

Pregnancy &

Parental Leave



**A Guide to Rights
& Responsibilities**

ETFO



FEEO

Dear ETFO Member:

Congratulations! This is a very exciting time for you. As with all new experiences, there is always some anxiety and trepidation attached. We hope the information contained within this resource will help reduce some of this anxiety and allow you to focus your energies on your very important role as a new parent.

This booklet has been prepared to assist you by considering the many questions and concerns you may have as you prepare for the birth or the adoption of a child. It contains summary descriptions and is provided for your information only. It is not legal advice.

For definitive advice pertaining to pregnancy and parental leaves and benefits in Ontario, please refer to the *Employment Standards Act and Regulations* and the *Employment Insurance Act and Regulations* as well as your collective agreement.

Contact Numbers

ETFO Provincial Office	1-888-838-3836 416-962-3836
Teachers' Pension Plan Board	1-800-668-0105
Service Canada	1-800-622-6232
Ontario College of Teachers	1-888-534-2222
OMERS Pension	1-800-387-0813

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LEGISLATION AND COLLECTIVE BARGAINING GOVERNING PREGNANCY AND PARENTAL LEAVE

Employment Standards Act (ESA)

The provincial legislation sets out minimum employment standards for terms and conditions of employment in Ontario. This ESA establishes minimum rights to leaves from work for pregnancy and parental needs.

Employment Insurance Act (EI Act)

This federal legislation sets out the terms and conditions for entitlement to employment insurance benefits during pregnancy and parental leaves. The benefits are administered by Service Canada on behalf of Employment and Social Development Canada.

Ontario Human Rights Code

The *Ontario Human Rights Code* prohibits discrimination on the basis of sex which is defined to include pregnancy. Many arbitrators have relied upon the Code when deciding how to interpret legislation or collective agreements relating to pregnancy and parental leaves.

Collective Bargaining

Collective agreements contain clauses pertaining to statutory pregnancy and parental leaves as well as extended leaves. They frequently set out protections and benefits available during leaves and upon return from leaves. Disputes under collective agreements are decided by arbitrators. Arbitration cases have interpreted rights relating to entitlement to sick leave and other benefits during a pregnancy leave. They have also addressed issues that have arisen when employees complete such leaves and wish to return to work.

LEAVE ENTITLEMENTS

How much time will I have away from work to be with my child?

The *Employment Standards Act* and your collective agreement are the mechanisms by which you will have entitlement to a leave for pregnancy or parental reasons. This is the time away from work, not the money you might receive during that time. Financial benefits during pregnancy and parental leaves are discussed in the sections entitled **Benefit Entitlements** and **Collective Agreement Benefits** in this guide. The *Employment Standards Act* provides basic minimum entitlements. Collective agreements sometimes offer more than this.

FOR BIRTH MOTHERS

Mothers who give birth are entitled under the *Employment Standards Act* to a pregnancy leave immediately followed by a parental leave. Parents who adopt or parent through surrogacy are not entitled to a pregnancy leaves under the *Act*. The extent of the pregnancy and parental leaves for mothers who give birth is set out in the *Act* and is described below:

Pregnancy Leave

You may take as many as 17 consecutive weeks as pregnancy leave. You may start it as early as 17 weeks before the expected birth date (but you will not be eligible for EI benefits until 12 weeks before the birth). The latest you may commence a pregnancy leave is the earlier of your due date or date of delivery. The *Act* does not set out an option for splitting or deferring any part of the pregnancy leave. In order to qualify for a pregnancy leave you must have at least 13 weeks employment with the school board before the expected date of birth.

Parental Leave

You may take as many as 61 consecutive weeks of parental leave. It must begin when your pregnancy leave ends unless, because of hospitalization or otherwise, the child is not then in your custody, care and control for the first time.

The *Act* does not establish a general entitlement for the birth mother to delay commencing the parental leave. For birth mothers who have custody, care and control of their child during the pregnancy leave, their parental leave runs for 61 consecutive weeks right after the pregnancy leave. For birth mothers who have custody, care or control sometime after the end of the pregnancy leave, the parental leave must start within 78 weeks of their first having custody, care or control.

The *Act* does not entitle you to split a parental leave into separate installments. It also only provides for full leaves from employment: it does not contemplate partial leaves to allow people to work part-time and be on leave part-time.

