



**OSSTF District 12  
Toronto Teachers' Bargaining Unit**

**Pregnancy, Parental and  
Adoption Leave Guide**

**Revised February 2017**

# Congratulations!

The arrival of a new child is an exciting and overwhelming time. There are many decisions you need to make right now, which can make it difficult to focus on the details of applying for and planning your pregnancy/parental/adoption leave.

We hope the decisions surrounding your leave will be made easier with this guide.

Happy parenting!



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## ∞ Section I - Before You Begin Your Leave ∞

### **Introduction**

This package of information is intended to assist you in preparing for pregnancy/parental leave by providing an overview of the rules and procedures that govern these leaves. The material has been organized according to make it easier for you to find the specific information you may require. Resources are included at the end. Please check with your Executive Officer at the District Office regarding any questions you may have.

Federal and Provincial legislation, the terms of our collective agreement and TDSB policies may have changed since this document was printed, so please make sure you verify the information prior to making any decisions. It is your responsibility to check with your OSSTF Executive Officer and with the TDSB to ensure that you have all the information you require. Updated legislation is also available through government websites.

It is strongly advised that you keep a complete record of arrangements made and documents submitted, including proof of the date submitted. Every effort should be made to obtain written confirmation.

### **Note to OTBU and PSSP members**

OSSTF Toronto members are advised at that time that the clauses referred to in this Guide are for full time contract teachers. If you are an Occasional Teacher, LTO or PSSP member please contact your union office to obtain relevant information for your bargaining unit.

Occasional Teachers Bargaining Unit	416 423-3600
PSSP Bargaining Unit	647 348-3351

## Important Contact Information

TDSB Staffing Officers:

Sandi Tierney (Learning Centres 2 & 3)	<a href="mailto:Sandi.Tierney@tdsb.on.ca">Sandi.Tierney@tdsb.on.ca</a>	416-397 3251
Lynda Brewer (Learning Centres 1 & 4)	<a href="mailto:Lynda.Brewer@tdsb.on.ca">Lynda.Brewer@tdsb.on.ca</a>	416-397 3255
Service Canada	<a href="http://www.servicecanada.ca">www.servicecanada.ca</a>	1-800-622 6232
Ontario Teachers' Pension Plan	<a href="http://www.otpp.on.ca">www.otpp.on.ca</a>	416-226 2700
Ontario Teachers' Insurance Plan (OTIP)	<a href="http://www.otip.com">www.otip.com</a>	1-866-783-6847
Ontario College of Teachers	<a href="http://www.oct.on.ca">www.oct.on.ca</a>	416-961 8822
Teachers' Life (LTDI)	<a href="http://www.teacherslife.com">www.teacherslife.com</a>	416-620 1140
OSSTF Toronto (TTBU)	<a href="http://www.osstftoronto.ca">www.osstftoronto.ca</a>	416-393 8900

## Planning Ahead

You face some important decisions in the months ahead. As you plan for the future, take the time at each stage to:

- Do your research and get the information you need to make the best decisions for you and your family.
- Consider your options and look at the different financial, personal, and professional implications of each carefully.
- Be aware of both your rights and responsibilities.
- If you are not read, do not feel pressured to make a decision before it is required.
- Be aware of deadlines and ensure your paperwork is completed in time to receive what you are entitled to.
- Remember you do not have to apply for pregnancy, parental and extended parental leave all at once. You can take it one step at a time.
- Keep a complete home file of copies of all your documents and correspondence with the Board, including dates. You may need this verification later.

## QUESTIONS????

**Call your OSSTF Toronto Executive Officer for  
information. We are here to protect your interests!  
416-393-8900**

## **During Your Pregnancy**

This is the time to do your research and prepare yourself for the decisions ahead. Although you do not have to make all your decisions right away, it is wise to think ahead and get a clear picture of both your immediate and long-term options.

