



OSSTF Toronto's
Pregnancy, Parental,
Adoption, and Surrogacy Leave
Guide
(PPASL)

Revised May 2022

Introduction

Federal and Provincial legislation, the terms of our respective Collective Agreements (OTBU, PPSP, TBU) 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 Staffing Officers 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 all documents submitted to the TDSB, including proof of the date submitted. Every effort should be made to obtain written confirmation when communicating with the TDSB and other organizations.

The information provided in this document is subject to errors, omissions and change.

Service Canada is the authority on statutory leaves and benefits.

Note to OTBU and PSSP members

OSSTF Toronto members are advised that the **Collective Agreement clauses referred to in this Guide are for TBU members** (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 Secondary Teaching Staffing Officers:

Sandi Tierney (Learning Centres 2 & 3)	Sandi.Tierney@tdsb.on.ca	416-397 3251
Nadia D'Ambrosio (Learning Centres 1 & 4)	Nadia.D'Ambrosio@tdsb.on.ca	416-397 3255
Service Canada	www.servicecanada.ca	1-800-622 6232
Ontario Teachers' Pension Plan	www.otpp.on.ca	416-226 2700
Ontario Teachers' Insurance Plan (OTIP)	www.otip.com	1-866-783-6847
Ontario College of Teachers	www.oct.on.ca	416-961 8822
Teachers' Life (LTDI)	www.teacherslife.com	416-620 1140
OSSTF Toronto (TTBU)	www.osstftoronto.ca	416-393 8900

Section I - Before You Begin Your Leave

Before You Leave the School

- Get organized to turn over to the education worker who will replace you.
 - This might include having assignments evaluated, emergency lesson plans, marks up-to-date or files and records up to date and in order.
- Remove your personal belongings and store them at home or another safe location.
- Be prepared to leave work earlier than expected if the baby arrives early.
- You may wish to set up your TDSB email with an auto reply to indicate you are away

TDSB Leave Information

1. Pregnancy Leave (Statutory Leave)

- In order to qualify for a Pregnancy Leave you must have at least 13 weeks employment with the TDSB before the expected date of birth.
- Applications for Pregnancy Leave must be made in writing to the TDSB using the [Leave of Absence Request form](#) (complete section C - PREGNANCY). The request must include:
 - o The date your leave will begin
 - o The date your leave will end (up to 17 weeks)
 - o A doctor's certificate stating the expected date of delivery.
- A pregnant member is required to give two weeks' notice in advance of the Pregnancy Leave.
- The start of Pregnancy Leave may be changed if you provide at least two weeks' notice, two weeks prior to the date the leave, as per the *Employment Standards Act*.
- If a baby arrives earlier than the planned start date of the leave, the pregnant member has two weeks to inform the TDSB of the birth and the leave will commence on the date of birth.
- A member should not be pressured to apply for leaves any sooner than is required.
- A pregnant member is entitled to up to 17 weeks pregnancy leave, to begin no earlier than 17 weeks before the expected birth date, as per the [Employment Standards Act](#)
- A pregnant member 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.

Sick Leave

- With medical documentation, 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.
- 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.

2. Parental Leave (Statutory Leave)

- Applications for Parental Leave must be made in writing to the TDSB by using the [Leave of Absence Request form](#) (complete section C - PARENTAL).
- Proof of baby's birth date, or statement from an adoption agency, is required for the non-birth parent to receive EI benefits.
- Application for Parental Leave must be submitted to the employer no later than two weeks before the leave is to begin.
- The pregnant member must begin Parental Leave immediately after Pregnancy Leave unless the baby has not come into their care by the time the Pregnancy Leave ends (e.g. baby has been hospitalized since birth).
- Individuals covered by the definition of parent under ESA legislation, are entitled to up to 35 or 61 weeks of Parental Leave.
- For parents, other than the pregnant member, the leave must begin no later than 78 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.