Extended Leaves

Refer to your local collective agreement to determine if you may extend your parental leave beyond the minimum statutory 61 week period. Many collective agreements include the option of extending a leave. There might be discretion under a collective agreement for a partial leave or reduced assignment arrangement. Leaves under a collective agreement will not necessarily have all of the protections that a statutory leave provides for under the *Employment Standards Act*.

FOR PARENTS WHO HAVE NOT GIVEN BIRTH TO THE CHILD

You will be entitled to a parental leave under the *Employment Standards Act* if you are a parent of the child. This is an entitlement to any person who is a parent, including birth fathers, spouses of the birthing parent, adoptive parents or parents through surrogacy. Generally, the Act will consider you to be a parent if you have the legal status of parent or if you are in a relationship of some permanence with a parent of a child and you intend to treat the child as your own.

The nature of the entitlement to parental leave differs slightly between birth mothers and parents who have not given birth. The extent of the leave for parents who have not given birth is established in the Act as follows:

Parental Leave

You may take as many as 63 consecutive weeks of leave. It may begin as early as the birth of the child but it must start no later than 78 weeks after the child is born or comes into your custody, care and control for the first time.

In order to qualify for a parental leave you must have at least 13 weeks employment with the school board before the leave may be taken.

There is no entitlement under the Act to defer the parental leave beyond the period outlined above. There is also no entitlement under the Act to split a parental leave into separate installments. Further, the Act only provides for full leaves from employment: it does not contemplate partial leaves to allow people to work part-time and be on leave part-time.

Extended Leaves

Refer to your local collective agreement to determine if you may extend your parental leave beyond the minimum statutory 63 week period. Many collective agreements include the option of extending a leave. There might be discretion under a collective agreement for a partial leave or reduced assignment arrangement. Leaves under a collective agreement will not necessarily have all of the protections that a statutory leave attracts under the *Employment Standards Act*.

IN THE EVENT OF STILLBIRTH OR MISCARRIAGE

If you experience miscarriage or stillbirth more than 17 weeks before your due date, you are not entitled to a pregnancy or parental leave under the *Employment Standards Act*. You may be entitled to sick leave under your collective agreement, depending on your circumstances.

In the event of stillbirth or miscarriage occurring within 17 weeks before the due date, you remain entitled to a pregnancy leave but you will not be entitled to a parental leave. If you are entitled to a pregnancy leave, it will end 17 weeks after it began or 12 weeks after the stillbirth or miscarriage, whichever is latest. As such, if you have already used as much as 17 weeks of pregnancy leave prior to the stillbirth or miscarriage, you may still have some additional weeks of leave for recovery even though you will not be entitled to a parental leave. The entitlement does not exceed 27 weeks.

FOR THE BIRTH MOTHER IN THE EVENT OF OPTION OR SURROGACY

If you have given birth but will not have custody, care and control of the child (as in the case where the child is to be adopted or you are the surrogate), you will remain entitled to a full pregnancy leave. However, the pregnancy leave must end on the later of either the expiry of 17 weeks after the pregnancy leave began or 12 weeks after the birth of the child.

NOTICE REQUIREMENTS

How much notice do I have to give my school board?

The *Employment Standards Act* outlines the following minimum notice requirements:

Notice to Begin a Leave

For pregnancy leave:

You are required by law to provide a minimum of two weeks written notice of the date your leave will begin. The Act allows employees to change their mind and start earlier or later as long as the employee provides new two weeks written notice of the changed date.

Where the school board requests it, the written notification must include a certificate from a legally qualified medical practitioner stating the expected date of birth.

Where you have to stop work because of complications due to pregnancy, prior notice is not required to start the pregnancy leave. However, within two weeks of having stopped work, you must provide written notice to the school board of when the pregnancy leave is to begin and, if the school board requests it, you must provide a certificate from your medical practitioner confirming you are unable to work because of the complications.

Where you have to stop work because birth (or stillbirth or miscarriage) occurs earlier than the expected date of birth, prior notice is not required to start the pregnancy leave. However, within two weeks of having stopped work, you must provide written notice to the school board of when the pregnancy leave is to begin and, if the school board requests it, you must provide a certificate from your medical practitioner confirming the due date or the date of birth, stillbirth, or miscarriage.

If the school board has requested a medical certificate, the Act provides that it may be provided by a doctor, a midwife, or a Nurse Practitioner.

