

Introduction to Maternity/Parental Leave

*Edmonton Public Local 37
Fall-Winter 2021*



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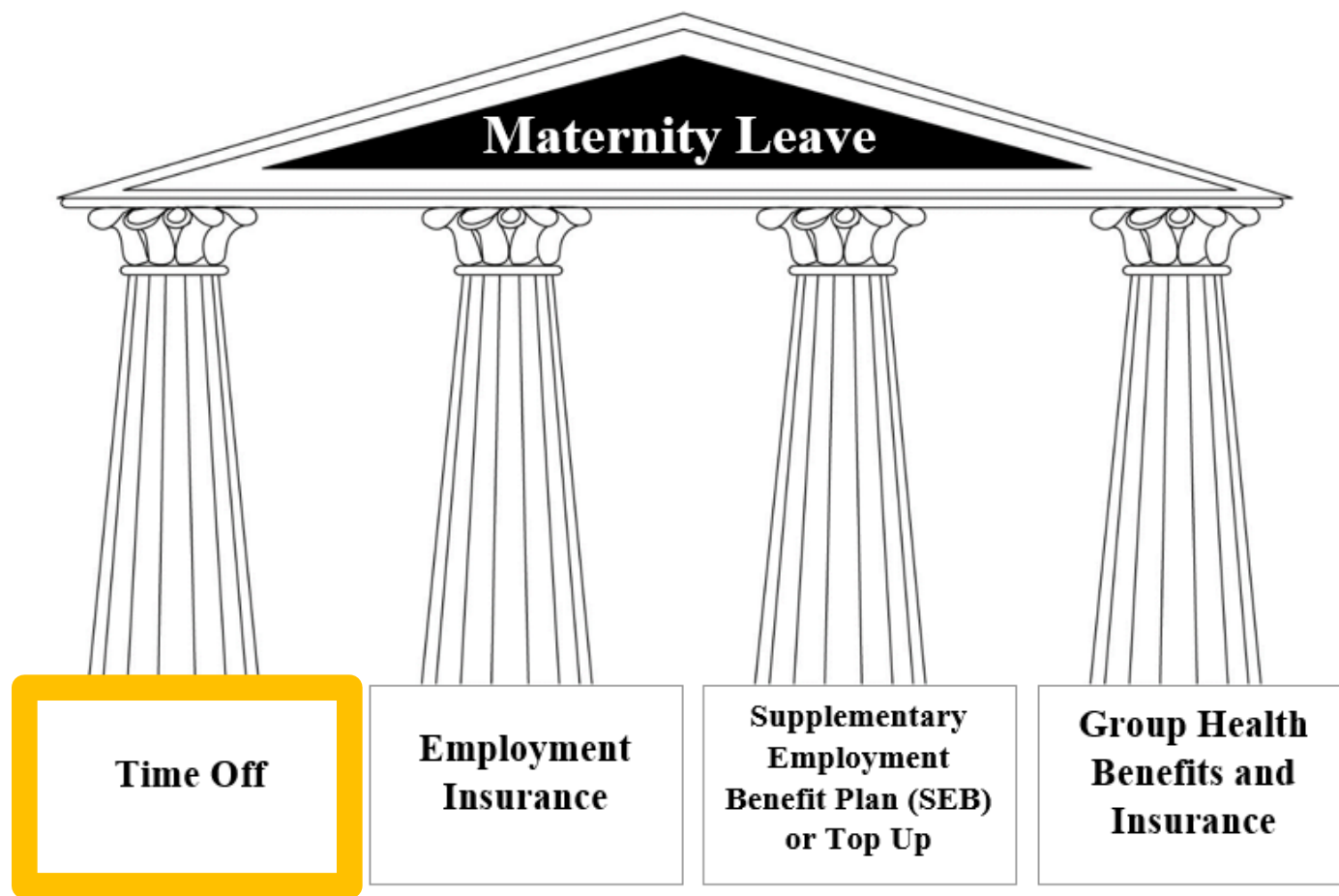


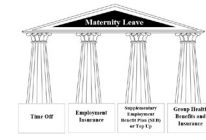
Basic Principles

- 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.



