

Introduction to Maternity/Parental Leave

*Edmonton Public Local 37
Fall, 2020*



THE FACE OF EDUCATION



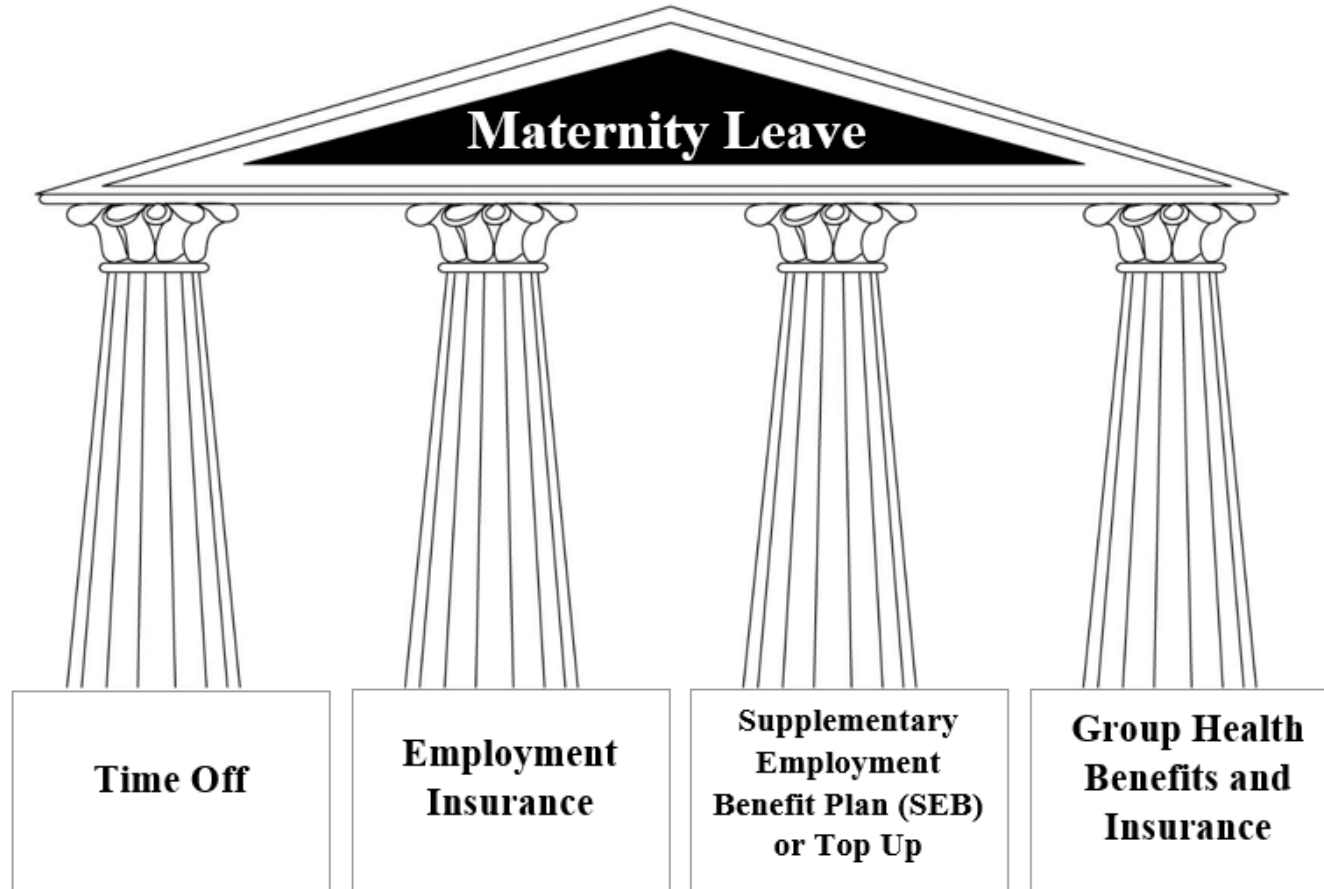
Basic Principles

- Any collective agreement language, policy, or practice in the area of maternity and parental leaves must conform to the following principles:
 1. Pregnant women cannot be treated less favourably than other teachers
 2. Collective agreements, policy, or practice cannot infringe upon or contradict statutory entitlements
 - ❑ Nothing in a collective agreement can provide less of a benefit that the Employment Standards Code provides.