For parental leave:

You are required to provide at least two weeks written notice of the date the leave is to begin. The Act allows employees to change their mind and start earlier or later as long as the employee provides new two weeks written notice of the changed date.

- Where you have to cease work suddenly because the child comes into your custody, care and control for the first time sooner than expected, your leave commences the day you stop working but you must, within two weeks after stopping work, provide written notice to your school board that you are taking the leave.

Notice to Change the Beginning or Ending of A Leave Period

Where you have already provided notice but want to change the start date of the leave to an earlier or later date, you must provide:

- At least two weeks written notice of the new start date, unless complications related to the pregnancy or the child arriving earlier than expected are the reasons for the change.

Where you have already provided notice but want to change the end date of the leave to an earlier or later date, you must provide:

- At least four weeks written notice of the date must be provided.

OTHER ESA ENTITLEMENTS

What other protections and entitlements will I have while on leave?

When you take all or part of the statutory pregnancy (17 weeks) or parental leave (61 or 63 weeks) established by the *Employment Standards Act*, the Act establishes numerous protections for you. These protections will not necessarily apply to extended leaves taken under your collective agreement.

BENEFIT PLANS

Employees taking a statutory leave have the right to continue to participate in benefit plans. This applies to pension plans, life insurance plans, accidental death plans, extended health plans, dental plans and any prescribed type of benefit plan.

Amendments to the *Employment Standards Act* in 2017 expanded the length of pregnancy and parental leaves. ETFO Employee Life and Health Trust (ELHT) benefits funding has expanded to a longer period of time, to a maximum period of 18 months. The ELHT will fund health, dental and basic life (1x salary) benefits premiums for eligible ETFO members who elect to continue benefits during this period. This benefit premium coverage will be pro-rated for part-time members, where applicable.

Long-Term Disability (LTD) Premiums While On Leave

Under the provincial LTD plan, coverage is mandatory for both full-time and part-time leaves. In other words, you cannot opt out of the plan while you are on a statutory or extended pregnancy or parental leaves. You must contribute premium payments to the LTD plan during your statutory leave: you will not be entitled to claim LTD benefits for the duration of your leaves but, if you remain absent after your leaves because of disability, you may be entitled to LTD benefits then, even if the disability arises from illness or accident that occurred in the leave period.

If you access an extended parental leave after the statutory leaves, you are required to contribute premium payments to the LTD plan as well. However, your coverage under the plan generally will not extend beyond 24 months of leave unless your collective agreement provides for a longer extended leave. No premiums payments are required once coverage has ceased. Your coverage under the Plan should be reinstated when you return to work but there may be some limits on your entitlements for disability arising within the first year, where pre-existing conditions are involved.

LENGTH OF EMPLOYMENT

When calculating an employee's length of employment, service or seniority, the employer is obligated to include the period of statutory leaves.

Exception: In the case of a member on a probationary term, the period of leave is not included in determining completion of a probationary period under an employment contract.

RETURNING FROM A LEAVE

At the completion of a statutory leave, the school board is obligated to reinstate an employee to the position most recently held, if it still exists, or to a comparable position, if it does not. We argue that a “position” in the education sector refers to grade or assignment. Some decisions have held that your teaching job is preserved but the grade or assignment will be determined by normal staffing processes. Consult your collective agreement as it might entitle you to return to your pre-leave assignment.

NO REPRISAL

The *Employment Standards Act* prohibits employers from penalizing an employee who exercises or attempts to exercise a right under *the ESA*, including the right to take a pregnancy or parental leave. Most collective agreements prevent discipline except where there is just cause and taking a statutory leave is not just cause for discipline. Collective agreements also frequently have human rights protections precluding discrimination on the basis of sex, including pregnancy, as well as family status.

EXTENDED LEAVES

If you have taken an extended leave under a collective agreement, you may no longer have the protections in place for statutory leaves.

Check your collective agreement or consult your local to see what benefits, if any, may be affected by an extended leave. For example:

- Do you accrue seniority beyond the statutory period?
- Do you continue to receive a salary increment during the leave?
- Do you return to the same assignment or same school following the extended leave?

EMPLOYMENT INSURANCE BENEFITS ENTITLEMENTS (EI) & BENEFITS ENTITLEMENTS

What benefits might I receive during my leave?