Time Off



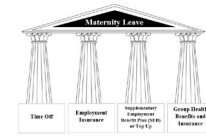


Maternity Leave

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 the expected date of delivery





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 ...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 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 _____

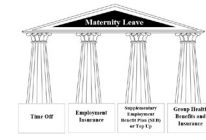
To Whom It May Concern

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



Clause 14.5 Leave for Arrival of a Child

- For the non-birth parent
- 3 operational days with salary & benefits
- They can be taken together or separately
- Must be taken within the first 2 weeks of
 - the date of birth
 - the date the child is released from the hospital
 - the date the mother is released from the hospital
- 3 days leave for Family Needs/Illness is also available (Clause 14.2.5)



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
 - ☐ There is a form on Connect
- The teacher may terminate the parental leave at any time
 - ☐ No less than 4 weeks notice of the intended date to return in writing/via email to Leaves of Absence





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



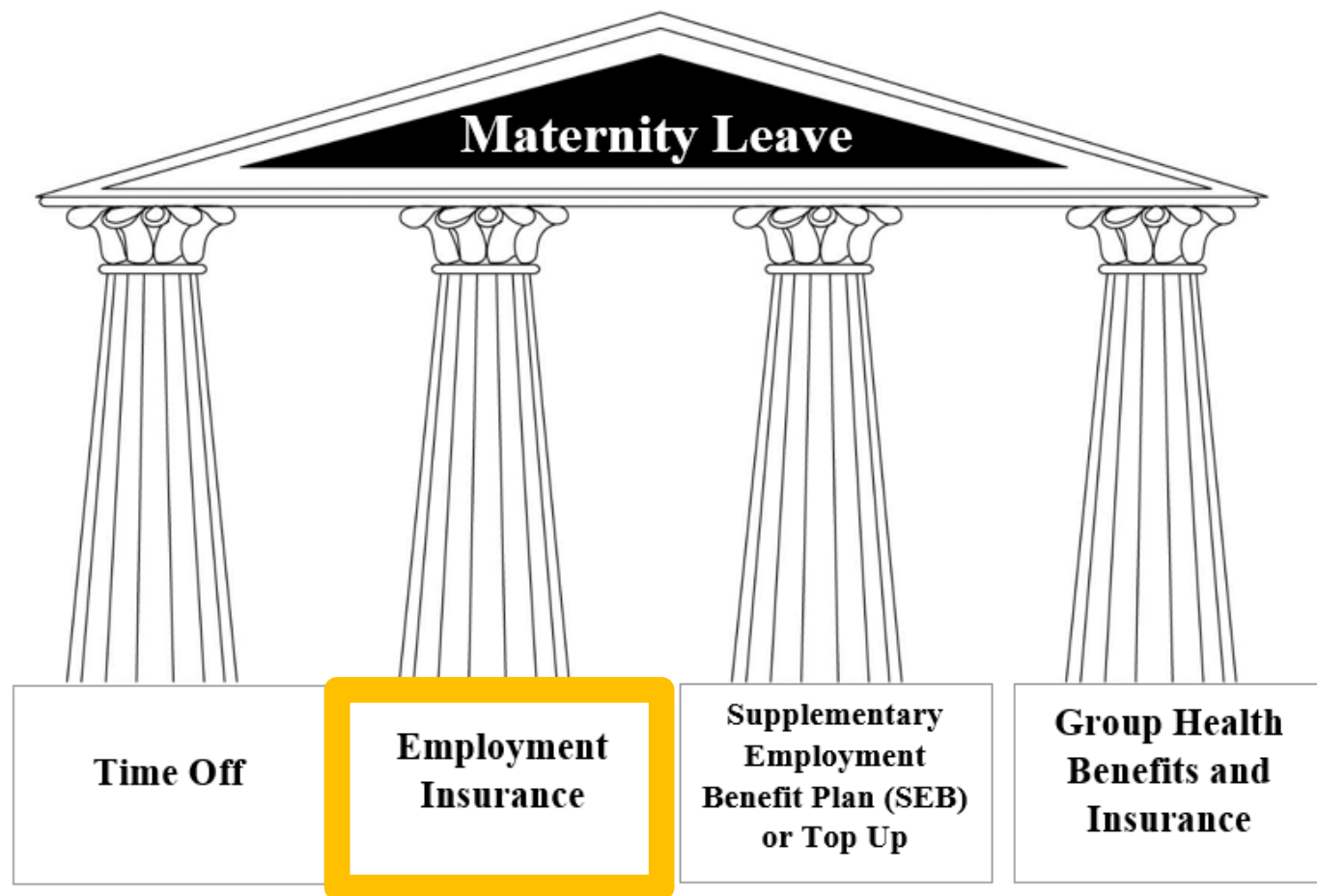
Parental Leave

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



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Maternity EI 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 \$595 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: **\$595 per week**
 - up to **35 weeks** for one parent
 2. **Extended** parental benefits: **\$357 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.



