



Pregnancy, Parental & Adoption Leave Guide for NSTU Members

2018

Information from the Nova Scotia Teachers Union

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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.

Contact Information

Nova Scotia Teachers Union

(902) 477-5621

1-800-565-6788

maternity@nstu.ca

www.nstu.ca

Johnson 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

Changes to Employment Insurance Benefits

The Federal Government has made or announced a number of changes to the Employment Insurance system for pregnancy, parental, and adoption leave:

- Waiting period for EI Benefits reduced to 1 week
 - Teachers in Nova Scotia will continue to receive 2 weeks of allowance for the waiting period until December 31st, 2019 or the Teachers' Provincial Agreement is amended.
- Expansion of Parental Leave from 35 weeks to 61 weeks
 - Teachers in Nova Scotia do not have a right to parental leave of more than 35 weeks by contract at this time.
 - It is important to note that if the expanded parental leave benefit of 61 weeks is chosen, the recipient only receives a maximum of \$328/week as opposed to \$547/week if the normal 35 week benefit is chosen.
 - Members wishing to take more than 35 weeks of parental leave must request an unpaid leave of absence under their Regional Collective Agreement or the APSEA Agreement for the remaining 26 weeks. As this would be an unpaid leave of absence, the member would be responsible for all medical benefits during this portion of leave.
- Announced an additional “use it or lose it” parental sharing benefit of 5 weeks (or 8 weeks if the extended parental leave benefit is elected) for non-birth parents.
 - Details have not been finalized as of yet.

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 fifth (5th) month of pregnancy.

Parental leave must be requested no later than six (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 six (6) weeks notice to the Employer.

It is important to note that the length of parental/adoption leave for cannot normally be changed after it has been approved. In exceptional circumstances, the teacher can request to return early upon one (1) months 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 35 weeks of parental/adoption leave. For term teachers, leave cannot extend past the end of the term contract.

Pregnancy Leave

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

Parental/Adoption Leave

By contract, parental leave may be taken at any point during the first year 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 fifteen (15) weeks of maternity leave benefits to natural mothers. These fifteen (15) weeks may be claimed within the period beginning twelve (12) weeks before the expected date of birth and ending as late as seventeen (17) weeks after the actual date of birth. A one (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 fifteen (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 fifty-two (52) weeks after the date of birth.

Parental Benefits

EI provides a maximum of thirty-five (35) weeks of 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. 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 fifty-two (52) weeks after the child is born or, in the case of adoptive parents, during the fifty-two (52) weeks 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. For 2018, the maximum benefit is \$547.00 per week. You may be entitled to a family supplement, if your family income is less than \$25,921.00 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 six hundred (600) insurable hours in the fifty-two (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 eight (8) hours so a full time teacher requires seventy five (75) school days to achieve the six hundred (600) hours.

Allowance

Pregnancy and parental allowance (top-up) are provided under a Supplementary Employment Benefit (SEB) Plan for 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 two (2) weeks if the member is serving a waiting period;
- Pregnancy allowance for up to five (5) weeks;
- Parental allowance for up to ten (10) weeks;

Members on parental/adoption leave only are entitled to:

- Waiting period allowance for two (2) weeks if the member is serving a waiting period;
- Parental allowance for up to ten (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 fifth (5th) month. 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 six (6) weeks prior to the end of the pregnancy leave.

A non-birth parent who would receive allowance over the summer would similarly have his/her 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 beginning in March to the middle of September and teachers applying for parental leave with allowance beginning in mid-April to the end of June 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 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 his/her employer for the time the member is seeking to purchase. A maximum of one hundred and seventy-five (175) days can be purchased for any one parental leave.

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

1. Within twelve (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 twelve (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 his/her pension plan. This is 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 six hundred (600) hours of insurable earnings in the fifty-two (52) weeks immediately preceding the EI claim. This means that a member must return to work for a minimum of six hundred (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 fifty-two (52) weeks after the claim was opened and would not be restored until the member has worked six hundred (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 six hundred (600) hours in the fifty-two (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 five percent (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 five percent (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 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.

