



Maternity/Parental Leave

Edmonton Public Local
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The Alberta Teachers' Association

Where do Teachers' Rights for Maternity Leave Reside?

- Legislation
 - *Employment Standards Code*
 - *Human Rights Act*
 - *Employment Insurance Act*
- The Courts and Human Rights
 - *Arbitration decisions*
 - *Tribunals*
- Collective Agreement



Three Pillars of Maternity Leave

Time Off



EI



Top-up



Arbitrations have established that:

- A teacher is entitled to access sick leave prior to the commencement of maternity leave
- A teacher determines the commencement of maternity leave but it must commence no later than the actual date of delivery
- A teacher is entitled to continued sick leave should she not be eligible for Employment Insurance benefits
- A teacher is entitled to be paid during the one week Employment Insurance waiting period



And...

- Pay during the supplementary unemployment benefits (SUB) plan must be calculated on the basis of 1/ 200 for each day on which the teacher would have taught if not for her medical absence. (1996)



Basic Principles for Collective Agreements

Any collective agreement language, policy or practice in the area of maternity leave must conform to the following principles:

1. Pregnant women cannot be treated less favorably than other teachers;
2. Collective agreements, policy or practice cannot impinge upon or contradict statutory entitlements;
 - for example: collective agreement obligations such as benefit payment and salary pay dates still apply.

Your agreement may provide more benefits than statutes.



Employment Insurance

- **Eligibility**
 - 600 hours in the previous 52 weeks
- **Rate**
 - 55% of average weekly earnings in past 26 weeks to a maximum of \$547/week for 35 weeks or \$328/week for 61 weeks (salary of \$51,700) as of January 1, 2018
- **Other income**
 - Parental Benefit - You may earn up to \$50 or 25% of weekly entitlement without penalty--anything more will be deducted from EI benefit
 - Maternity - any income is deducted \$ for \$



EI Maternity Benefits

- 15 week maternity benefit after a one week unpaid waiting period
- Available during the summer months and vacation periods
- No benefits paid beyond 15 weeks following the birth of the child unless the child was not released from the hospital in a timely fashion as a result of medical problems
- Can be started anytime between 10 weeks prior to birth date and the Sunday following the date of birth
- Starting date depends on how long you wish to stay off, but it is usually economically advantageous to start as late as possible



EI Parental (adoption or birth)

- 35 week parental benefit that may be claimed by either parent or split between them
- Non-birth parent must also be eligible for EI
- Only one waiting period must be served
- Available during the summer months and vacation periods
- Both parents can claim simultaneously
- Must be used within one year of the child's birth or placement
 - Non-birth parent can collect during summer/Xmas break



Maternity Pay Out

- **Health Related Plan**

- Maximum pay out 13 weeks (90 days) for teachers on continuing contracts;
- Counts in either form
 - Sick leave before birth or top up (SUB plan) after
- 6 weeks post partum minimum (more if medically necessary)



Maternity Leave

- Any summer pay saved up prior to leave is paid out
- (SUB) Plan top up is paid only for work days
- Weekly calculation is $1/200$ per day X number of days in week–Employment Insurance (EI) entitlement.
- EI cares about when salary is earned, not when salary is paid.



What is a SUB Plan?

- SUB = Supplementary Unemployment Benefit
(We should call it SEB now, but....)
- Tops up employment insurance benefits to 100 per cent of the employee's weekly salary and benefits for the duration of the health related portion of the maternity leave; hence is often called "Top Up"
- **During the 1 week waiting period, the school board pays 100% of salary.**
- Top up is based on 1/200 of annual salary for each work day missed
 - One week = 5/200 - \$547



Temporary or Probationary

- Probationary: Up to 20 days sick leave/year (you might already have used some)
- Temporary: Max sick leave = (#days taught in yr)/9
- Sick leave and then personal leave from end of sick leave to end of contract or one year which ever comes first



High Risk Pregnancies

- If you're required to stop working well before the birth due to complications
 - Access sick leave until the 90 day entitlement is used up
 - Apply for EDB after the first month of absence (when you get the package from ASEBP)
 - Apply for EI following the birth (if already on EDB, tell EI and they will wait until EDB is done; if not, tell EI when accepted for EDB)
 - EDB will pay beyond your 90 days until your medical recovery