- Early in your pregnancy, get an overview of what is available to you. Find out about your rights and responsibilities by checking the following:
  - Employment Standards Act
  - Employment Insurance Act
  - Collective Agreements
  - Board policies or protocols
- Call the Employee Assistance Program for information packages on pregnancy/parental leaves, childbirth, parenting and child development, etc.
- Check into what you must do to maintain the following while on the different types of leave:
  - Professional credentials with the College of Teachers.
  - Pension contributions.
  - Benefits protection, including health and dental coverage, long term disability insurance, and life insurance.
- **Find out about your options for changing and/or increasing your benefits coverage in order to ensure your family is fully protected.**

## **Before You Leave the School**

- Get organized so you are prepared to “hand over the reins” to the teacher who will replace you
- Remove your personal belongings and store them at home or another safe location.
- Keep your marks up to date and in a safe place for the next teacher
- Ensure there is a clear course outline so the teacher replacing you can pick up where you left off.
- Keep emergency lessons on hand in case you need to take some time off prior to the birth, or if your baby arrives earlier than expected.
- You may wish to set up your TDSB email with an auto reply to indicate you are away.

## Types of Leave/How to Apply

There are several types of leave available to teachers wishing to remain home to look after a child. Each has its own requirements and timelines and the following is a summary of key points. The charts at the end of this pamphlet also provide a useful overview. Please check the relevant legislation, the Collective Agreement, and Board policies for complete details, especially those applying to unusual circumstances.

### General Information

- The provincial *Employment Standards Act* covers the rights to pregnancy/parental leave. Additional conditions applying to pregnancy/parental leaves are outlined in the Collective Agreement and in Board policies; however, these conditions cannot override any of the statutory rights provided for in legislation. In some cases, previous court or arbitration decisions may have established precedents, which also apply.
- In order to qualify for a pregnancy and/or parental leave you must have at least 13 weeks employment with the School Board before the expected date of birth.
- The provisions for taking Extended Parental Leave and Unpaid Leaves of Absence are established by the Collective Agreement and through Board policies.
- Applications for pregnancy, parental and extended parental leave must be made in writing to the Board. The application is made using the Leave of Absence Request form (see Resources section). You may also wish to include a letter with the request. The request must include:
  - The date you wish the leave to begin your leave.
  - The date on which you request a return to duty.
  - In the case of pregnancy leave, a doctor's certificate stating the expected date of delivery.
- The start of Pregnancy and Parental Leaves may be changed if you provide at least two weeks notice prior to an earlier date, or later if notice is given two weeks prior to the date the leave was to originally begin.
- Make copies of all forms/letters submitted including your medical certificate.
- Regardless of the length of the leave, every effort should be made to reach agreement **in WRITING** on the conditions of the leave prior to the start of the leave. This is particularly important in the case of Extended Parental Leave since the Collective Agreement stipulates the dates on which this type of leave shall end unless the Board has approved an alternate date.
- A teacher should not be pressured to apply for leaves any sooner than is required. Make sure you are certain of your plans and fully understand the implications of your decisions before you apply.

**NOTE:** *In some situations, a teacher may be asked to extend a leave period to cover a full school year. However the teacher should be aware that once a full year leave is requested and granted, that teaching position becomes a bona fide vacancy for the next year and will be filled by a contract teacher, not a Long Term Occasional. If plans*

***change and the teacher wishes to return earlier, s/he may be placed in a vacancy at another school. Teachers whose pregnancy and parental leave will be an entire school year are advised to contact their Executive Officer for advice.***

***There are also implications for pension – see section on Pensions for more information.***

- Teachers who become pregnant while on leave will be granted pregnancy, parental and extended parental leaves for the next child without having to return to work. According to current agreements and Board protocol, they may also apply for an additional unpaid leave of absence at the end of the extended pregnancy and parental leave. Teachers in this situation would not qualify for EI benefits, however they do qualify for 8 weeks of salary from the TDSB.

## **Pregnancy Leave**

- Under the *Employment Standards Act*, a birth mother is entitled to up to 17 weeks pregnancy leave to begin no earlier than 17 weeks before the expected birth date.
- A woman who experiences a miscarriage or stillbirth is still eligible for pregnancy leave if the miscarriage or stillbirth took place no more than 17 weeks before the expected due date.
- Using the Board form, complete and submit your Leave of Absence Request to the Board as soon as you have made a firm decision, but no later than two weeks before the pregnancy leave is to begin. As indicated above, your application must include the date on which you plan to start your leave, the date when you plan to return to work and a medical certificate from your doctor verifying you are pregnant and stating your expected date of birth.
  - Provide a copy to the Principal.
  - Keep a copy for your files
- If your baby is born before the start of leave, your leave will be dated from then. You must notify the Board about the change within two weeks of the birth.