You may be entitled to pregnancy or parental benefits under the *Employment Insurance Act* if you have at least 600 hours of insurable employment in the 52 week period preceding the period for which you are claiming benefits. You are particularly vulnerable to not having enough hours of insurable employment in the following circumstances: you have only recently started to work, you are hired for less than a 0.5 assignment, you are on or have recently returned from an unpaid leave of absence or a deferred salary leave, you are on or have only recently returned from a pregnancy and/or parental leave, you have an open claim for regular benefits (applicable to occasional teachers, ESP/PSP and DECEs).

What is my entitlement to pregnancy benefits?

Pregnancy benefits are only available to birth mothers. They are not paid to adoptive parents or parents through surrogacy.

You will have to serve a one week waiting period before receiving any benefits. The one week waiting period is calculated from the Sunday of the week of application before benefits are payable. You may then be eligible for a maximum 15 weeks of benefits for pregnancy.

A claim for pregnancy benefits may begin up to 12 weeks before the birth is expected. Benefits will not extend more than 17 weeks in total and must end by 17 weeks after the birth. The claim for benefits cannot be split: a claim can only consist of consecutive weeks.

What is my entitlement to parental benefits?

Parental benefits are available to new parents related to birth or placement for adoption. Where a child/children cannot yet be legally adopted, parental benefits may still be available where the child/children have been placed for adoption and the new parent can attest that they consider the placement permanent.

There are two options for how this benefit may be claimed: a person can elect to receive a maximum of 35 weeks of benefits paid at 55% of weekly insurable earnings or a maximum of 61 weeks of benefits paid at 33% of weekly insurable earnings. Not all of your earnings may be considered for this calculation: there is a cap applied under the legislation. You must elect at the beginning of a parental benefits claim which maximum you want applied to your claim. The full parental benefits claim may be taken by one parent or may be shared by two parents. Where the claim is shared, the parent who commences the claim makes the election about what maximum applies.

If you are the birth mother and you served a waiting period for EI pregnancy benefits, then there is no requirement that you serve a waiting period for a claim for parental benefits.

If there has been no pregnancy benefits claim related to the child, a one week waiting

period will have to be served at the start of the parental benefits claim. Once it is served by one parent, it need not be served again by another parent in cases where the parental benefits claim is being shared.

The parental benefits claim may start as early as the birth of the baby or placement of the child for adoption. The maximum number of weeks of benefits available never changes but they can be paid out consecutively or in intervals. All benefits must be claimed within 52 weeks after the birth or adoption placement. Additional time to claim benefits is available for weeks when the child is hospitalized or for deferral under the *National Defence Act* for members of the Canadian Forces but, even with extension, the period during which benefits may be claimed is 104 weeks. After that, no benefits may be claimed even if you did not claim the maximum you elected.

What happens in the event of multiple births or adoption of siblings?

Currently, the legislation provides for a single claim of parental benefits in respect of a birth or adoption of one or more children.

What happens in the event of miscarriage or stillbirth?

If you experience stillbirth/miscarriage or terminate your pregnancy within the first 19 weeks of pregnancy, you are not entitled to pregnancy benefits but you may apply for EI sick leave benefits. (You may also be able to access short-term sick leave pay under the collective agreement with appropriate medical information. You cannot access both for the same period of time.)

If the stillbirth/miscarriage occurs after the first 19 weeks of pregnancy, you should be entitled to pregnancy benefits but you will not be entitled to parental benefits. You will have to serve the waiting period and a maximum of 15 weeks of benefits may be paid. The latest that they may be claimed is 17 weeks after the stillbirth/miscarriage (but this is reduced if weeks of benefits were claimed prior to the stillbirth/miscarriage). Note, however, that the period for claiming EI benefits may be longer than the statutory pregnancy leave under the *Employment Standards Act*: the statutory leave entitlement ends on the day that is the later of 17 weeks after the leave began or 12 weeks after the stillbirth or miscarriage, irrespective of what EI benefits may still be payable.

How much will the EI benefit be?

Biological mothers (including surrogate mothers) are entitled to 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.

Parents with newborn or newly adopted child/children are entitled to one of two options for parental benefits: standard or extended. Standard parental benefits are paid for a maximum of 35 with a weekly benefit rate is 55% of the claimant's average weekly insurable earnings up to a maximum amount. Extended parental benefits are payable for a maximum of 61 weeks at a benefit rate is 33% of the claimant's average weekly insurable earnings up to a maximum amount.