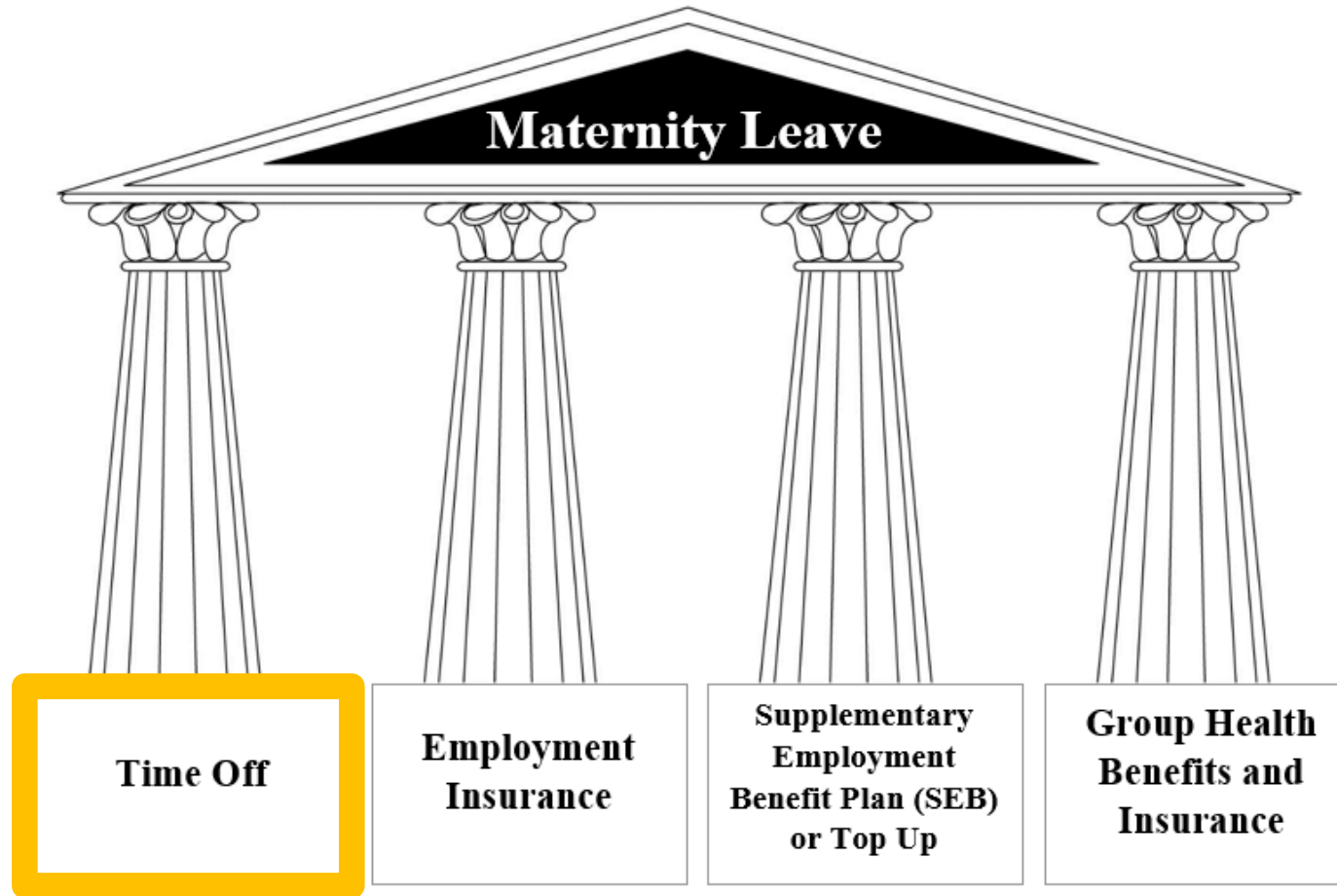


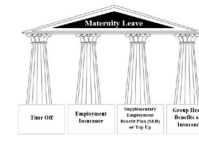


Four Pillars of Maternity Leave



Time Off



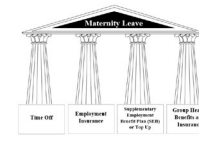


Maternity Leave

Basic entitlements—*Employment Standards Code*

- Division 7 Sections 45–53
 - Provides time off (not salary)
 - After 90 days of employment
- Sixteen (16) weeks of maternity leave
 - Only available to birth mother

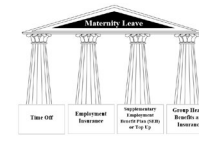




Maternity Leave—Starting Leave

- 16 weeks starting within 13 weeks prior to estimated due date
- Leave starts no later than actual date of birth of the teacher's child





Maternity Leave—Notice

- When possible, a teacher shall give 3 months but no less than 6 weeks written notice of their intention to take maternity leave
- Provide a medical certificate or a written statement from a midwife
 - With due date



Notice of Pregnancy

- Form on EPSB Connect
- Attach Doctor's or Midwife's note confirming pregnancy and expected delivery date
- Start date: Actual Date of delivery





Maternity Leave

Notice of Pregnancy—Letter to school division

Date _____

Dear _____

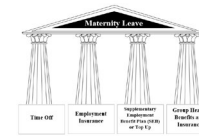
This letter is to notify you that I am pregnant and my due date is _____ . I would like to start my maternity leave on (*actual date of birth*). At this time, my plan is to return to teaching on (*one year from actual date of birth*), but I will confirm this decision in writing at least 4 weeks prior to my return.

