood educator, education support personnel/professional support personnel or occasional teacher and have an open claim for regular benefits, there may be an impact on your claim for pregnancy and parental benefits. Pregnancy/parental benefits are known as special benefits and have special rules different from regular benefits.

How much will the EI benefit be?

Biological mothers (including surrogate mothers) have available, a maximum of 15 weeks of pregnancy benefits. The weekly benefit rate is 55% of your weekly insurable earnings up to a maximum amount. The maximum benefit changes yearly and can be found on the Service Canada website. The benefit payment is taxable.

For parents caring for their newborn or newly adopted child/children there are two options available for receiving parental benefits: standard or extended.

- **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.

You must decide whether you will choose standard parental benefits or extended parental benefit prior to your claim. If you are sharing the claim for parental benefits, the choice made by the first claimant binds the second claimant to the same choice.

Special Benefits

Special benefits include: sick leave benefits, compassionate care benefits, critical illness children benefits, critical illness adult benefits and pregnancy and parental benefits. The federal government, under some circumstances, will allow you to link together a number of special benefits. Of course you must qualify for each of these special benefits. You must serve a one week waiting period prior to receiving any benefit from the federal government. During the waiting period, no benefits from the government are provided.

Am I eligible to collect EI benefits during the summer?

You are entitled to collect benefits for pregnancy and parental leaves during the non-teaching period. Parental benefits can be claimed anytime within the 78 weeks after birth or placement.

If I lose my baby, what am I entitled to?

EI allows entitlement to pregnancy leave benefits if the pregnancy was greater than 19 weeks at the time of the stillbirth/miscarriage.

You could qualify for 17 weeks of leave, 15 weeks paid benefits from the date of the stillbirth/miscarriage. The pregnancy leave must end 17 weeks after it began or six weeks after the stillbirth/miscarriage, whichever is later.

The Collective Agreement and Supplemental Employee Benefit (SEB or "Top-up")

The Central Collective Agreement requires that the employer provide all eligible employees with a top-up of 100% of salary for eight weeks of pregnancy leave. Your local Collective Agreement may have superior entitlements. Please refer to your local Collective Agreement for such language.

The Central Collective Agreement also provides eligible members a top-up where you are in receipt of compassionate care benefits or critical illness child care benefits. This is limited to days you would normally be teaching.

Your Collective Agreement contains other important language to review. Check language on extended leaves, salary, benefits, sick leave, miscellaneous leaves, and other protocols which are relevant to your planning a family. If you haven't checked your pay stub lately, take a closer look. Understand your salary, pay periods and deductions. This will give you a better understanding of costs you may be responsible for on your leave.

Pension

You can choose to continue contributing to your pension while on leave or later purchase credit for the time away. By buying credit, you will receive a higher pension and you may be able to retire sooner. Waiving the right to contribute to pension may postpone the date you can retire with an unreduced pension.

To buy-back pension credit, payment must be arranged with either OTPP (for teaching members) or OMERS (for non-teaching members).

Critical Illness Children Benefit

This benefit gives you up to 35 weeks of benefits to care for your critically ill child. Under these circumstances, the child must have a life-threatening illness or injury. This does not include a child with a chronic illness or condition that is their normal state of health. There must be a significant change from the child's normal state of health at the time they are assessed. Remember that the benefit and the right to obtain a leave are two separate and distinct pieces of legislation. The associated leave is called *Critically Ill Child Care Leave* and allows for up to 37 weeks of job protected leave.

Fifth's Disease and the Pregnant Mother

Fifth's disease is a viral infection of the red blood cells often affecting elementary school age children. It usually manifests itself as a red rash on a child's face and does not appear until one to two weeks after exposure to the disease. The rash may be itchy and the infected individual can experience tiredness accompanied by a low-grade fever. Infected individuals are contagious during the week prior to the onset of the rash. This means that you are exposed to this disease without knowledge of exposure.

Evidence suggests that there is a higher incidence of miscarriage or spontaneous abortion when exposed to this disease. As well, individuals with chronic red blood cell disorders may be vulnerable to associated risks such as anemia. If exposed, consult your doctor immediately to discuss your circumstances. Most school boards have existing protocols in place to accommodate you.

For more information, please download our ETFO booklet *Pregnancy and Parental Leave: A Guide to Rights and Responsibilities* at etfo.ca. If you have any questions or concerns, please contact your local president or call and speak with a Professional Relations Services staff at 1-888-838-3836 or 416-962-3836

Relevant Contacts

- Elementary Teachers' Federation of Ontario, etfo.ca, 1-800-838-3836 or 416-962-3836
- College of Early Childhood Educators, info@college-ece.ca, 1-888-961-8558 or 416-961-8558
- Ontario College of Teachers', oct.ca, 1-888-534-2222
- Ontario Teachers' Pension Plan, otpp.com, 1-800-668-0105
- OMERS Pension, omers.com, 1-800-387-0813
- Service Canada canada.ca, 1-800-622-6232

Your local union may have booklets or websites that will be helpful to you.

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