***NOTE: Teachers may use sick leave for pregnancy related complications prior to the birth of a child with medical documentation. It is against the law for an employer to make a woman start pregnancy leave early because of sickness, or if her pregnancy limits the type of work she can do.***

- If you are ill during your pregnancy and run out of sick days, you may be eligible for up to 15 weeks Employment Insurance Sickness Benefits. Please check the Service Canada website or contact your EI office for more information.

## **Parental Leave**

- Under the Employment Standards Act (ESA), a birth mother is entitled to up to 35 weeks parental leave to begin when her pregnancy leave ends. The birth mother must begin parental leave immediately after pregnancy leave unless the baby has not come into her care by the time the pregnancy leave ends (e.g. baby has been hospitalized since birth)

- A birth father, adoptive parent and/or spouse, and others covered by the definition of parent under ESA legislation, are entitled to up to 37 weeks of parental leave. For parents, other than the birth mother, the leave must begin no later than 52 weeks after the birth of the child, or the date when the child first came into the parent's care
- This leave may be claimed by one or both parents and may be taken at the same time or consecutively.
- Application for Parental Leave must be submitted no later than two weeks before the leave is to begin.

## Extended Parental Leave

- Under our Collective Agreement, a teacher eligible for parental leave may apply for up to one year of Extended Parental Leave.
- The Collective Agreement provides that Extended Parental Leaves shall be scheduled to end on December 31<sup>st</sup>, on the last day of March Break, on the last day of a semester or after the end of the school year, unless otherwise approved by the Director. We strongly advise that you obtain confirmation in writing regarding the date of return.

***NOTE: These provisions may mean that you will not be able to obtain a full year of extended parental leave in addition to your pregnancy/parental leave***

- Normally, Extended Parental Leaves will begin immediately after the end of that teacher's parental leave.
- In general, the sum of a pregnancy leave, parental leave and extended parental leave cannot exceed 24 calendar months, except when an extension will better accommodate program needs. No Employment Insurance or SEB payments are made for an extended parental leave.
- Application must be made at least **30 days** before the Extended Parental Leave is to begin.

## Unpaid Leave of Absence

- These leaves are available to all teachers, including teachers wishing to extend the period of leave beyond what is available through pregnancy, parental and/or extended parental leaves.
- The terms of unpaid Leaves of Absence are outlined in the Collective Agreement and the Staffing Handbook. Please note the application deadlines for these leaves. If the deadlines are not met, they are subject to the approval of the Director
- These Leaves must be applied for on an annual or semi-annual basis, but normally cannot exceed two years in total. These two years are in addition to the one year of statutory pregnancy/parental leave. Please note, however, that Board protocol now states that an extended parental leave is included as part of the two-year limit on unpaid leaves of absence.

- Since unpaid Leaves of Absence are timed to coincide with the end of the school year or the semester (December 31 in full-year schools), a teacher will need to work out the timing of the various leaves in order to ensure they are continuous. Please note, however, that an unpaid leave of absence does not have to be taken immediately after parental leave ends.

## Adoption

Many of the same rules for parental leave and benefits apply to adoption. Please check the above sections for more information on length and timing of leaves, as well as access to EI. Complete details can be found in the Employment Standards Act, the Employment Insurance Act and the Collective Agreement.

## Step-parenting

Under the Ontario Employment Standards Act, a man or woman who becomes a step-parent or is in a relationship of some permanence with a parent of a child and who plans on treating the child as his or her own can take a parental leave. S/he is entitled to all the protections provided under the legislation.