Sincerely

Signed, the teacher

(Include a Doctor's note #1 confirming pregnancy and expected delivery date)





Maternity Leave ...continued

Doctor's Note—When you must stop working prior to the birth

Date _____

To Whom It May Concern

Re (teacher's name)

I wish to advise that _____ is unable to work for medical reasons, effective ____ (date)_____.

Signed Dr _____



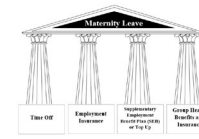


Maternity Leave—Returning to Work

Notice

- The teacher may terminate the *health-related portion* of the maternity leave at any time with a medical certificate
 - No less than 4 weeks notice of the intended date to return
 - In writing or via email

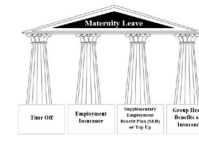




Maternity Leave—Returning to Work ...continued

- Returning to work after maternity leave, the teacher shall be
 - reinstated in the **position the they occupied at the time the leave commenced** or
 - in a **mutually agreed upon position**
 - in accordance with the *Employment Standards Code* and the Collective Agreement and the teacher will be provided with an alternative position of a comparable nature





Maternity Leave

Doctor's Note—Post-partum

Date _____

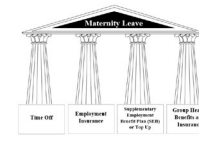
To Whom It May Concern

Re (teacher's name)

I wish to advise that I treated Ms _____ during her recent pregnancy. Ms _____ gave birth on _____. Ms _____ was unable to perform her teaching duties from _____ until _____ due to medical condition and/or medical reason which arose in connection with her pregnancy.

Signed Dr _____





Parental Leave

Basic entitlements—*Employment Standards Code*

- Division 7 Section 50-53
 - Provides time off (not salary)
 - After 90 days of employment
- Up to 62 weeks of leave
 - Available to either birth parent or adoptive parents
- Six (6) weeks notice to depart, four (4) weeks notice to return

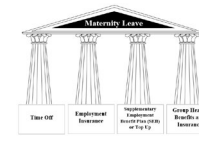




Parental Leave—Time Off

- Up to 62 weeks to be taken within 78 weeks of the child's birth or placement in the home
- If teachers are parents of the same child, the parental leave granted may be taken by one teacher or shared by both
 - The school division may, but is not required to, grant parental leave to more than one parent of the child at the same time





Parental Leave—Notice

- The teacher shall give at least six (6) weeks written notice of their intention to take a parental leave
 - As much notice as possible for adoption
- The teacher may terminate the parental leave at any time
 - No less than 4 weeks notice of the intended date to return
 - In writing





