

**Pregnancy and Parental Leave**

**Your Rights and Responsibilities**



ETFO FEEO

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Professional Relations Services

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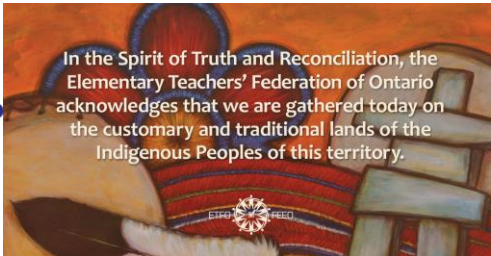
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**ETFO Land Acknowledgement**



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.

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**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.



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### 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.



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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.



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### Legislation Governing Pregnancy and Parental Leave

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




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### Leave Entitlements for the Birthing Parent

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.




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### Leave Entitlements for the Partner of the Birthing Parent

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.




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### 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.




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### 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.




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### 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.




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**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.



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**E.S.A. Entitlements**

What are my protections and entitlements while on leave?

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

**LTD**

- The right to continue to participate in benefit plans including pension, life insurance, extended health, LTD, etc.



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**E.S.A. Entitlements**

What are my protections and entitlements while on leave?

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

**Pension**

- The right to continue to participate in benefit plans including pension, life insurance, extended health, LTD, etc.



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**E.S.A. Entitlements**

**Length of Employment:**

- the right to continue to accrue seniority and service.




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**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.**




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**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.




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**Stillbirth or 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.



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**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.



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**E.I. Benefits**

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

- 600 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.



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### 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 \$63,200 = \$668 weekly approximately.



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### 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.



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### 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 = max \$668 (less taxes)
<b>Parental Benefits (Standard)</b>	35 weeks of benefit 55% of insurable income = max \$668 (less taxes)

**OR**

<b>Pregnancy Benefits</b>	1 week waiting period followed by 15 weeks of benefit 55% of insurable income = max \$668 (less taxes)
<b>Parental Benefits (Extended)</b>	61 weeks of benefit 33% of insurable income = max \$401 (less taxes)



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**\*\*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.



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<https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parental-choice.html>



**Choice and flexibility for parents**

15 weeks maternity benefits paid at 55% + 40 weeks parental benefits to share, paid at 55%\*

**OR**

15 weeks maternity benefits paid at 55% + 69 weeks parental benefits to share paid at 33%\*

\*Parental leave is optional for parents.

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**Stillbirth or Miscarriage**

- Possible entitlement to pregnancy benefits.
- No entitlement to parental benefits.
- Sick leave



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### How Do I Apply?

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



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

- 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.**



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### Service Canada Services

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

- register birth;
- apply for a birth certificate (long-form certificate);
- Child benefits;
- social insurance number; and
- Request information about RESP options.



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**Collective Agreement**



**Collective Agreements**

Elementary Teachers' Federation of Ontario



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**Intersection of Regular Benefits and Special Benefits**

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

Regular benefits  
 + Special benefits  
 = maximum 50 weeks  
 (unless new allotment of 600 hours is earned)



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**Low Income Family Supplement**

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

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### Salary

#### Member Payment Upon Leaving

- If over payments 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.



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### Seniority and Grid Movement

#### Waterloo OTs

- Seniority is no longer relevant in the hiring process for OTs.
- Experience credit will be granted for grid movement purposes while off on leave.



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### Leaves and Top Ups

Collective Agreement	Top Up Entitlement
Central Agreement Language Pregnancy Top Up • 8 weeks  <small>*check local Collective Agreement for additional top-up language</small>	<ul style="list-style-type: none"> <li>• 8 weeks of top up @ 100% from school board.</li> <li>• Do not have to qualify for EI.</li> <li>• LTO's are eligible but limited by duration of assignment.</li> </ul>