The Teachers' Provincial Agreement contemplates three (3) situations:

- The teacher has already achieved a recall benefit (two (2) consecutive years of full-time term service or three hundred and ninety (390) days of aggregate service) prior to taking unpaid parental leave.
 - o The teacher maintains their term recall status for the following year provided he/she obtains a full-time full-year position to be on leave from.
- The teacher would have achieved two (2) consecutive years of full-time term service but for the unpaid parental leave.
 - o The teacher's service is not broken if the teacher obtains a 100% full-time term contract the year following the leave.
- The teacher would have achieved three hundred and ninety (390) days of aggregate term service but for the unpaid leave.
 - o The teacher's service is not broken if the teacher obtains a term contract the year following the leave. Please note that the contract must meet the minimum number of days required by the appropriate Regional Agreement.

Annapolis Valley RCE	No minimum
Cape Breton-Victoria RCE	40 days
Chignecto-Central RCE	No minimum
CSAP	No minimum
Halifax RCE	60 days until 390 reached then no minimum to retain
Strait RCE	60 days
South Shore RCE	No minimum
Tri-County RCE	No minimum

Term teachers are encouraged to contact the NSTU to discuss their specific situation.

Salary Calculations

Following are a number of examples of salary calculations for pregnancy and parental leave for public school and APSEA teachers. All examples are for illustrative purposes only and teachers should contact the Employer for personalized calculations.

Salary Calculation Full Year Pregnancy and Parental Leave (No Deferral of Allowance)			
	Example 1	Example 2	Example 3
Pregnancy Leave	Sep 3/18 – Dec 30/18	Oct 1/18 – Jan 27/19	Oct 29/18 – Feb 24/19
Parental Leave	Dec 31/18 – Sep 1/19	Jan 28/19 – Sep 29/19	Feb 25/19 – Oct 27/19
Regular Salary Received	Aug 1/18 – Sep 2/18	Aug 1/18 – Sep 30/18	Aug 1/18 – Oct 28/18
Allowance Received	Sep 3/18 – Dec 24/18 (16 weeks)	Oct 1/18 – Jan 27/19 (17 weeks)	Oct 29/18 – Feb 24/19 (17 weeks)
Salary Owing After Allowance if not for Unpaid Parental Leave	15.50 pays	13.00 pays	11.00 pays
Cost of Unpaid Parental Leave	118 days = 15.73 pays	101 days = 13.47 pays	82 days = 10.93 pays
Lump Sum Adjustment (Owing to the Employer)	(0.23 pays)	(0.47 pays)	0.07 pays
Unpaid Parental Leave	N/A	Aug 1/19 – Sep 29/19	Aug 1/19 – Oct 27/19
Cost of Unpaid Parental Leave	N/A	19 days = 2.53 pays	38 days = 5.07 pays
Salary Minus Cost of Unpaid Parental Leave	N/A	23.47 pays	20.93 pays
Salary After Unpaid Parental Leave	N/A	21.5 pays	19.5 pays
Lump Sum Adjustment	N/A	1.97 pays	1.43 pays
2018-2019			
2019-2020			

Salary Calculation

Full Year Pregnancy and Parental Leave (No Deferral of Allowance)

