



# Pregnancy, Parental & Adoption Leave Guide for NSTU Members

*Information from the Nova Scotia Teachers Union*



# Contents

|                                                                          |           |
|--------------------------------------------------------------------------|-----------|
| <b>Introduction</b>                                                      | <b>3</b>  |
| <b>Contact Information</b>                                               | <b>3</b>  |
| <b>Applying for Pregnancy, Parental, and Adoption Leave and Benefits</b> | <b>4</b>  |
| Leave from the Employer                                                  | 4         |
| Employment Insurance (EI) Benefits                                       | 4         |
| <b>Types of Leave</b>                                                    | <b>5</b>  |
| Pregnancy Leave                                                          | 5         |
| Parental/Adoption Leave                                                  | 5         |
| <b>Employment Insurance (EI) Benefits</b>                                | <b>5</b>  |
| Maternity Benefits                                                       | 5         |
| Parental Benefits                                                        | 6         |
| Rate of Benefits                                                         | 6         |
| Eligibility                                                              | 6         |
| <b>Allowance</b>                                                         | <b>7</b>  |
| <b>Deferral of Allowance</b>                                             | <b>8</b>  |
| <b>Pregnancy Related Illness</b>                                         | <b>8</b>  |
| <b>NSTU Group Insurance</b>                                              | <b>9</b>  |
| <b>Teachers' Pension Plan</b>                                            | <b>10</b> |
| <b>Members Participating in a Deferred Salary Leave Plan</b>             | <b>11</b> |
| <b>Term Recall and Parental Leave (Public School)</b>                    | <b>12</b> |



# Introduction

This guide has been prepared to assist you with the many questions you may have as you prepare for the birth or adoption of a child.

Although care has been taken to include as much information as is possible, individual situations may arise which are not covered by this guide.

Any members having questions regarding any provisions of pregnancy, parental, or adoption leave are asked to contact the Nova Scotia Teachers Union at 1-800-565-6788 or (902) 477-5621.

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## Contact Information

### **Nova Scotia Teachers Union**

(902) 477-5621

1-800-565-6788

maternity@nstu.ca

www.nstu.ca

### **belairdirect Insurance**

1-800-453-9543

### **Nova Scotia Pension Services Corporation**

(902) 424-5070

1-800-774-5070

pensionsinfo@nspension.ca

www.novascotiapension.ca

### **Service Canada**

1-800-206-7218

www.servicecanada.gc.ca

# Applying for Pregnancy, Parental, and Adoption Leave and Benefits

## Leave from the Employer

Members must apply to their employer for Leave by using the Teacher Pregnancy Leave, Parental Leave and Adoption Leave Application found on the NSTU web site under NSTU Members, Leaves, Pregnancy/Parental/Adoption.

Pregnancy leave must be requested no later than the 5th month of pregnancy.

Parental leave must be requested no later than 6 weeks prior to the start of the parental leave unless the allowance needs to be deferred over the summer (please refer to the section on deferral of allowance). Adoption leave must be requested upon receipt of notice of the date of adoption.

Adoption leave commences either when the child comes into the full care of the member or upon 6 weeks' notice to the Employer.

It is important to note that the length of parental/adoption leave asked for cannot normally be changed after it has been approved. In exceptional circumstances, the teacher can request to return early upon 1 month's notice. The Employer is only obligated to attempt to allow the teacher to return. Teachers wishing to return early are encouraged to contact the NSTU for advice.

## Employment Insurance (EI) Benefits

Members must also apply for EI Maternity and/or Parental Benefits through Service Canada. EI cannot be applied for prior to the start of the benefit period as the member must know the last day worked. EI is applied for online through the Service Canada web site.

# Types of Leave

Pregnancy leave is available for birth mothers only. Parental/adoption leave is available for either parent.

By contract, members are entitled to up to 17 weeks of pregnancy leave and/or up to 61 weeks of parental/adoption leave. If both parents are teachers the maximum parental/adoption leave is increased to 69 weeks.

For term teachers, leave cannot extend past the end of the term contract.

## Pregnancy Leave

By contract, pregnancy leave can start up to 11 weeks prior to the expected due date.

## Parental/Adoption Leave

By contract, parental/adoption leave may be taken at any point during the first 78 weeks after the child arrives home, or, in the event of an adoption, the date of adoption.