Modifying TDSB Statutory Leaves (up to 77 weeks)

Returning from Pregnancy/Parental Leave Early

- The *Employment Standards Act* requires a teacher to advise the TDSB in writing with **four weeks' notice** that they intend to **return to work early** 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.
- If you elect to return from your Pregnancy/Parental Leave early please consult with Service Canada to understand how this will affect your EI payments

Returning from Pregnancy/Parental Leave Early

- Similarly, you may return **later than originally specified from Pregnancy/Parental Leave 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. (17 weeks Pregnancy Leave and up to 61 weeks Parental Leave)
- If you elect to extend your Pregnancy/Parental Leave with the TDSB it is unlikely you will be entitled to additional EI benefits. Contact Service Canada to understand your entitlements

Service Canada Benefit Application Information

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 is called the qualifying period.
- Please note that leaves of absence may affect eligibility for EI benefits.
- Effective January 1, 2022 the maximum weekly benefit is \$638.

Applying for EI benefits

- Complete and submit your application for Employment Insurance benefits to Service Canada immediately after the child is born 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 TDSB. The TDSB sends this electronically to Service Canada shortly after your due date or when the baby is born, whichever happens first.
- You may risk losing benefits if you delay your application beyond four weeks. However, emergency situations are taken into consideration.
- If baby arrives earlier than the estimated due date you must notify the TDSB.

Maternity Benefits

- A pregnant member may begin the pregnancy leave 17 weeks prior to delivery; however, under federal Employment Insurance legislation, they are not eligible for EI Maternity Benefits until 12 weeks before the birth.
- EI Maternity Benefits will also not be paid later than 17 weeks after birth.
- Under legislation, only the member who is away from work because they're pregnant or have recently given birth is eligible for Pregnancy Leave and Maternity EI Benefits.

Standard vs Extended EI Benefits

- When applying for EI benefits (payments) with Service Canada, the parent will have to select either Standard or Extended Benefits
- Both parents can apply for EI Parental Benefits, but they have to share them. Furthermore, both parents are required to choose the same parental benefit option, either Standard or Extended. The option chosen by the first claimant who completes the EI application will be considered as the option chosen by the second claimant. **The choice is final once parental benefits have been paid on a claim. This cannot be changed from Standard to Extended once Parental Benefits have been paid.**

Both Pregnancy and Parental Leaves are Statutory Leaves under this Act. As such, members may opt to extend the length of their Parental Leaves by giving four weeks' notice to the TDSB from 35 up to 61 weeks.

Note that this is for leave time from the TDSB only, not receipt of EI benefits. As this is a Statutory Leave, you are responsible for the member's share of your benefits premiums.

The paperwork you submit to the TDSB regarding the length of your leave is separate from your application to the Government of Canada for EI benefits. For example, you can opt to receive EI benefits for 12 months but choose to be on Parental Leave from the TDSB for up to 18 months.

(Subject to change as per Service Canada)

Benefit overview				
Benefit name	Maximum weeks	Benefit rate	Weekly max	Benefit name
Maternity (for the person giving birth)	up to 15 weeks	55%	up to \$638	Maternity (for the person giving birth)
Maternity benefits can be followed by parental benefits. You can apply for both at once.				
Benefit name	Maximum weeks	Benefit rate	Weekly max	Benefit name
Standard parental	up to 40 weeks, but one parent cannot receive more than 35 weeks of standard benefits	55%	up to \$638	Standard parental
Extended parental	up to 69 weeks, but one parent cannot receive more than 61 weeks of extended benefits	33%	up to \$383	Extended parental

Examples:

Maternity plus standard parental benefits

- Miriam is taking time off work to recover from childbirth. She is sharing parental benefits with her partner to care for their newborn. She takes the maximum:

15 weeks of maternity
+35 weeks of standard parental
=50 weeks total for Miriam

- Her partner can apply for up to 5 weeks of standard parental benefits to care for the baby.
- If Miriam chooses to take fewer weeks of parental benefits, her partner can apply for more.

Maternity plus extended parental benefits

- Inez is taking time off work to recover from childbirth. They are sharing extended parental benefits with their partner to care for their newborn. They takes the maximum

15 weeks of maternity
+61 weeks of extended parental
=76 weeks total for Inez

- Their partner can apply for up to 8 weeks of extended parental benefits to care for the baby
- If Inez chooses to take fewer weeks of parental benefits, their partner can apply for more.

Note:

This change will not have an impact on the TDSB form – this is a Service Canada change to increase the amount of shared parental leave. As such, the TDSB Leave of Absence form is still able to be used as no one parent may elect to take more than 61 weeks.