Benefits

- Benefits premiums paid for by employer for 20 weeks
- Afterwards
 - Continue benefits but pay premiums
 - Pre-Pay or Repay Premiums
 - Family ~\$500/month
 - ****ADD Baby to Benefit Plan within 30 Days!**



Prepayment or Repayment of Benefits during Maternity, Adoption or Parental Leave

From the Central Table Memorandum (April, 2017)

- a) Teachers can make arrangements through the school jurisdiction to **PREPAY** 100% of the benefit premiums for applicable benefits for a period of up to 12 months.
- b) Upon request by the teacher, the school jurisdiction will continue paying the employer portion of the benefit costs for a period of up to 12 months, provided the teacher **REPAYS** the employee portion of the benefit premiums.



- c) If committing to b), the teacher is responsible for repaying the amount of the employer paid benefit premiums and shall reimburse the school jurisdiction upon return from the leave, in a mutually agreeable, reasonable manner over the period of no more than 12 months following the teachers return to duty.

- d) If you have not fully repaid the cost of the benefit premiums, you are not eligible to reapply for additional consideration under the repayment option.



Benefit Options

- Keep all benefits (recommended)
- Keep Life Insurance, AD&D and EDB
- Keep Life Insurance and AD&D only
- Drop all benefit coverage (not recommended)
 - Risk: Late applicant
 - Limits on coverage for the first year back
 - Proof of good health
 - Applies to teacher and dependants
 - Pre-existing condition screen before accessing EDB within 6 months of RTW



Parental/Adoption Leave

- 37 weeks
- Mom, Non-birth parent or adoptive parents
- Can be split between parents
- If both parents work for same employer the employer does not have to give leave at the same time
- Timelines for notice of adoption are looser than maternity or parental leave



Parental/Adoption (Collective Agreement)

- Adoption: Clause 21.3 of Collective Agreement (CA)
 - Maximum of 37 weeks without salary
 - Benefits are paid for 20 weeks (one parent only)
 - Commence at discretion of the teacher within 52 weeks of date of birth or date child is placed upon proof to Board of impending adoption
- Additional leave available
 - See Clause 21.5 of CA



Return to Work

(Employment Standards Code)

- 4 weeks written notice is the minimum
- Return to former position or “alternative work of a comparable nature”
- Can not be laid off or terminated while on leave except
 - Suspension or discontinuation of part of business
- Teacher on maternity/parental leave must be treated no better or worse than any other teacher in the same position



Non-Birth Parent or Adoptive Parents

- Provide at least 6 weeks written notice of intent to take parental leave (unless circumstances relating to the adoptive parent prevent such notice)
 - May provide a prospective date of return
 - Provide written notice of actual date of return at least 4 weeks before the prospective or actual date of return, whichever is earlier