Rate

| Benefit | Maximum Weeks | Benefit Rate | Weekly Max |
|--|--|--------------|--------------------|
| Maternity (for the person giving birth) | Up to 15 weeks | 55% | Up to \$595 |
| Standard Parental | <i>Up to 40 weeks, but one parent cannot receive more than 35 weeks of standard benefits</i> | 55% | Up to \$595 |
| Extended Parental | <i>Up to 69 weeks, but one parent cannot receive more than 61 weeks of extended benefits</i> | 33% | Up to \$357 |



Parental Benefits ...continued

- The parental benefit 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.



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.
 - ☐ You don't want to waive the waiting period!*
 - ☐ 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.



COVID Temporary Changes - Eligibility

- As of September 27, 2020, there are some temporary changes to the EI program that will be in effect for 1 year.
- You will need to have **120 insured hours** of work accumulated in the 52 weeks before the start of the claim because you will receive a one-time credit of 480 insured hours for sickness, maternity, parental or caregiving benefits.
- The waiting period may be waived. For most teachers this is NOT beneficial.
- You'll receive at least \$500 per week before taxes, or \$300/week before taxes for extended parental benefits but you could receive more.
- The Canada Revenue Agency determines both eligibility for EI and what types of earnings are insurable.
- <https://www.canada.ca/en/services/benefits/ei/notice-covid-19.html>



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.