Parental Leave

Notice of Parental Leave—Without Accessing Maternity Leave

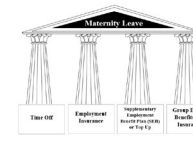
Date _____

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,
the teacher





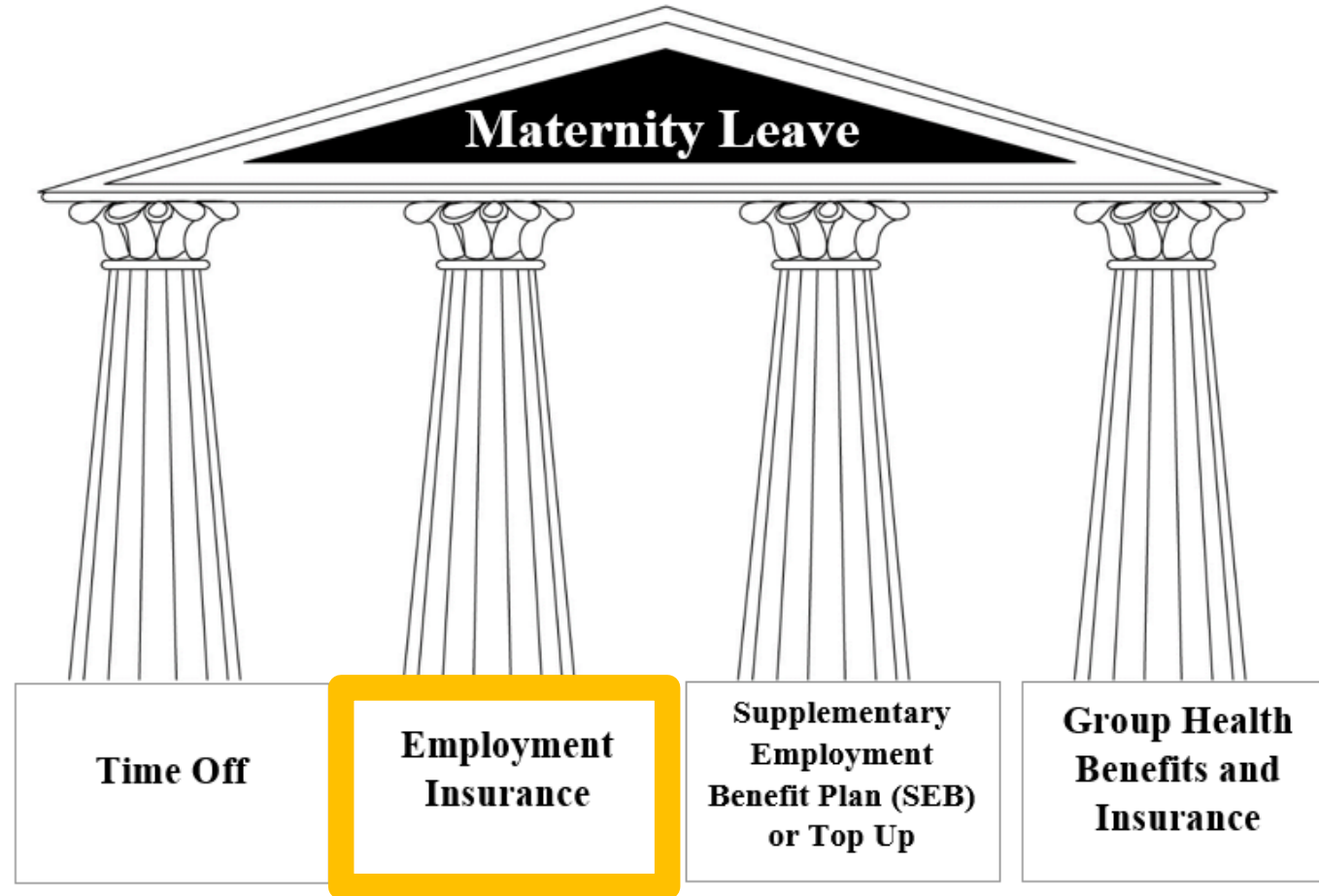
Parental Leave

Basic entitlements—Collective Agreement

- Returning to work after parental leave, the teacher shall be
 - reinstated in the **position they occupied at the time the leave commenced**, or
 - in a **mutually agreed upon position**
 - In any case, this will be in accordance with the *Employment Standards Code* and the Collective Agreement and the teacher will be provided with an alternative position of a comparable nature



Employment Insurance





Maternity Benefits

- What Are They?
 - Financial assistance to someone who is away from work due to pregnancy or has recently given birth
 - Only for to the person who is away from work because of pregnancy or has recently given birth – cannot be shared



Maternity Benefits ...continued

- The person receiving maternity benefits may also be entitled to parental benefits
- **Maternity** benefits – up to **15 weeks**
 - Can be followed by parental benefits – you can apply for both at once
 - Up to \$573 per week
 - One week waiting period (total of 16 weeks)
- Available during the summer months and vacation periods.

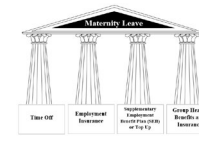


Eligibility Period to Start Receiving Benefits

Maternity

- As early as 12 weeks prior to due date and the Sunday following the date of birth.
- Not more than 17 weeks after your due date or the date you give birth, whichever is later.
 - No benefits paid beyond 17 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.
- Starting date depends on how long you wish to stay off, but it is usually economically advantageous to start as late as possible.

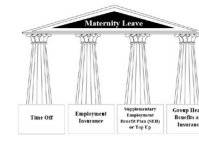




Parental Benefits

- What Are They?
 - Financial assistance to parents who are away from work to care for their newborn or newly adopted child
 - Can be shared between the two parents at the same time or one after another
 - Each parent must choose the same option





Parental Benefits ...continued

- Choose from 2 options for **parental** leave
 1. **Standard** parental benefits: **\$573 per week**
 - up to **35 weeks** for one parent
 2. **Extended** parental benefits: **\$344 per week**
 - up to **61 weeks** for one parent
- It is the same **total** benefit, but it is paid out over a **longer** period of time.