If your net family income is \$25,921 or less, you may be eligible for an EI Family Supplement benefit. Information about this may be found on the Service Canada website. Eligibility for this benefit and the amount payable depends on several individual criteria.

How do I apply for EI benefits?

You will need a Record of Employment (ROE) from your school board in order to apply for benefits. After your last worked day (provided your leave has been approved by the school board), or your last day on the board's payroll, your school board will create a Record of Employment. Your school board will send this directly to Service Canada. You should request a copy for your records. Your application for benefits is complete as soon as Service Canada has received your ROE.

Can I defer my claim for parental benefits?

The *Employment Insurance Act* does not require that a parental benefits claim start immediately after the end of a pregnancy benefits claim. It also does not require that all parental benefits be claimed by a parent continuously. However, this flexibility in the *Employment Insurance Act* is **not** mirrored in the *Employment Standards Act*. The *Employment Standards Act* requires that a parental leave start immediately after a pregnancy leave and contemplates only parental leave, not a leave that can be spread out or deferred over time. The protections of the *Employment Standards Act* only extend to the statutory portion of the leave.

Can I collect EI benefits during the summer or other non-teaching periods?

Nothing in the legislation prevents members from collecting pregnancy and parental leaves during non-teaching periods.

Can I work part-time and still collect EI benefits?

You may be entitled to pregnancy or parental benefits where your normal weekly earnings are reduced by more than 40% because of pregnancy or your need to care for a child.

Once you are in receipt of pregnancy or parental benefits, you must report any earnings you receive during an EI benefit period. Any pay received while you are claiming EI pregnancy benefits will be deducted from EI benefits on a dollar-for-dollar basis.

If you work while receiving EI **parental** benefits, you can earn up to **\$50 per week** or **25% of your weekly benefit**, whichever is higher. Any money earned above that amount will be deducted on a dollar-for-dollar basis.

Also, until August 11, 2018, a [Working While on Claim](#) pilot project is in place. Under this pilot project, once you have served the waiting period, you will be able to keep 50 cents of your EI benefits for every dollar you earn, up to 90% of the weekly insurable earnings that Service Canada used to calculate your EI benefit amount. This 90% amount is called the earnings threshold. If you earn any money above this threshold, it will be deducted on a dollar-for-dollar basis.

Note: You are responsible for reporting all monies paid or payable to you, cash or other, while receiving EI maternity or parental benefits.

Are there other types of EI benefits I can claim during the benefit period?

There are 2 categories of benefits: regular benefits and special benefits. Each has different rules which govern entitlement. Regular benefits are provided to those who lose their jobs through no fault of their own or where there are lay-offs due to a shortage of work (DECEs, ESP/PSP and sometimes OTs). Teachers are exempted, through regulation, from collecting regular benefits for non-teaching periods.

Special benefits are provided for specific reasons. Special benefits include: pregnancy, parental, sickness, compassionate care, family caregiver benefit for children (formerly parents of critical illness) and family caregiver benefit for adults, to name a few. All members have access to special benefits if they qualify.

If no regular benefits have been paid, you may combine special benefits to a maximum of 104 weeks, provided you meet the entitlement conditions. For example, if you become sick or injured while receiving parental benefits, you may interrupt your claim to receive sick benefits and then resume collecting your parental benefits thereafter.

DECEs, ESP/PSPs and many daily occasional teachers rely on regular benefits during non-teaching periods. If regular benefits have been paid and you then attempt to claim special benefits such as maternity and parental, your entitlement will be limited to a maximum of 50 weeks.

Can I travel outside Canada and still receive maternity or parental benefits?

Yes, you can receive EI maternity and parental benefits while you are outside Canada. Service Canada would like to be informed if you are leaving the country. Call 1-800-206-7218 (TTY: 1-800-529-3742) and press "0" to speak with an agent.

Am I able to share the parental benefit with my partner?

Yes. There is great flexibility when sharing the parental benefit with your partner. In total, there are 63 weeks of parental benefits available to eligible parents of a newborn or newly adopted child. When parental benefits are shared between both parents, only one waiting period needs to be served. That said, should your collective agreement allow for a top-up to be served, your partner may consider serving a waiting period to collect their top-up. Check your collective agreement for details.

COLLECTIVE AGREEMENT BENEFITS

What other entitlements are available during my leave?

Not all collective agreements are the same. You will need to consult your local agreement to see what your specific entitlements are.

