

Maternity leave for part-time employees

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I am a permanent part-time pharmacist. My position is designated a 0.5 Full Time Equivalent (half time, in other words), but because of staff shortages, I regularly work extra hours to help out in the department. Do these extra hours count in the calculation of the supplemental employment benefits plan, in the event that I take maternity leave?



The Supplemental Employment Benefits Plan is outlined in appendix 7 of the paramedical professional collective agreement. The SEB plan allows regular employees who are on approved maternity leave pursuant to the paramedical professional collective agreement to supplement employment insurance benefits.

Often called the maternity top-up, this plan fills the two-week gap in Employment Insurance benefits, and provides a 15-week supplement on top of EI benefits.

HSA's legal department recently scored a victory for regular part-time workers regarding this issue.

Under the SEB plan, regular employees receive a benefit proportional to the number of "normal weekly" earnings, and "normal weekly" earnings are defined as "regularly scheduled hours."

The problem in this case arose where part-time members were working hours over and above their designated FTE. The employer relies on the good faith of regular part-timers to pick up extra hours where needed to ensure adequate staffing for safe patient care, but refused to credit them with any hours worked over their designated FTE. The employees, on maternity leave, felt this was unfair, and that their SEB plan should be credited with the extra hours they worked. With the help of diligent stewards and helpful members, the union filed a grievance.

At arbitration, the employer argued that "regularly scheduled hours" meant the FTE and not an hour more. The union argued that "regularly scheduled" should be interpreted as it is in section 3 of the collective agreement, which states the following:

. . . "regularly scheduled" means any combination of shifts scheduled in advance and issued by the employer (Reference: Article 27.02: Shift Posting)

In addition, Article 27.02 of the collective agreement states the following:

The employer shall post the time of on-duty and off-duty shifts including statutory holidays, at least twelve (12) calendar days in advance and, where possible, fourteen (14) calendar days in advance.

The arbitrator agreed with the union's position. This means that regular part-time employees will be credited the additional hours worked over their designated FTE if the additional hours have been worked pursuant to article 27.02. Last minute exigencies will not be covered by the plan, because those hours are not reflected in the shift posting language in article 27.02.

So, if you are a regular part-time employee about to go on maternity leave, please contact your steward if you feel that extra hours worked are not being reflected in your maternity top up when calculating your SEB. If you feel that extra hours scheduled more than two weeks in advance are not being reflected in the shift posting, you should also contact your steward. 

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