## Collective Agreement

### General Provisions

The clauses governing pregnancy adoption, parental and extended parental leaves are found in clause L32.0. Please review carefully. ***The following summary is for general information only and is in no way intended to replace the clauses of the Collective Agreement.***

- The TDSB will grant Pregnancy Leaves and Parental Leaves in accordance with the Employment Standards Act.
- The teacher must discuss the dates on which the leave is to begin and end with the Principal.
- Pregnancy and Parental leave dates do not require a principal's approval. However, if you wish to return early you are required to provide written notice to the Board no less than 4 weeks in advance of the date of return.
- In addition to pregnancy and parental leaves established under provincial legislation, the Collective Agreement also provides for up to a year of Extended Parental Leave. The Extended Parental Leave must start at the end of the teacher's parental leave and **end at a natural break in the school year** unless there are special circumstances where a later return will better accommodate program needs and the Director agrees to extend the leave. Please note that this condition may require a teacher to return from leave prior to the full year of extended parental leave. For example, a teacher in a semestered school going on pregnancy/parental leave in April would start Extended Parental Leave the

following April. Unless otherwise agreed to, that leave would end the following January.

- Extended leaves can only be ended early if there is an available vacancy to which you can return.
- Wherever possible, a teacher returning from leave will be reassigned to the same school and department, but the teacher's final placement is subject to surplus procedures.
- Upon return from pregnancy/parental leave, teachers shall be granted credit both for teaching experience and for seniority.
- Upon return from an extended parental leave, teachers shall be granted credit for seniority only.
- The TDSB continues to pay the employer's share for healthcare, dental and life insurance benefits during the Pregnancy/Parental Leave but not during the Extended Parental Leave when the teacher must assume the full cost.
- During all leaves, the teacher continues to be responsible for the full cost of Long Term Disability Insurance premiums and becomes responsible for pension contributions and payment of College of Teacher fees. Both LTDI and College of Teacher fees must be paid directly by the teacher.
- As of September, 2010 payment of pension contributions will be made through the Pension Board

## Benefits

You will be sent a questionnaire after you apply for leave asking which benefits you wish to continue. **We strongly advise that teachers maintain their benefits during their leave period as there are limits placed on re-enrollment and on what is covered if benefits packages are allowed to lapse.** If you do choose to let your benefits lapse, please contact the Board and OTIP (re: LTDI plan and benefits) after you return and arrange to be re-instated.

***Note: The Board does not do this automatically. Serious limitations are in effect if you do not have your benefits re-instated.***

### Health care, Extended Healthcare and Dental Benefits

- The Board will continue to pay its share of the benefits package – during pregnancy and parental leave. During Extended Parental Leave, the Teacher is responsible for the full cost of maintaining benefits and must make arrangements with OTIP regarding payment in order for benefits to continue.
- If the Teacher does not maintain Dental Plan coverage and does not return to teaching following pregnancy/parental/extended parental leave, there are severe penalties. A teacher who has “opted out” may not opt back in for a period of one year. Thereafter, you may opt in on the first day of any month; however, the maximum amount payable from the plan during the first 12 months of coverage after opting back in is \$100.00 per person.

***We strongly recommend that you seek advice from OSSTF prior to making a decision regarding maintaining Healthcare, Extended Healthcare or Dental Plan benefits while on leave.***

## **Long Term Disability Insurance**

- The premium paid while on leave is based on the monthly salary applicable prior to the first day of leave. You must make arrangements to pay your premiums directly to Teachers' Life while on leave.
- If a teacher discontinues the LTDI plan for the leave period, s/he will have to reapply upon returning to work. Members re-entering the plan will not be covered for any pre-existing condition until a period of 12 continuous months of active employment have elapsed.

***Note: If you are enrolled in the Long Term Disability Plan and become disabled during your leave, you should immediately rescind your leave and go on sick leave while you apply for disability. This will put you back on full salary and begin the waiting period you must serve before disability benefits can start.***

***We strongly recommend that you do not cancel your LTDI coverage.***

## **Life Insurance**

The Board will pay the employer's share during pregnancy/parental leave, but not during extended parental leave.

***We strongly advise you not to cancel your Life Insurance.***

## **Legislation**

The rights to pregnancy/parental leave are set out in the *Provincial Employment Standards Act*.

The conditions for receiving pregnancy/parental Employment Insurance benefits are under the *Employment Insurance Act*, which is federal legislation.

Please note there are some differences between these pieces of legislation in terms of eligibility and timelines.