# Employment Insurance (EI) Benefits

## Maternity Benefits

EI provides a maximum of 15 weeks of maternity leave benefits to natural mothers. These 15 weeks may be claimed within the period beginning 12 weeks before the expected date of birth and ending as late as 17 weeks after the actual date of birth. A 1 week waiting period must be served prior to receiving EI benefits.

Members should apply no later than the week following the start of the leave in order to receive the full 15 weeks of benefits. Maternity benefits can be suspended while a child is hospitalized. In these cases the benefit period can be extended by the number of weeks your child is in the hospital up to 52 weeks after the date of birth.

## Parental Benefits

EI provides a maximum of 35 weeks of standard parental benefits or 61 weeks of extended parental benefits and is available to both natural and adoptive parents. These benefits can be claimed by one parent or split between the two, and only one parent has to serve a waiting period. If both parents, claim parental benefits an additional 5 weeks (standard benefits) or 8 weeks (extended benefits) is available. In the case of natural parents, if a waiting period has been served for maternity benefits, then no waiting period has to be served for parental benefits.

Parental benefits are only available during the 52 weeks (standard benefits) or 78 weeks (extended benefits) after the child is born or, in the case of adoptive parents, during the 52 weeks (standard benefits) or 78 weeks (extended benefits) after the child is placed with them for the purpose of adoption.

## Rate of Benefits

The rate of benefits is set at 55% of your average insured earnings up to a maximum set annually. Part-time term teachers and substitute teachers should note that an insurable week is one in which you work and receive at least one (1) hour of pay. You may be entitled to a family supplement, if your family income is less than approximately \$30,000.00 and you or your spouse receives the Child Tax Benefit. Contact Service Canada for further information related to the EI Family Supplement.

## Eligibility

The member must have worked at least 600 insurable hours in the 52 weeks prior to the start of the claim or since the end of the last EI claim. Employers report that each teaching day is 8 hours so a full time teacher requires 75 school days to achieve the 600 hours.



# Allowance

Pregnancy and parental allowance (top-up) are provided under a Supplementary Employment Benefit (SEB) Plan to Employment Insurance. As allowance is a supplement to EI, a teacher must qualify for EI to receive the allowance.

## *Waiting period allowance:*

Seventy-five percent (75%) of weekly salary.

## *Pregnancy allowance:*

The difference between ninety-three percent (93%) of weekly salary and the weekly EI benefit.

## *Parental allowance:*

The difference between ninety-three percent (93%) of weekly salary and the weekly EI benefit.

Members on pregnancy leave are entitled to:

- Waiting period allowance for 1 week if the member is serving a waiting period;
- If the waiting period is served, an additional week of pregnancy allowance;
- Pregnancy allowance for up to 5 weeks;
- Parental allowance for up to 10 weeks;

Members on parental/adoption leave only are entitled to:

- Waiting period allowance for 1 week if the member is serving a waiting period;
- If the waiting period is served, an additional week of parental allowance;
- Parental allowance for up to 10 weeks;

If both parents are teachers, then only one parent may receive allowance.

Employers will assume that members are receiving the maximum EI weekly benefit. Members who are not eligible for the maximum EI weekly benefit should provide the Employer with documentation showing their actual EI weekly benefit so that the allowance can be calculated correctly.

## Deferral of Allowance

Members who would normally receive allowance during the summer may defer that allowance to the school year.

To be eligible to defer allowance, a birth mother must request both pregnancy leave and parental leave at the same time no later than the 5th month of pregnancy. The birth mother must decide how much parental leave she wishes to have at this point as the Employer will not normally consider requests to change the length of leave after it has been applied for. In exceptional circumstances, the teacher will be allowed to return to work at the end of the pregnancy leave if notice is received 6 weeks prior to the end of the pregnancy leave.

A non-birth parent who would receive allowance over the summer would similarly have their allowance deferred provided that the leave period extends into the fall.

Please note that when the allowance is deferred, the teacher will not receive any pay from the Employer in the month of August.

Teachers applying for pregnancy leave with a due date of March 1st to September 15th and teachers applying for parental leave with allowance beginning from April 1st to June 30th are encouraged to contact the NSTU for advice regarding deferral of allowance.

## Pregnancy Related Illness

If prior to the commencement of pregnancy leave, a member becomes ill due to pregnancy, she is entitled to use any sick leave credited to the member. The member should provide a doctor's note supporting the absence to the employer.

# NSTU Group Insurance

NSTU Total Care Medical benefits are 100% paid by the employer and will continue throughout the pregnancy, parental, or adoption leave.