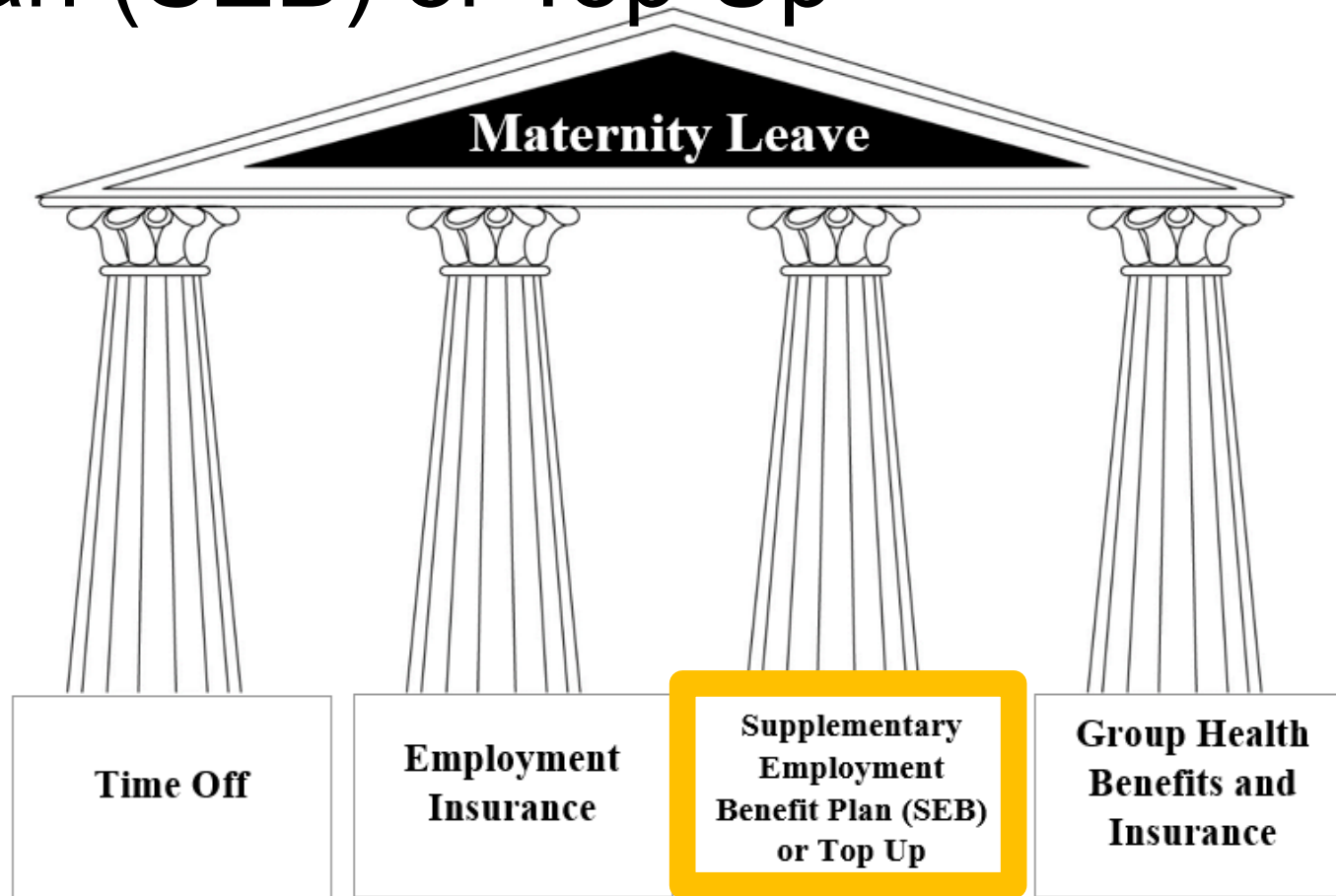


Other Income

- 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



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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 for days when a teacher would be earning income. (Teachers do not earn income in the summer or over Christmas Holidays or Spring Break.)
- 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 23, 2022**:
 - ☐ Doctor requires teacher to stop working February 11, 2022
 - ☐ Teacher accesses sick leave
- Baby born February 26, 2022 (a Saturday):
 - ☐ Teacher receives sick leave February 11 to February 25, 2022
 - ☐ Summer pay is paid out (just over one month's gross salary)
- Teacher starts EI February 27, 2022 (Sunday following birth):
 - ☐ February 27-March 6, 2022 is the waiting period – board pays full salary
 - ☐ 15 weeks of EI March 7 to June 18
- Doctor's note 3 indicates that teacher is disabled to April 22, 2022:
 - ☐ Board tops up EI from March 7, 2022 to March 25, 2022 and then from April 4, 2022 to April 22, 2022
- Teacher and partner eligible for either 35(40) or 61(69) weeks from June 19, 2022 to February 19/August 14, 2023



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*
 - ☐ *On a temporary contract with the employer—statutory sick leave entitlement (# of days taught in the school year divided by 9)*
 - ☐ *On an interim or probationary contract, 20 days*
 - ☐ *On a continuing 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