Parental Benefits ...continued

- The parental benefit that may be claimed by either parent or split between them.
- Partner must be eligible for EI.
- Only **one** waiting period must be served.
- Available during the summer months and vacation periods.



Parental Benefits ...continued

- Parental Sharing Benefit
 - Mother and partner can claim simultaneously, subject to collective agreement.
- Must be used within one year of the child's birth or placement.
 - Standard (up to 40 wks-** 1 parent cannot receive >35 wks)
 - Partner can collect during summer/Christmas for 5 weeks without affecting the total of 35 weeks available.
 - Extended (up to 69 wks –** 1 parent cannot receive >61 wks)
 - Partner can collect during summer/Christmas break for 8 weeks without affecting the total of 61 weeks available.



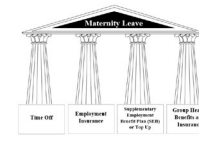


Eligibility Period to Start Receiving Benefits

- **Parental**

- Specific periods based on option chosen
 - **Standard:** within 52 weeks (12 months)
 - **Extended:** within 78 weeks (18 months)





Waiting Period

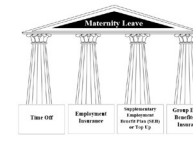
- What Is It?
 - Period of time served *before* a claimant can begin to receive EI benefits.
 - Only one waiting period must be served for maternity and parental leave (standard and extended), not both.
 - The school division pays the full salary during the waiting period **for maternity leave**.



Eligibility—Guidelines

- You will need to have 600 hours of work accumulated in the 52 weeks before the start of the claim.
 - ❑ Insurable earnings – for example **wages**, tips, bonuses and commissions.
- The Canada Revenue Agency determines both eligibility for EI and what types of earnings are insurable.





Eligibility—Guidelines ...continued

- The teacher's **record of employment (ROE)** is used to determine eligibility and
 - What the amount will be
 - For how long the benefits will be paid
- Employers are required to issue a record of employment for employees who experience or anticipate to have an interruption in earnings.



Rate

Benefit	Maximum Weeks	Benefit Rate	Weekly Max
Maternity (for the person giving birth)	Up to 15 weeks	55%	Up to \$562
Standard Parental	<i>Up to 40 weeks, but one parent cannot receive more than 35 weeks of standard benefits</i>	55%	Up to \$562
Extended Parental	<i>Up to 69 weeks, but one parent cannot receive more than 61 weeks of extended benefits</i>	33%	Up to \$337