Other benefits (Total Care Dental, Long Term Disability, and Voluntary Coverage) will continue while the member is receiving allowance. Once the member stops receiving allowance, arrangements must be made with Johnson Insurance to pay the member's portion of the premiums:

- Total Care Dental – 35% paid by the member
- Long Term Disability – 50% paid by the member
- Voluntary Coverage – 100% paid by the member

Members should contact Johnson Insurance approximately six (6) weeks prior to the start of parental leave to ensure that coverage continues.

Members should also contact Johnson Insurance upon the birth of a baby(ies) or adoption of a child(ren) to update their insurance with coverage for the child(ren).

# Teachers' Pension Plan

Any time spent on pregnancy, parental, or adoption leave when the member is receiving pregnancy or parental allowance from the Employer is pensionable service. Employers will automatically deduct the appropriate pension contributions from the pregnancy or parental allowance paid by the Employer. Pension contributions are made on the full rate of salary as if the member was not on leave.

Pension plan regulations allow a member to purchase parental or adoption leave when the member is not receiving parental allowance from the Employer. To purchase the service, the member must have been on an approved leave from their employer for the time the member is seeking to purchase. A maximum of 175 days can be purchased for any one parental leave. For teachers who choose the 61 week parental leave, the remaining parental leave can be purchased as an unpaid leave.

Pension plan regulations allow members two options for purchasing parental or adoption leave:

1. Within 12 months of the end of the leave, the member may purchase the leave by paying double the contributions that the member would have made while on leave plus interest.
2. After 12 months following the leave, the member must pay the full actuarial cost of the pensionable service for the full period of the leave.

Members should contact the Nova Scotia Pension Services Corporation to obtain quotes for the cost of this purchase.

The purchase may be an income tax deduction for the member as the time being purchased is time that the person was not contributing to their pension plan. This is a complex area of the Income Tax Act so members are advised to contact the Canada Revenue Agency to inquire about tax deductibility.

# Members Participating in a Deferred Salary Leave Plan

Members who are participating in a deferred salary leave plan have some special considerations when considering pregnancy, parental, or adoption leave.

The period of deferred salary leave is not a period of insurable earnings for EI benefits. To qualify for pregnancy, parental, or adoption benefits from EI, the member must have a minimum of 600 hours of insurable earnings in the 52 weeks immediately preceding the EI claim. This means that a member must return to work for a minimum of 600 hours after a full year deferred salary leave before being eligible for EI pregnancy, parental, or adoption benefits.

Members on full year deferred salary leave who may become pregnant may wish to open an EI claim during the Christmas break of the deferred leave. This would allow the member to be eligible for EI benefits during the August 1 to Christmas break period of the school year after the deferred leave. It is important to note that the member's eligibility for EI benefits would end 52 weeks after the claim was opened and would not be restored until the member has worked 600 hours in the school year following the deferral.

Members who work for another employer during the period of deferred salary leave would accumulate insurable hours and would be eligible for EI benefits provided they have worked 600 hours in the 52 weeks immediately prior to the claim.

Members who take pregnancy, parental, or adoption leave while in the contribution phase of a deferred salary leave plan must ensure that a minimum of 5% of their annual salary is deferred each school year from the salary and allowance received. An amendment to the Deferred Salary Leave Plan Contract may be required to ensure that this minimum amount is met. In some circumstances, it may not be possible to defer the minimum 5% and the member will have to withdraw from the Deferred Salary Leave Plan. Members who are enrolled in a Deferred Salary Leave Plan or on Deferred Salary Leave who become pregnant are **strongly** encouraged to contact the NSTU for discuss their specific situation.

# Term Recall and Parental Leave (Public School)

Use of unpaid parental leave by a term teacher may have an effect on term recall rights.

Where an RCE or the CSAP has granted parental leave to a term contract teacher that has obtained a term contract for the minimum number of days required in the term teacher's Local Agreement for the consecutiveness to be recognized in a school year:

1. The parental leave shall not constitute a break in service;
2. Service that has been accrued for days taught during the school year as part of the term contract shall be maintained during the parental leave;
3. Time spent on parental leave while receiving a parental allowance shall be deemed to be accrued for the purposes of term recall. For greater clarity, a term teacher shall not accrue service beyond the end of the term or the parental allowance, whichever is earlier.





**Nova Scotia Teachers Union**  
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