## **Provincial Employment Standards Act, 2000 [ESA]**

- Check website for current Pregnancy Leave and Parental Leave provisions <http://www.labour.gov.on.ca/english/es/pubs/guide/pregnancy.php>
- Statutory pregnancy leave refers to the right to take a leave under provincial law and governs the minimum pregnancy and parental leave available to parents.
- You must have at least 13 weeks of continuous employment with the same school board to qualify for Pregnancy and Parental Leave benefits.

- Under ESA, a birth mother is entitled to take a pregnancy leave of 17 weeks or less, and up to 35 weeks subsequent parental leave.
- Birth fathers, adoptive parents and/or spouses, or others covered by the definition of parent under the legislation, are also entitled to up to 37 weeks
- Parental leave. This leave must begin no later than 52 weeks after the date their baby was born or the child first came into care.
- Parental leave may be taken by one or both parents and may be taken at the same time as the other parent or consecutively.
- If the birth mother has a miscarriage or stillbirth, she is eligible for pregnancy leave as long as the miscarriage or stillbirth occurred no more than 17 weeks before the due date.
- A birth mother is required to give two weeks' notice in advance of the pregnancy leave.
- To change the start date of a pregnancy leave to a later date also requires two weeks' notice.
- If a baby arrives earlier than the planned start date of the leave, the birth mother has two weeks to inform the Board of the birth and the leave will commence on the date of birth.

## **Federal Employment Insurance Legislation**

- Check website for updated information on Maternity, Parental and Sickness benefits at <http://www.servicecanada.gc.ca/eng/lifeevents/baby.shtml>
- To be eligible for EI maternity/parental benefits, you must have worked 600 hours in the last 52 weeks or since the start of the last claim, whichever is shorter.
- To be processed, application forms must be accompanied by the following:
  - A medical form completed by your doctor.
  - A Record of Employment (ROE) from the Board.
- The birth mother may collect EI Maternity Benefits for up to 16 weeks (after one week waiting period).
- EI Parental Benefits may be collected for up to 35 weeks by biological or adoptive parents, or their partners. These benefits may be collected by **either** parent, **or** shared.
- Please note that leaves of absence may affect eligibility for EI benefits.

<h2><b>Sick Leave</b></h2>
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With evidence from a medical practitioner, you are entitled to use sick leave for any complications related to your pregnancy or for any other illness prior to the beginning of your pregnancy leave with medical documentation. This use of sick leave does not impact on your pregnancy leave. Members have an annual sick leave entitlement of 11 sick days at 100% salary and 120 days at 90% salary. You may also carry forward unused sick days from the entitlement of 11 days to be used to top up the 120 90% days to 100% salary.

## ☞ Section II – When You Take Your Leave ☞

### **Employment Insurance Benefits**

#### **General Information**

- The conditions applying to pregnancy/parental EI benefits are set out in federal Employment Insurance legislation.
- To be eligible for EI maternity/parental benefits, you must have worked 600 hours in the last 52 weeks or since the start of your last claim, whichever is shorter. This period is called the qualifying period.
- Please note that leaves of absence may affect eligibility for EI benefits.
- Effective January 1, 2017, the maximum weekly benefit is \$543.

#### **Maternity Benefits**

- A birth mother may begin the pregnancy leave 17 weeks prior to delivery; however, under federal Employment Insurance legislation, she is not eligible for EI Maternity benefits until 8 weeks before the birth.
- EI Maternity benefits will also not be paid later than 17 weeks after birth.

#### **Parental Benefits**

- Under Federal Employment Insurance legislation, biological or adoptive parents, or their partners, can collect EI parental benefits, or these benefits may be shared. If shared, only one waiting period must be served per birth or adoption.
- Parental EI benefits for biological parents are payable within the 52 weeks following the child's birth date. For adoptive parents, the benefits are available only within the 52 weeks from the date the child is placed with the parent(s).

#### **Applying for EI benefits**

- Complete and submit your application for Employment Insurance benefits immediately after your last teaching day and no later than 4 weeks after the birth of your child. You will also need
  - A medical certificate from your doctor.
  - A Record of Employment (ROE) from the Board. The Board sends this electronically to Service Canada shortly after your last day of work.You may risk losing benefits if you delay your application beyond four weeks—emergency situations however are taken into consideration.