	Example 4	Example 5	Example 6
Pregnancy Leave	Nov 26/18 – Mar 24/19	Dec 31/18 – Apr 28/19	Feb 4/19 – Jun 2/19
Parental Leave	Mar 25/19 – Nov 24/19	Apr 29/19 – Dec 29/19	Jun 3/19 – Feb 2/20
Regular Salary Received	Aug 1/18 – Nov 25/18	Aug 1/18 – Dec 30/18	Aug 1/18 – Feb 3/19
Allowance Received	Nov 26/18 – Mar 24/19 (17 weeks)	Dec 31/18 – Apr 28/19 (17 weeks)	Feb 4/19 – Jun 2/19 (17 weeks)
Salary Owning After Allowance if not for Unpaid Parental Leave	9.00 pays	6.50 pays	4.00 pays
Cost of Unpaid Parental Leave	67 days = 8.93 pays	44 days = 5.87 pays	20 days = 2.67 pays
Lump Sum Adjustment (Owing to the Employer)	0.07 pays	0.63 pays	1.33 pays
Unpaid Parental Leave	Aug 1/19 – Nov 24/19	Aug 1/19 – Dec 29/19	Aug 1/19 – Feb 2/20
Cost of Unpaid Parental Leave	57 days = 7.60 pays	77 days = 10.27 pays	97 days = 12.93 pays
Salary Minus Cost of Unpaid Parental Leave	18.40 pays	15.73 pays	13.07 pays
Salary After Unpaid Parental Leave	17.5 pays	15.00 pays	12.5 pays
Lump Sum Adjustment	0.90 pays	0.73 pays	0.57 pays
	2018-2019		
			2019-20200

**Salary Calculation
Full Year Pregnancy and Parental Leave (Deferral of Allowance)**

	Example 1	Example 2	Example 3
	Mar 18/19 – Jul 14/19	Apr 15/19 – Aug 11/19	May 13/19 – Sep 8/19
Pregnancy Leave	Jul 15/19 – Mar 15/20	Aug 12/19 – Apr 12/20	Sep 9/19 – May 10/20
Parental Leave	Aug 1/18 – Mar 17/19	Aug 1/18 – Apr 14/19	Aug 1/18 – May 12/19
Regular Salary Received	Mar 18/19 – Jun 30/19 (15 weeks)	Apr 15/19 – Jun 30/19 (11 weeks)	May 13/19 – Jun 30/19 (7 weeks)
Allowance Received	2 pays	2 pays	2 pays
July Salary Owing	Sep 3/19 – Sep 16/19 (2 weeks)	Sep 3/19 – Oct 4/19 (6 weeks)	Sep 3/19 – Nov 11/19 (10 weeks)
Allowance Received	25 pays	23 pays	21 pays
Salary After Allowance if not for Unpaid Parental Leave	116 days = 15.47 pays	111 days = 14.80 pays	111 days = 14.80 pays
Cost of Unpaid Parental Leave	9.53 pays	8.20 pays	6.20 pays
Salary Minus Cost of Unpaid Parental Leave	9.50 pays	7.50 pays	5.50 pays
Salary After Unpaid Parental Leave	0.03 pays	0.70 pays	0.70 pays
Lump Sum Adjustment			
2018-2019			
2019-2020			

**Salary Calculation
Full Year Pregnancy and Parental Leave (Deferral of Allowance)**

	Example 4	Example 5	Example 6
	Jun 10/19 – Oct 6/19	Jul 1/19 – Oct 27/19	Jul 29/19 – Nov 24/19
Pregnancy Leave	Oct 7/19 – Jun 7/20	Oct 28/19 – Jun 28/20	Nov 25/19 – Jul 26/20
Parental Leave	Aug 1/18 – Jun 9/19	Aug 1/18 – Jun 30/19	Aug 1/18 – Jul 28/19
Regular Salary Received	Jun 10/19 – Jun 30/19 (3 weeks)	N/A	N/A
Allowance Received	2 pays	2 pays	N/A
July Salary Owing	2 pays	2 pays	N/A
Allowance Received	Sep 3/19 – Dec 9/19 (14 weeks)	Sep 3/19 – Dec 23/19 (16 weeks)	Sep 3/19 – Dec 23/19 (16 weeks)
Salary After Allowance if not for Unpaid Parental Leave	19 pays	18 pays	18 pays
Cost of Unpaid Parental Leave	111 days = 14.80 pays	116 days = 15.47 pays	118 days = 15.73 pays
Salary Minus Cost of Unpaid Parental Leave	4.20 pays	2.53 pays	2.27 pays
Salary After Unpaid Parental Leave	3.50 pays	2.00 pays	2.00 pays
Lump Sum Adjustment	0.70 pays	0.53 pays	0.27 pays
2018-2019			
2019-2020			



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