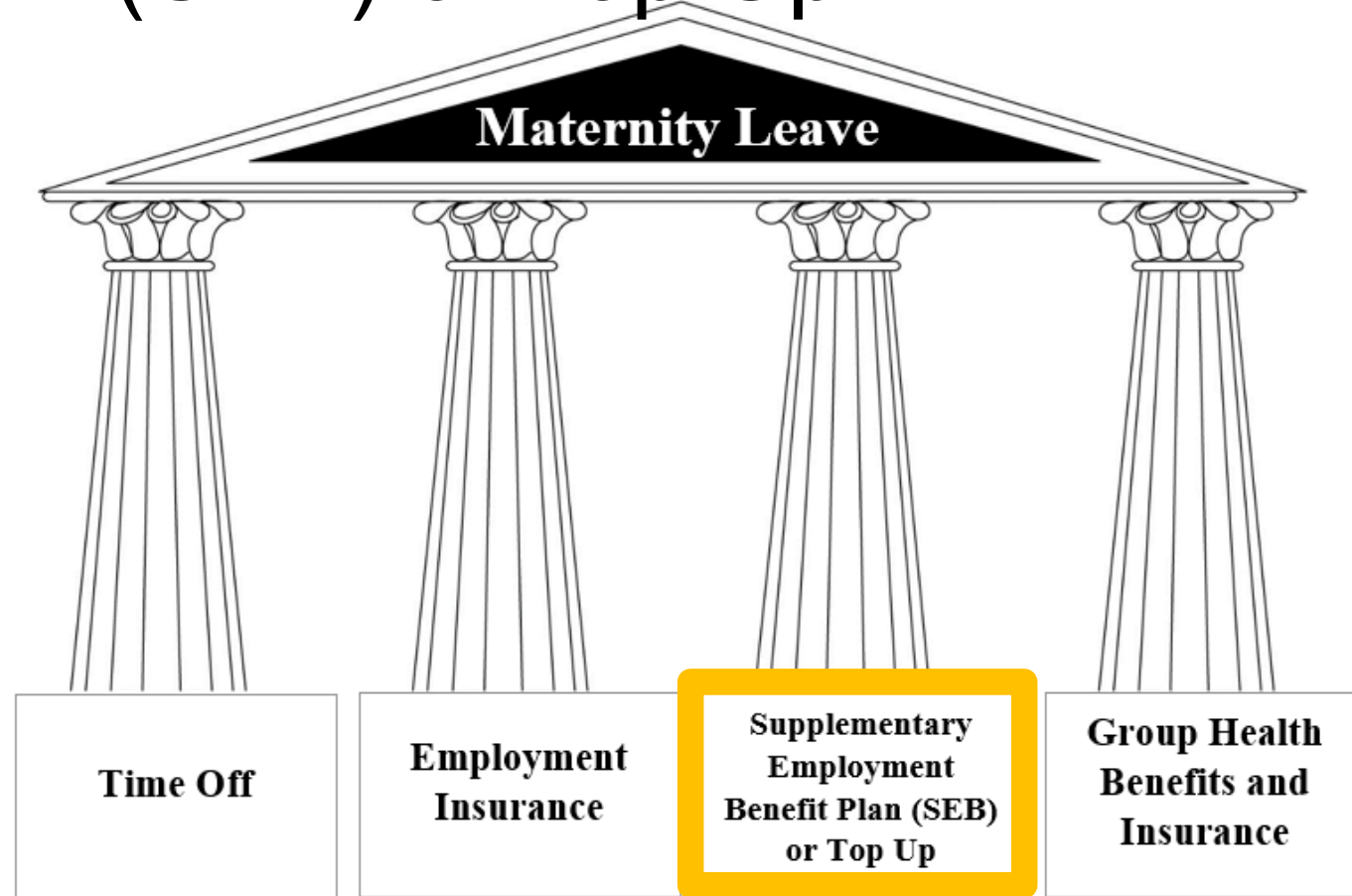


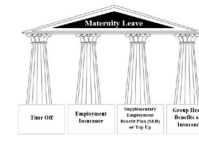
Other Income

- If you work while receiving maternity or parental benefits and have served your waiting period, you will be able to keep 50 cents of your EI benefits for every dollar you earn, up to 90 percent of the weekly insurable earning used to calculate your EI benefit.
- You are not eligible to receive EI benefits if you work a full week, regardless of the amount you earn. However, this will not reduce the total number of weeks payable on your claim.



Supplementary Employment Benefit Plan (SEB) or Top Up

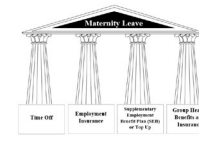




Supplementary Employment Benefit Plan (SEB) (aka “Top Up”)

- The school division tops up the Employment Insurance Benefits (EI) to 100 per cent of the teacher’s salary for the health-related portion of the maternity leave
 - *The length of the health-related portion is six weeks without a doctor’s note and can be longer dependent on a doctor’s note and is to a maximum of 90 calendar days or to the extent of sick leave entitlement. After 90 calendar days, Extended Disability Benefits may come into play. Call the local office.*
 - *If a doctor states that the birth mother is fit to return to work after eight weeks, that is how long the salary will be ‘topped up’*

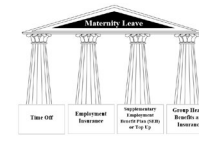




Example

- Due Date February 22:
 - ❑ Doctor requires teacher to stop working February 8
- Baby born February 26:
 - ❑ Teacher receives sick leave February 6 to 26
- Teacher starts EI February 28 (Sunday following birth):
 - ❑ March 1 to March 7 is the waiting period – board pays full salary
 - ❑ 15 weeks of EI March 5 to June 11
- Doctor's note 3 indicates that teacher is disabled to April 18:
 - ❑ Board tops up EI from March 5 to April 18 minus Spring Break*
- Teacher and partner eligible for either 40 or 62 weeks from June 20 to February 21/August 28 next year





Not Eligible for EI?

- The teacher will have access to sick leave benefits when they are not eligible for Employment Insurance Benefits
 - ❑ *Article 10 Sick Leave – from the collective agreement*
 - ❑ *In the first year of employment with the employer—statutory sick leave entitlement (20 days, School Act)*
 - ❑ *During the second and subsequent years under contract, 90 calendar days (13 weeks)*

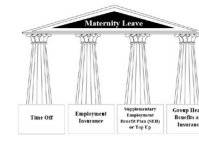


High-Risk Pregnancies

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 extended disability benefits (EDB) after the first month of absence.
- Start EI following the birth.
- EDB will pay beyond your 90 days until your recovery.