### **Supplemental Employment Benefit – Maternity Benefits**

#### **Maternity Benefits**

- As of May 1, 2013, all women are to receive 8 weeks of 100% salary following the birth of the child, no matter when the baby was born. If eligible for EI, the

Board is required to top up the difference between EI and the members' regular salary. If the member is not eligible for EI, the Board is responsible for 8 weeks' salary at 100%.

## **Supplemental Employment Benefit –Adoption and Parental Leaves**

### **Supplemental Employment Benefit – Adoption Leaves Eligibility**

- A teacher who has been granted Parental Leave for the purposes of adoption and who has applied for and is in receipt of EI parental leave benefits can apply for Supplemental Employment Benefit [refer to Clause L33.2 and Local Appendix B of the Collective Agreement].

### **Applying for the Supplemental Employment Benefit**

- Complete and submit your application for the Supplemental Employment Benefit (SEB) using the form provided by the Board.
- To obtain these benefits a teacher must also provide proof that shows the teacher is in receipt of EI benefits and also shows the weekly amount to be paid by Service Canada. A teacher must be in receipt of EI benefits before any SEB becomes payable.

### **Benefit Paid**

- For the two (2) week waiting period before E.I. benefits commence the benefit level paid under this plan will continue to be set at a weekly rate equal to 90% of the Teacher's weekly insurable earnings as determined by Service Canada.
- Note: Effective January 1, 2017, the two week waiting period will be reduced to one week. Accordingly, the employee's E.I. benefits during the first week following the new one week waiting period will be topped up to ensure the employee receives the same total net pay they would have received prior to the change.
- For up to 15 weeks following the waiting period under the benefit level paid under this plan shall be \$75.00 per week providing the Teacher remains in receipt of E.I. Benefits.

## **☞ Section III – While You Are On Leave ☞**

### **Spousal Sharing of Leave and Benefits**

- Under legislation, only the birth mother is eligible for pregnancy leave and maternity EI benefits.
- Either or both parents may take parental leave. Leave may be taken at the same time or consecutively. EI parental benefits, however, may only be claimed by one

parent or shared between two partners. If shared, only one waiting period need to be served per birth or adoption.

## **Pension Contributions**

The rules concerning Teachers' pensions have important retirement implications for teachers taking leave from the Board. It is the teacher's responsibility to secure information regarding obtaining credit for pension experience and how to make payments when on leave for any reason.

### **General Information**

- Qualifying years refer the years you may count towards reaching your 85 factor – i.e. the date you may retire with an unreduced pension.
- Credit years refers to the years in which you have made pension contributions. Your credit years determine the amount /value of your pension when you retire.
- If you teach for at least ten (10) days of a school year, you will gain a full qualifying year towards the date when you may retire (85 factor). This may have important implications for the timing of your leaves. Please note, however, that a qualifying year is not the same as a credit year and in order to gain pension credit for the time on leave, you will have to make contributions to the Pension Plan (i.e. buy pension credits).
- If you do not teach at all during a school year, or for ten days or less, you will not earn a qualifying year. In order to obtain that qualifying year, you must buy at least ten days pension credit.
- The Pension Board determines the cost of buying back pension credits. Please contact them directly regarding your personal situation.

### **Making Pension Contributions While on Leave**

- Under the Employment Standards Act, your employer will continue to make your pension contributions during your pregnancy/ parental leave, unless you waive this benefit. Note: as of September, 2010 payment of pension contributions will be made through the Ontario Teachers' Pension Board
- Teachers may also make pension contributions while on Extended Parental Leave or an unpaid Leave of Absence.

**CAREFULLY WEIGH YOUR OPTIONS BEFORE MAKING A DECISION.** It may seem expensive to make pension contributions while on leave; however, the financial implications of not contributing to your pension plan while on leave are considerable. Remember that it will cost more to purchase the credit later, and that direct payment to a registered pension plan is a tax deduction. You also need to consider that the amount of your pension will be less than it would be with the additional credited service and it may postpone the date you can retire with an unreduced pension.