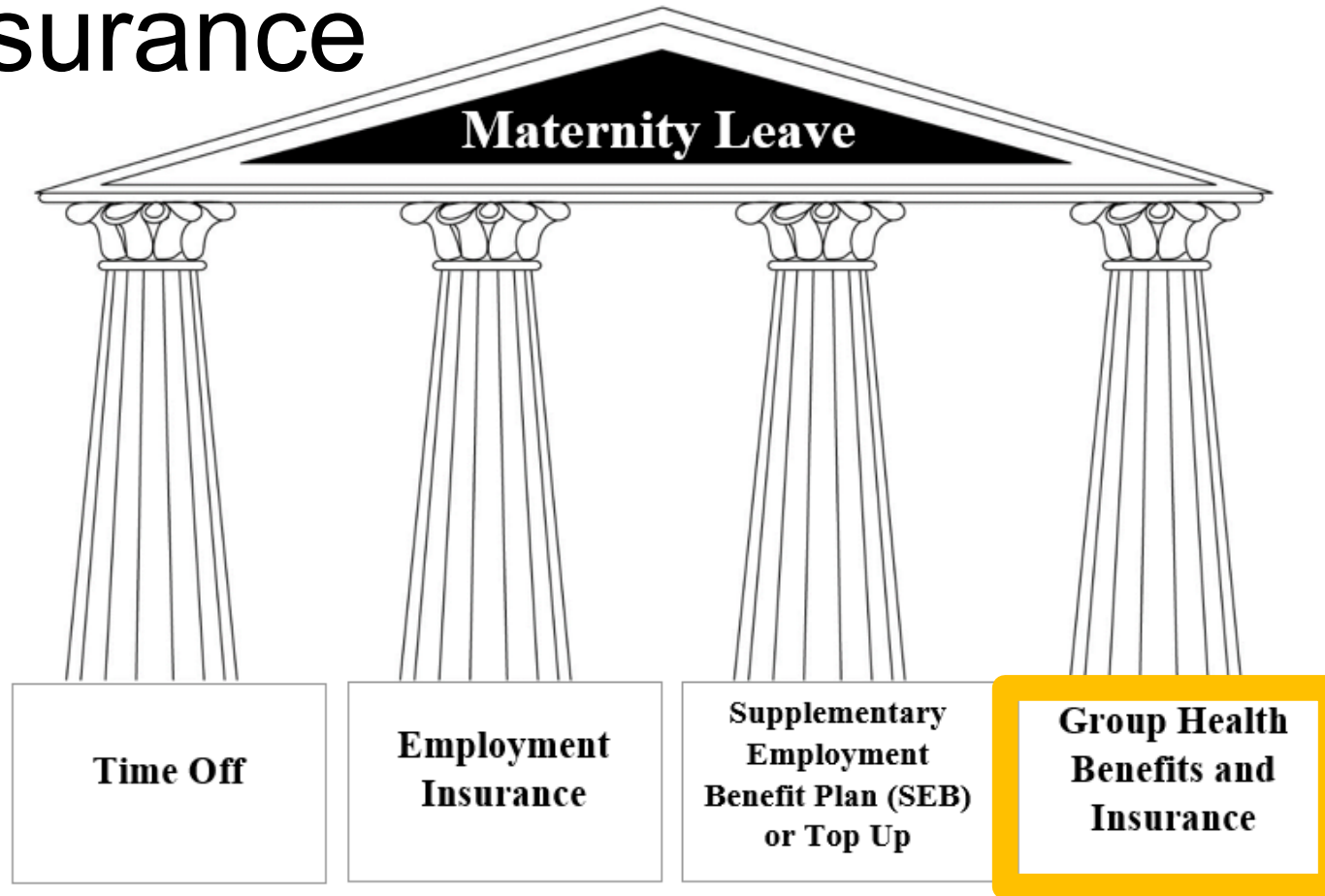
Basic entitlements—Collective Agreement

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



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Group Health Benefits

- EPSD pays benefits during 16 weeks of maternity leave.
 - ☐ Includes Health Spending Account (HSA) contributions
- 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.



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

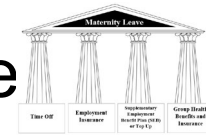
\$ 230.25

\$ 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

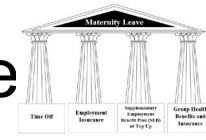
3. Keep only Life and AD&D

- 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 rewarding 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
- EPSD Leaves: Felicia Roque, Human Resources
☐ 780-429-8578
☐ felicia.roque@epsb.ca
- EPSD Staffing: Trish Kolotyluk, Director, HR - Consulting
☐ 780-429-8133
☐ trish.kolotyluk@epsb.ca
- EPSD Benefits: Carmelita Romero, Manager, Data Control & Benefits
☐ 780-498-8795
☐ carmelita.romero@epsb.ca



Additional Contacts

- Employee Health Services, EBSD (where sick notes go)
 - ❑ ashealth@epsb.ca
- Teacher Employment Services:
 - ❑ 1-800-232-7208 or 780-447-9400
- 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