TOP-UP OR SEB BENEFITS

Will the school board top-up my EI benefits?

The ETFO *Memorandum of Understanding* negotiated with the provincial government outlined changes to employee top-ups or Supplemental Employment Benefits (SEB or sometimes referred to as SUB). Eligible employees include teachers, employees hired in a term position or filling a long-term assignment, with the length of benefit limited by the term of the assignment and commencing with the birth of the child and any other full-time employee (defined as greater than 24 hours per week) (i.e. DECEs, ESP/PSPs). Teachers on daily occasional assignments are not entitled to the benefit.

Boards will provide a top-up benefit at 100% of salary for a total of eight weeks for eligible employees.

Local bargaining units can choose to replace the eight weeks of maternity benefits with six weeks of maternity benefits at 100% of salary to permit the meshing of any benefits with superior entitlements.

It is important to refer to your local collective agreement for information about your specific entitlements.

SICK LEAVE

Can I draw on my sick leave during my pregnancy prior to delivery?

With evidence from a medical practitioner, you are entitled to use your sick credits prior to delivery if you are unable to work for health reasons, whether related or unrelated to the pregnancy. Sickness arising from pregnancy is still sickness for purposes of a sick leave claim.

Can I access sick leave following delivery?

Court rulings support your entitlement to sick leave with pay following delivery for a period of generally six weeks when you are unable to work for health reasons. Depending upon your own collective agreement language and the length of your recovery period, the school board may request a medical certificate.

You may only access the number of sick days available to you under the board's sick leave plan.

Can I collect sick leave pay and EI benefits?

Any pay received once your pregnancy occurs, including sick leave pay, will be deducted from EI benefits. Only the SEB top-up is not deducted.

If I access sick leave, does this extend the statutory pregnancy leave period?

Use of sick leave prior to delivery would not necessarily be part of your 17 week statutory pregnancy leave unless you opted to begin your leave early. You are not required to do this.

Use of sick leave following the delivery does not extend the statutory pregnancy leave period.

Am I still entitled to the SEB Plan (Top-up) under my collective agreement?

The school board has an obligation to pay the SEB benefits following sick leave provided that you do not waive the “waiting period” for EI benefits or provided that your collective agreement does not restrict this.

What if I am unable to work and have exhausted my sick leave entitlement?

The EI regulations allow individuals the opportunity to access EI sick benefits prior to pregnancy if required. EI sick benefits are available for a maximum period of 15 weeks following a one week waiting period. This entitlement is in addition to the benefit entitlement for pregnancy and parental benefits. If a member has sick leave through their employer, they would exhaust this sick leave first prior to use of EI sick leave.

DEFERRED SALARY LEAVE

How will a deferred salary leave effect my maternity leave?

Deferred Salary Leave Plans are self-funded leave arrangements (these are often referred to as four over five's or two over three's). The plans enable members to receive salary in the leave year that they actually earned in earlier years. The treatment of salary in Deferred Salary Leave Plans is governed by the *Income Tax Act*: there are rules governing how the Plans may operate. The coincidence of such leaves and need for pregnancy or parental leaves can greatly complicate access to employment insurance or ongoing participation in the plans. Under certain circumstances and with prior approval by the employer, you may postpone your leave for a maximum of 12 months. There are limitations to this, especially once the leave year is underway. Service Canada does not allow payment of EI benefits during a year of deferred leave. It also does not credit workers on the leave year with insurable hours for the earnings they collect: this may impair eligibility for EI pregnancy or parental benefits when the leave year is over. It is advised that you check the nature of your deferred leave plan if you are trying to become pregnant, or find that you are pregnant.

PENSION PLAN CONTRIBUTIONS

How will my pension be affected while I am on leave?

As required by the *Employment Standards Act* you may continue to contribute to the pension plan unless you waive this benefit. It is necessary to arrange a payment schedule with the Ontario Teachers' Pension Plan (OTPP) or the Ontario Municipal Employees Retirement System (OMERS) prior to taking your leave. This applies if you have worked 13 or more weeks with your school board.

How long can I contribute?

- The birth mother can contribute up to a maximum of 78 weeks (17 weeks for pregnancy and 61 weeks for parental). The pregnancy leave portion can begin no earlier than 17 weeks before the expected date of birth. The parental leave portion starts immediately following the end of the pregnancy leave for the birth mother.
- If you are the second birth parent, you can contribute up to 63 weeks for a parental leave.
- If you adopt a child, you can contribute up to 63 weeks for a parental leave.