For more information, contact:

Ontario Teachers' Pension Plan at (416) 226 2700  
Toll free, if out of Toronto area 1 800 668 0105  
Ask for brochure called "Buybacks for Absences"  
e-mail [member\\_inquiry@otpp.com](mailto:member_inquiry@otpp.com)  
website [www.otpp.com](http://www.otpp.com)

## College of Teachers

Teachers are reminded that they are responsible for the payment of the College of Teachers fee while not receiving salary from the TDSB. Contact the College to make the payment and keep yourself in good standing.

## Calculation of Seniority and Salary

- Upon return from pregnancy/parental leave, teachers shall be granted credit both for teaching experience and for seniority.
- Teachers on an extended parental leave gain experience for salary purposes and for seniority purposes, subject to Collective Agreement conditions. Teachers on a leave of absence without pay gain experience only for seniority purposes.

## Return to Work

- Teachers will return to the position held prior to the leave, subject to the rules of surplus and placement. A teacher on leave must be treated according to the same rules of seniority and surplus as any other teacher. Anyone who believes s/he has been treated unfairly in this regard should contact an Executive Officer at the District Office.

## Pregnancy/Parental Leave

- **The Employment Standards Act requires a teacher to advise the Board in writing with four weeks' notice that s/he intends to resume her duties after a pregnancy or parental leave.** This means that you can end your leave earlier than originally planned if you provide 4 weeks written notice prior to the new date on which you intend to return to work. Similarly, you may return later than originally specified if four weeks' notice is given before the original return date.
- Please note that the length of a pregnancy/parental leave may not extend beyond statutory limits.
- If a birth mother doesn't specify a return date from pregnancy leave, the Board may assume she will take the full 17 weeks.

## Extended Parental Leave/Unpaid Leave of Absence

- The dates for ending extended parental leaves or unpaid Leave of Absence may only be changed by mutual consent. Please note that if such a leave is rescinded

early, a teacher will be placed in a school where a suitable vacancy exists for the remainder of that school year.

## **Sick Leave**

- Upon return from pregnancy/parental leave, teachers are entitled to 11 sick days at 100% and 120 sick days at 90% for the remainder of that school year.

### **Use of Sick Leave after Leave Ends**

- If you are unable to return to work at the end of your leave, due to illness, you can access your sick leave credits without returning to work. Please contact your Executive Officer for assistance.

## **Employee Assistance Program (EAP)**

The Employee Assistance Program is a benefit paid for by the Board and to which all teachers are entitled. This is a voluntary, confidential counselling and information service. You may reach **EAP** by phoning **1-800-268 5211**. EAP has information packages available on a whole range of issues related to pregnancy/parental rights and child development. It also offers family and financial counselling.

### **Posaction (Counselling Services)**

This is a benefit paid through the LTDI premiums. They offer voluntary, confidential counselling and information. You can reach Posaction at [1800-668-0193](tel:1800-668-0193) (you will need your Teachers Life #, which you can get from recent correspondence with them or can call them at [416-620-1140](tel:416-620-1140) to get it).

## ∞ Section VI – Resources ∞

### FAQ for Contract Teachers

#### **When can I begin my leave?**

You can begin a pregnancy leave any time up to 17 weeks before your due date, however, the paid, EI benefit does not begin until 8 weeks before your due date. Your leave must begin no later than either your due date or the day the child is born, whichever comes first.

#### **Can I use sick leave before my leave?**

If you have a medical reason for being unable to work before your due date, you may use your sick leave. If you will be absent for more than 5 consecutive days, you will need to supply a doctor's note.

#### **When do I give my notice?**

You must give a minimum of 4 weeks' notice to the board before your expected leave begins. If your baby arrives earlier than expected, the dates will be adjusted as required.

#### **What if my baby is early?**

Your pregnancy leave begins when the baby is born. If your baby is born before the date stated on your Record of Employment (ROE), you will need to call the board to request a new ROE be issued.

#### **What if my baby is late?**

Your pregnancy leave will commence on the start date indicated on your leave of absence form. If your baby is late, your leave begins and ends with the dates on your original form that you submitted. You may change the date of your leave request with 4 weeks' notice.