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 person 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 their own, can take a Parental Leave. They are entitled to all the protections provided under the legislation.

Surrogacy

If you have taken the role of a surrogate, you are eligible for the Pregnancy Leave and benefits, including the maternity SEB top-up, as outlined above.

For parents who are working with a surrogate, the Parental Leave options are available to you, as outlined above, similar to the process of adoption.

Additional Unpaid TDSB Leave of Absence (Non-Statutory Leaves)

TDSB Expanded Parental Leave

- Applications for Expanded Parental Leave must be made in writing to the TDSB using the [Leave of Absence Request form](#) (complete section C – EXPANDED PARENTAL).
- Applications must be made at least **30 days** before the Expanded Parental Leave is to begin.
- ***If plans change and the teacher wishes to return early from a TDSB Expanded Parental Leave, the teacher may be placed in a vacancy at another school, as per the Leave Rescind provisions of the TBU Secondary Staffing Manual. A vacancy for which the member is qualified must be available for the teacher to return to.***
- The provisions for taking Expanded Parental Leave and Unpaid Leaves of Absence are established by the Collective Agreement and through TDSB policies.
- Under our TBU Collective Agreement, a teacher eligible for Parental Leave may apply for up to one year of Expanded Parental Leave.
- Normally, Expanded Parental Leaves will begin immediately after the end of that teacher's Parental Leave which may mean you will not be granted a full calendar year of Expanded Parental Leave in addition to your Pregnancy/Parental leave.

Additional Unpaid Leave of Absence

- Applications for an Unpaid Leave of Absence must be made in writing to the TDSB using the [Leave of Absence Request form](#) (complete section A).
- The terms of unpaid Leaves of Absence are outlined in the Collective Agreement and the Secondary Staffing Manual, and are available to all members. Please note the application deadlines for these leaves.
- Unpaid Leave of Absence must be applied for on an annual basis but normally cannot exceed two years in total. These two years are in addition to the statutory Pregnancy/Parental leaves. ***Please note that TDSB protocol that an TDSB Expanded 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

that an unpaid leave of absence does not have to be taken immediately after Parental Leave ends.

🌀 Section II – While on Leave 🌀

Benefits

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 TDSB and OTIP after you return and arrange to be reinstated.

Note: TDSB does not do this automatically and there can be serious ramifications if you do not have your benefits reinstated.

Healthcare and Dental Benefits

- The employer will continue to pay its share of the benefits package during Pregnancy and Parental Leave **up to 18 months. Members will continue to pay their share of the premium during the statutory Pregnancy or Parental leave.** See the table below for premium costs.
- During TDSB Expanded Parental Leave or Unpaid Leave of Absence, 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 a teacher does not maintain Dental Plan coverage there are 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.

Monthly Member Benefits Premium		1.0 FTE	0.5 FTE	TDSB Expanded or Unpaid Leave
Health (including life insurance)	Single	\$7.61	\$67.24	\$134.48
	Family	\$19.03	\$168.10	\$336.20
Dental	Single	\$4.01	\$35.39	\$70.72
	Family	\$10.02	\$88.48	\$176.96

We strongly recommend that you seek advice from OSSTF prior to making a decision regarding maintaining 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, they 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

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

Life Insurance

The TDSB will pay the employer's share during Pregnancy/Parental Leave, but not during TDSB Expanded Parental leave.

We strongly advise you not to cancel your Life Insurance.

Supplemental Employment Benefit (SEB)– Maternity Benefits

Maternity Benefits

- As of May 1, 2013, all pregnant members 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 TDSB is required to top up the difference between EI and the members' regular salary. If the member is not eligible for EI, the TDSB is responsible for 8 weeks' salary at 100%.
- You cannot apply for SEB from the TDSB until you are in receipt of EI Benefits in order for the TDSB to calculate the amount of your top up and the length of your waiting period. The TDSB will require proof of this information.
- The SEB form can be found on the TDSB website under Employee Services – Forms – Secondary Teaching – SEB Plan Application Form.