How do I make arrangements to continue pension contribution?

- You must arrange your pension contribution directly with OTPP while on a leave.
- Members who contribute to OMERS need to contact the District School Board to make arrangements regarding pension contributions.
- You can contribute using postdated cheques or by setting up automatic bank withdrawals.
- You may be able to purchase credit for your leave by transferring monies from an existing RRSP.

What if I take an extended leave of absence?

You may continue making pension contributions for longer than the statutory periods if you continue on an approved leave of absence. You must make your contributions for the extended period directly to your pension plan. There is currently a lifetime limit to buying credit for approved leaves of absence. Contact OTPP or OMERS for an "Application to Buy Credit" form.

What happens if I waive the right to contribute?

- The amount of your pension will be less than it would be with the additional credited service. Less credit means a lower pension, unless you teach for extra time later on.
- It may postpone the date you can retire with an unreduced pension.
- You may choose to purchase the credit later but you must do so within five years of the end of your absence. If you waive your right and decide later to purchase credit for your leave it will be more expensive. Interest will be added.

Your pension plan options are particular to you and your personal history with the pension plan. Decisions concerning your pension plan may affect other financial matters for you, such as RRSP contribution room. For accurate information on what options are available to you concerning the pension plan, contact the pension plan directly.

For more and up-to-date information regarding the impact of pregnancy and parental leaves on your pension, please visit the following websites:

Teachers' Pension Plan www.otpp.com
OMERS Pension Plan www.omers.com

APPLYING FOR A LEAVE OF ABSENCE: SAMPLE LETTERS

Prior to taking a pregnancy or parental leave, you must provide written notification to your school board. Take note of the following requirements:

How do I apply?

Your letter requesting a leave should be sent to the Superintendent of Human Resources. As a courtesy, you may wish to provide a copy to your principal. Always retain a copy for your own records. Refer to your collective agreement for more specific information on how to apply for a leave of absence. Your district school board may have specific forms for you to fill out.

What should be in the letter?

The letter should include the following:

- a medical certificate stating the expected date of birth;
- the date you wish to begin the leave; and
- the date you wish to return to work.

When should I apply for a leave?

You are required by law to provide a minimum two weeks written notice of the date to begin the leave.

Sample letters

1. Pregnancy Leave

Pursuant to Article (*number*) of the Collective Agreement, I am requesting a maternity leave commencing (*date*) and ending (*date*). I have attached a medical certificate certifying the expected date of delivery as (*date*).

I understand that I will be returning to my current position at (*School Name*) if the position still exists or to a comparable position if it does not.

I look forward to returning to (*School Name*) when I return on (*date*).

2. Parental Leave

Pursuant to Article (*number*) of the Collective Agreement, I am requesting a parental leave commencing (*date*) and ending (*date*).

I understand that I will be returning to my current position at (*School Name*) if the position still exists or to a comparable position if it does not.

I look forward to returning to (*School Name*) when I return on (*date*).

3. Extended Parental Leave

Pursuant to Article (*number*) of the Collective Agreement, I am requesting an extended leave to commence (*date*) and to conclude (*date*).

4. Sick Leave Following Pregnancy

I am expecting a baby on (*date*). I have been advised by my doctor that I will be unable to work for a period of time following the actual delivery. For this period of time, I will be applying for sick leave pay and benefits under the Collective Agreement. I will advise you when this period commences and when it ends.

Please note, it may be advisable to request your maternity leave separately from the parental leave. This allows you to keep your options open in the event that circumstances change or your plans are altered in any way.

Checklist for Pregnancy/Parental Leaves

- √ Contact your ETFO local or the ETFO provincial office to discuss your options.
- √ Obtain a medical certificate stating the expected date of birth.
- √ Provide written notice to your school board.
- √ Review information re: health benefits, long-term disability and pension contributions.
- √ Obtain application from Service Canada regarding your application for benefits.
- √ Ensure a copy of your Record of Employment (ROE) has been sent from your school board to Service Canada (this is sent electronically after your last teaching day).
- √ Complete your application for EI Benefits.
- √ Provide proof of your EI Claim to the school board in order to receive SEB.
- √ Add your child to your benefit plan.
- √ Remember to pay your OCT fee.
- √ Relax! You've taken care of all the paperwork.