Teaching Experience

Generally experience (and pensionable service) is accumulated while receiving pay.
As of September 1, 2019 this will be standardized.



Teaching Experience ...continued

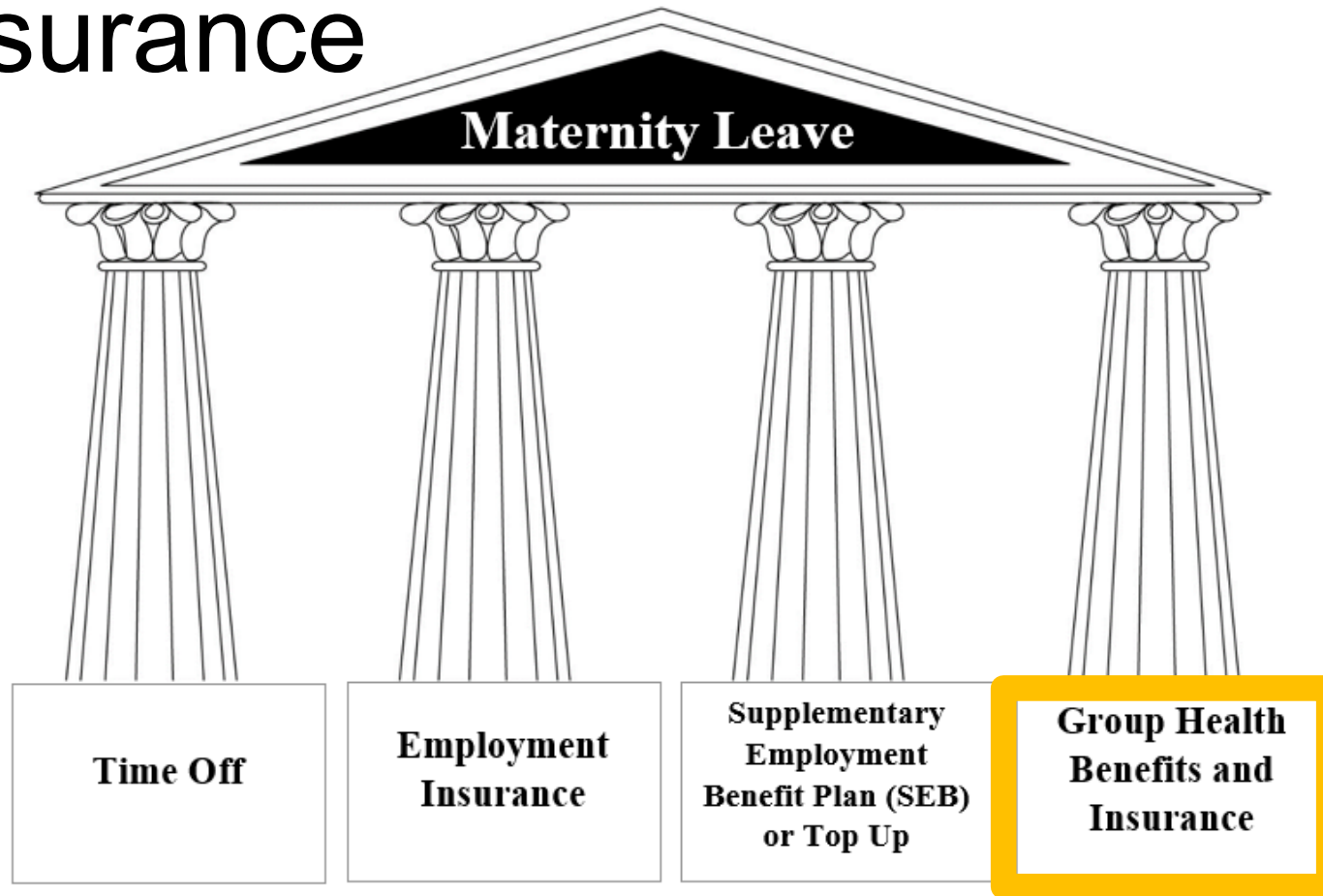
Basic entitlements—Collective Agreement

3.4 Teaching Experience—Effective September 1, 2019

- Teachers shall
 - (b) Not gain experience during vacation periods and leaves of absence without salary
- Maternity leave with salary top up (health related portion/Set SEB plan) – teaching experience is recognized for that time.
- Parental leave is without salary – no teaching experience recognized for that time.