Supplemental Employment Benefit –Adoption and Parental Leaves

Supplemental Employment Benefit

- A teacher who has been granted Parental Leave and who has applied for, and is in receipt of, EI parental leave benefits can apply for Supplemental Employment Benefit.
 - You cannot apply for SEB from the TDSB until you are in receipt of EI Benefits in order for the TDSB to calculate the amount of your top up
 - The SEB form can be found on the TDSB website under Employee Services – Forms – Secondary Teaching – SEB Plan Application Form
- For up to 15 weeks following the waiting period, the benefit level paid under this plan shall be \$75.00 per week providing the teacher remains in receipt of E.I. Benefits.

Pension Contributions

The rules concerning teachers' pensions have important retirement implications for members taking leave from the TDSB. It is the teacher's responsibility to secure information directly from the Ontario Teachers' Pension Plan regarding obtaining credit for pension experience and how to make payments when on leave for any reason. OTPP determines the cost of buying back pension credits. Please contact them directly regarding your personal situation.

Professional Associations

Members are reminded that they are responsible for the payment of their professional association (i.e. Ontario College of Teachers, Ontario College of Psychologists, etc.) fee while not receiving salary from the TDSB. Contact the organization 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 a TDSB Expanded 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 their worksite assigned prior to their leave, subject to TDSB Staffing Rules and Procedures

Sick Leave and Miscellaneous 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 unless they worked prior to their leave in the same school year. In this case a teacher will return to their existing sick bank
- 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.
- Collective Agreements may provide for use of miscellaneous leave at the time of birth for the non-birth parent and for care of a member's partner and/or child after the birth.

🐼 Section III – Resources 🐼

Additional Resources

Lifeworks (formally Posaction)

This is a complimentary benefit entitlement paid through the LTDI premiums. They offer voluntary, confidential counseling and information, 24 hours a day and 7 days a week. You can reach [Lifeworks](#) at **1 800-668-0193**. You will need your Teachers Life #, which you can get from recent correspondence with them or can get it by calling Teachers Life at 416-620-1140.

Employee and Family Assistance Program

The Employee and Family Assistance Program is a benefit paid for by the TDSB and to which all teachers are entitled. You may reach **EFAP** by <https://www.tdsb.on.ca/In-Person-Learning/Resources-During-Covid-19/Staff-Resources> EFAP provides immediate and confidential assistance for any work, health or life concern. It also offers counselling.

Feeling Better Now

This award-winning tool allows you to explore mental health and customized solutions. Sign in at www.feelingbetternow.com/otip and you'll be on your way to receiving your personalized action plan to improve your mental health

CAREPath

This Cancer Assistance Program is available through OTIP to provide answers, guidance and support. Contact otip.carepath.ca or call 1-800-290-5106 or email info@carepath.ca to be connected to a personal oncology nurse.

Provincial OSSTF

Provincial OSSTF also provides a *Guide to Pregnancy and Parental Leaves*. Log in to www.osstf.on.ca -> login -> myOSSTF -> Services -> All Members -> Guide to Pregnancy and Parental Leaves

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>

Federal Employment Insurance Legislation

Check website for updated information on Maternity, Parental and Sickness benefits at <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html>

Pregnancy/Parental/Adoption Leave Checklist

Before/While Expecting

- Sign up for OSSTF Toronto Pregnancy, Parental, Adoption and Surrogacy leave workshop
- See your doctor or midwife (if pregnant). Obtain documentation that states your estimated 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 TDSB of your Pregnancy/Parental/Adoption Leave. Attach the proper documentation.
- Return the paperwork that the TDSB has sent you since they received your Leave notice.
- Make arrangements regarding the continuation of your LTDI and OSSTF Benefits Trust premium payments.
- Begin your application for EI Benefits. You can do this online at Service Canada, at www.servicecanada.gc.ca

After Your Child Has Arrived

- Contact your Staffing Officer to report your actual delivery date if the baby arrives before your original leave date.
- Confirm with your Staffing Officer that your Record of Employment (ROE) has been sent to Service Canada.
- Complete your application for EI Benefits within 4 weeks of the birth of your child.
- Notify the benefits plan 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 along with your SEB application to payroll to receive your Supplemental Employee Benefit.
- Arrange with your professional association 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 a TDSB Expanded Leave.
- Enjoy time with your new child!

*****Keep copies of all paperwork*****

PREGNANCY, PARENTAL AND EXPANDED PARENTAL LEAVE AT A GLANCE