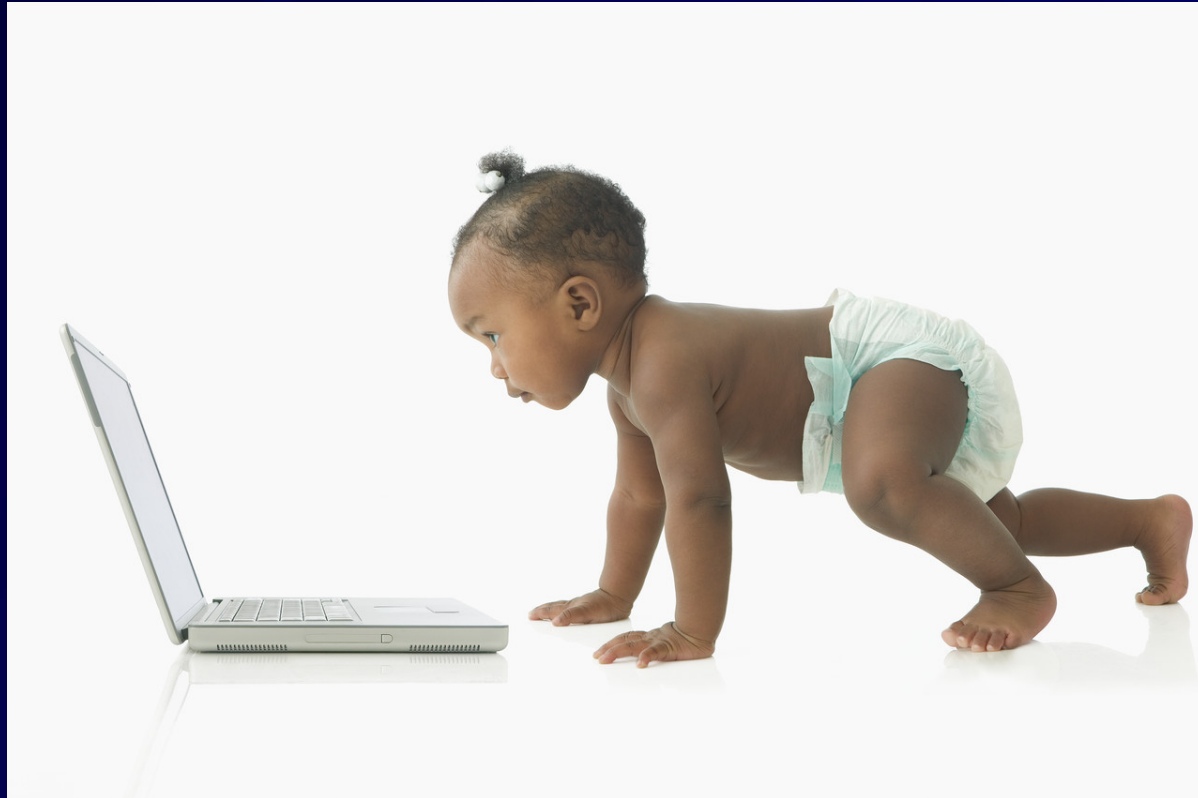


Pension

- While on salary/SUB plan
 - Contributions are made and service accrued the same as teaching
- Unpaid leave
 - Teacher may purchase service AFTER returning to work
 - Cost is based on current salary, age and service – so it increases over time
 - For example: A teacher under 30 with 5 years of service would pay less to buy pension than a teacher over 40 with 20 years of service. If you have service to buy, consider doing it when you are young.
 - You may transfer directly from an RRSP
 - Call Teacher Welfare or ATRF directly.



Sample Letters



Notice of Pregnancy to EMPLOYER:

- Date: _____
- Dear Human Resources:
- This letter is to notify you that I am pregnant and my due date is _____. I would like to start my maternity leave on the actual date of delivery of my baby. At this time, my plan is to return to teaching _____. I will confirm this decision in writing at least four weeks prior to my return.
- Sincerely, _____
- *Include doctor's note verifying pregnancy and expected due date*



Doctor's Pre-delivery Note #2:

When you must stop working prior to the birth

- Date: _____
- To Whom it may concern
- Re: _____
- I wish to advise that _____ is unable to work for medical reasons, effective ____ (date)_____.
- Signed, Dr. _____



Doctor's Post-Partum Note #3:

- Date: _____
- To Whom it may concern
- Re: _____
- I wish to advise that I treated Ms _____ during her recent pregnancy. Ms _____ gave birth on _____. Ms _____ was/is unable to perform her teaching duties from _____ until _____ due to a medical condition and/or medical reasons which arose in connection with her pregnancy.
- Signed, Dr. _____



Parental Leave

(Without accessing maternity leave)

Date _____

Dear _____

This letter is to notify you that I will be accessing parental leave starting (date)_____. My child was born/will be placed (date) _____. At this time, my plan is to return to teaching (date)_____, but I will confirm this decision in writing at least four weeks prior to that date.

Signed, _____(Teacher)



ATA Recommendations

- Birth mothers
 - Provide 6 weeks written notice to start maternity leave on the 'actual date of delivery'
 - May provide a prospective date of return up to one year from date of delivery
 - If prospective date of return is not provided in advance, provide a letter no later than 9 weeks after the birth notifying of intent to take parental leave
 - Provide another letter at least 4 weeks prior to actual date of return
 - Actual date of return may be different from prospective date as long as notice is provided at least 4 weeks before the prospective or actual date, whichever is earlier



Summary

- Leave starts on the 'actual date of delivery'
 - Prior to that, access sick leave
- Full salary continues during health related portion – pay-rate switches to 1/200th per day & only for school operational days
- An extension beyond 12 months may be available
- ATA recommends you continue with health plans during unpaid leave
 - Even though you are required to pay the full amount
- Continue ATA membership (\$8 month)
 - Ensures representation if you have problems