Group Health Benefits and Insurance

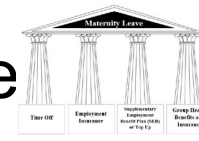




Group Health Benefits

- EPSD pays benefits during 16 weeks of maternity leave.
 - Includes Health Spending Account (HSA) contributions
 - Set SEB plan
- EPSD pays benefits during 36 weeks of parental leave.
 - Excludes HSA but teacher still has access to the account.





Group Health Benefits ...continued

- If the leave extends beyond one year, you are responsible for paying for your benefits for the time off past 52 weeks.
- You can Prepay or Repay your benefits if the leave extends beyond 52 weeks. (11.4 of the new agreement)
- When returning to work or paying for benefits when leave extends past 52 weeks.
 - Who pays for benefits is determined on the first of the month.





Prepay or Repay Benefits

The 2018-20 central agreement offers two options for teachers on a parental leave that extends beyond one year, for up to 18 months (New Clause 11.4):

1. Prepay benefits
2. Have the school board pay for the benefits and repay when you return to work





ASEBP 2020/21

Benefit	Plan	2020/21 Rates Effective September 1, 2020	
Life Insurance	Plan 2	\$0.113 per \$1,000 of coverage	
Accidental Death and Dismemberment	Plan 2	\$0.011 per \$1,000 of coverage	
Dental Care	Plan 3	Single (monthly) \$55.00	Family (monthly) \$149.50
Extended Health Care	Plan 1	Single (monthly) \$95.75	Family (monthly) \$230.25
Vision Care	Plan 3	Single (monthly) \$10.00	Family (monthly) \$24.75
Extended Disability Benefit (EDB)	All Plans	1.74 per cent of monthly earnings	

Based on a 4 max Teacher @ \$93,914

Life Insurance = \$ 10.61
 AD&D = \$ 1.03
 EDB = \$ 133.83
Sub Total = \$ 145.47

Family: \$ 149.50
 \$ 230.25
 \$ 24.75
\$ 404.50

Total: \$ 549.97





Group Health Benefits—ASEBP

For a leave that extends beyond one year

Four options:

1. Keep all benefits

- Recommended

2. Keep only Disability, Life and Accidental Death and Dismemberment (AD&D)

- Acceptable, if spouse has benefits; you are covered, and spouse will not lose them

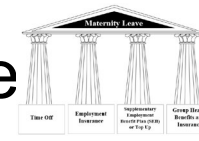
3. Keep only Life and AD&D

- Not recommended (only paid upon death)

4. Drop all benefits

- Not recommended





Pension Buyback

While on *unpaid* leave

- Teacher may purchase service **AFTER** returning to work.
- Cost is based on current salary, age, and service – so it increases over time.
 - ❑ A teacher under 30 with five years of service who waits 10 years to purchase a leave will pay twice as much (before inflation) as the teacher who buys it immediately.
- You may transfer directly from an RRSP.



Association Recommendations

Birth mothers

- Provide at least six weeks' written notice to start maternity leave.
- 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 nine weeks after the birth notifying of intent to take parental leave.
- Provide another letter at least four 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 four weeks before the prospective or actual date, whichever is earlier.



Association Recommendations

...continued

Partners and Adoptive Parents

- Provide at least six 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 four weeks before the prospective or actual date of return, whichever is earlier.



Support

Through ASEBP you have access to support

- Homewood Health 1-800-663-1142
- New Parent Outreach
 - ❑ Becoming a new parent is one of the most regarding milestones in a person's life. At the same time it can also be one of the most overwhelming and stressful times. This service provides outreach and support if you have just become a new parent or are planning to become one.



Summary

- Leave starts on the “actual date of delivery”
- Prior to that, access sick leave
- Full salary continues during health-related portion
- An extension beyond 18 months of leave may be available
- Association recommends you continue with all benefit plans during unpaid leave beyond 52 weeks of benefit coverage
 - Even though you are required to pay or repay the full amount
- Continue Association membership (\$8 per month)
 - Ensures representation if you have problems



Contact



- Catherine LeBlanc, Edmonton Public Teachers
 - 780-454-3481
- Teacher Employment Services:
 - 1-800-232-7208 or 780-447-9400
- EPSD Leaves: Felicia Roque, Human Resources
 - 780-429-8578
- EPSD Staffing: Trish Kolotyluk, Director, HR - Consulting
 - 780-429-8133
- EPSD Benefits: Carmelita Romero, Manager, Data Control & Benefits
 - 780-498-8795



Additional Contacts

- Alberta School Employee Benefits Plan:
 - ☐ 1-877-438-4545
- Alberta Teachers' Retirement Fund:
 - ☐ 1-800-661-9582
- Employment Insurance (Service Canada):
 - ☐ 1-800-277-9914