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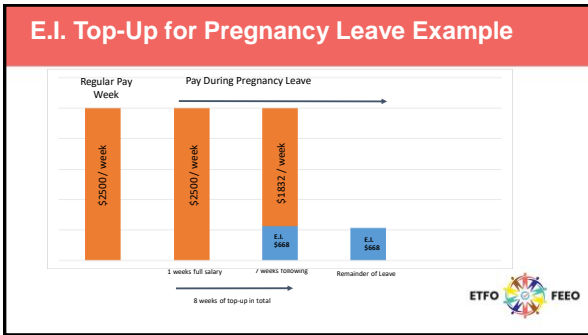
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### Other Top Ups

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	
<ul style="list-style-type: none"> <li>8 weeks of top up @ 100% from school board.</li> <li>Must qualify for EI.</li> <li>Only for the 194 school days.</li> <li>LTO's are eligible but limited by duration of assignment.</li> </ul>	

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### Application for Leave

- Teachers apply for a pregnancy/parental leave in writing to the employer.
- Upon returning to work, the onus is on the teacher 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.**

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**Extended Parental Leave**



There is an additional 12 months that occasional teachers can apply for to extend their parental leave.  
(available to all members, not specific to pregnancy/parental)



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**Miscellaneous Days**



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.



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**Staffing Process**



- Continue to stay involved in staffing
- Be mindful of timelines
- All aspects of staffing process are available
- Reach out to local for assistance



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### Sick Leave

- Use of sick leave prior to birth typically requires authorization from a doctor.
- Yearly entitlement for a full-time 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.



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### Pension Plan Contributions (teachers)

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)



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### Pension Contribution Examples

**Examples**

If you're a teacher earning a salary of \$90,000, you'll pay **\$8,504** in pension contributions in 2024.

Formula	Contribution Amount
$10.4\% \times \$68,500 =$	\$7,124.00
$12.0\% \times \$1,500 =$ $850.00 \times \$45,000 \div \$11,500$	\$1,380.00
<b>Total:</b>	<b>\$8,504.00</b>

If you're a teacher earning a salary of \$70,000, you'll pay **\$7,304** in pension contributions in 2024. Almost all of your contributions will be made at the lower contribution rate.

Formula	Contribution Amount
$10.4\% \times \$68,500 =$	\$7,124.00
$12.0\% \times \$1,500 =$ $870.00 \times \$48,500 \div \$1,500$	\$180.00
<b>Total:</b>	<b>\$7,304.00</b>



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### Benefits and Pension

#### Ontario Teachers Insurance Plan (OTIP)

- Any questions regarding Extended Health, Dental and Life Insurance coverage should be directed towards OTIP Customer Service at 1-866-783-6847.

#### Ontario Teacher's Pension Plan (OTPP) (416) 226-2700, 1(800) 668-0105

- OTPP will deal with you directly for pension payments
- OTPP is not included in any auto-withdrawal.



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### 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.



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### Teacher Performance Appraisal

"If a teacher is on a leave during all or part of the evaluation cycle, any appraisal that would otherwise be carried out during that period must be conducted within 60 school days following the teacher's return from the leave."

*Technical Requirements Manual*



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### Assessment and Reporting

- Up to the last day of work, you are responsible for the assessment of your students in a format that is clear and concise for the LTO.
- Upon return, it is the replacements' responsibility to provide assessment up to and including their last day.



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### Personal Belongings

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



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### Ontario College of Teachers

- If you are on leave and not receiving pay, you must make your OCT payment directly to the OCT.
  - The College typically sends an invoice to those who did not pay via payroll deduction.
  - Non-payment will result in your status changing to "NOT IN GOOD STANDING" and you will not be permitted to return to the classroom until such time as the College determines that you are in good standing.
- [www.oct.ca](http://www.oct.ca), 1-888-534-2222



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**Other Employment Responsibilities**

- Required training
- Annual offence declaration

\*check what may be required before you return to work or what may have deadlines while off on leave



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**Federal Government**



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**Just a Call Away**

Local Office

**WATERLOO OT**  
**519-571-0222**



ETFO  
416-962-3836  
1-888-838-3836

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