#### **What if something happens to the baby?**

In the event that you experience a miscarriage or stillbirth, you are entitled to benefits under the following circumstances:

- a) If the stillbirth/miscarriage occurs earlier than 19 weeks, you may access sick days and/or EI sick leave benefits.
- b) If the stillbirth/miscarriage occurs after the 19<sup>th</sup> week of pregnancy you qualify for the 17 weeks of pregnancy leave.

If medical circumstances render you unable to return to work, please contact your Executive Officer at OSSTF Toronto.

## **FAQ for Occasional Teachers/Long Term Occasionals**

### **As an Occasional teacher who only does daily assignments, do I have access to the Supplemental Employee Benefit Plan / maternity top up?**

No. In order to access the SEB / top up you must be in an LTO at the time you take maternity leave.

### **How is the SEB benefit calculated?**

The SEB benefit pays the difference between your maternity EI benefit and your average weekly salary. SEB payments are payable during the period of the LTO assignment. If a member goes off on maternity leave with only 2 weeks remaining in their LTO, then they would only receive 2 weeks of SEB. You must first apply for EI in order to apply for the SEB.

If your weekly salary was \$1000 and EI pays your \$537 / week, you would receive an SEB benefit of \$363 for a maximum of 8 weeks. After that, you would only receive the \$537 from EI for the remainder of your leave. If you are not eligible for EI, the SEB will pay 100% of your salary. You must still apply to EI and have proof of denial of EI benefits.

### **How do I apply?**

Once you have applied for EI, send your EI pay stubs showing the amount they are paying you along with the application form to the TDSB contact listed on the form. Even if you believe you are not eligible for EI, you must apply then include a copy of the EI denial with your SEB application. The application form is available on the TDSB website. You apply for EI online through Service Canada.

### **Do I still have to do the online renewal process while on leave?**

Yes. If you plan to return to work during following school year, you must renew in June. For example, you start maternity leave April 2017. If your plan is to return to work in April 2018, you must complete the renewal process in June of 2017. You are responsible for your OCT fees while on leave.

### **Do I lose seniority while on leave? Can I apply for the LTO list while on leave?**

You do not lose seniority while on maternity leave. You will maintain your position on the seniority list. You may interview to be placed on the LTO list while on leave.

### **Can I buy back my pension for the time I am on Maternity leave?**

Unfortunately, pension buyback is not allowed for OT's at this time.

### **I am a member of the OTBU and have a question not answered here?**

Contact the OTBU at 416-423-3600

## Pregnancy/Parental/Adoption Leave Checklist

### Before/While Expecting

- Sign up for OSSTF Toronto Pregnancy, Parental and Adoption leave workshop
- See your doctor or midwife (if pregnant). Obtain documentation that states your due date.
- See your adoption agency (if you are adopting). Get documentation on when your child will be released into your care.
- Complete the Leave of Absence application form to notify the board of your pregnancy/parental/adoption leave. Attach the proper documentation.
- Return the paperwork that the board has sent you since they received your Leave notice.
- Make arrangements with the board regarding the continuation of your LTDI premium payments.
- Begin your application for EI Benefits. You can do this online at Service Canada, at [www.servicecanada.gc.ca](http://www.servicecanada.gc.ca)
- Make a decision regarding the continuation of your pension contributions.

### After Your Child Has Arrived

- Call the board to report your actual delivery date if the baby arrives before your original leave date.
- Submit your Record of Employment (ROE) to Service Canada and complete your application for EI Benefits within 4 weeks of the birth of your child.
- Notify the Benefits department of the board of your new dependent within 31 days of the baby's arrival. Remember to add the baby to each parent's plan.
- Submit the receipt from your first EI payment to Payroll to receive your Supplemental Employee Benefit.
- Arrange with the College of Teachers to pay your annual fee during the time you are on leave.
- Ensure you have arranged to pay for Pension contributions
- Plan ahead if you want to take an extended leave.
- Enjoy time with your new child 😊

**\*\*\*keep copies of all paperwork\*\*\***

## PREGNANCY, PARENTAL AND EXTENDED PARENTAL LEAVE AT A GLANCE

