



BULLETIN

## Parental leave and benefits

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**I work as a lab tech in a hospital, and Im pregnant. So is my colleague ... shes a registered psychiatric nurse at the same facility. Do we have the same maternity leave benefits?**

Yes you do. But, depending on your contract, different groups of HSA members have different parental leave benefits.

This article discusses the benefits applying to the majority of our members (those covered by the Health Science Professionals Bargaining Association and the Nurses Bargaining Association agreements), then details the differences in other collective agreements.

#### **A - MATERNITY LEAVE**

For members covered by the HSPBA and NBA, maternity leave of 52 weeks may commence up to 11 weeks prior to the expected delivery date. This leave is divided into 17 weeks maternity leave + 37 weeks parental leave. The benefit entitlement throughout both of these leaves is the same as if the employee had been at work during that period of time.

Other benefits ... such as health and welfare benefits, pension, and others ... are continued in the same manner as if the employee were not absent.

Seniority, service and vacation entitlements also continue to accrue during this period of time as if the employee were not absent.

Additionally, during the 17 week maternity leave period, the employee is entitled to the Supplemental Employment Benefit Plan providing 85 per cent of normal weekly earnings.

Please note that the calculation of "normal weekly earnings" includes all hours scheduled to work during the 20 week period preceding the maternity leave. For part-time employees, this amount exceeds the full-time equivalency of their position since they often work extra shifts.

Also note that this benefit is unconditional and does not require a commitment to return to employment following the maternity leave.

This entitlement is available to all full-time and parttime employees filling permanent or temporary positions at the time the maternity leave begins.

#### **B - NATURAL FATHER OR ADOPTIVE PARENT, INCLUDING SPOUSES IN SAME-SEX RELATIONSHIPS**

This is a parental leave of 37 weeks that may be taken at any time within 52 weeks of the adoption or birth.

The benefits described under maternity leave apply equally to an adoptive parent or the natural father ... with the exception of the Supplementary Employment Benefit Plan, which is only available during maternity leave.

Please note that in the case of the natural father or adoptive parent, this leave is not the same as the Employment Insurance entitlement, which can not exceed 37 weeks in total for both parents combined. In other words, the mother may have taken the full 52 weeks receiving EI maternity and parental benefits and the father or adoptive parent may still take 37 weeks under the provisions of the collective agreement ... although EI benefits are not payable.

In recent news, on September 10th of this year the Employment Insurance Board ruled unanimously in favour of an Ottawa couple who argued that parents of twins should both be able to receive Employment Insurance benefits for full parental leaves. It remains to be determined whether EI policy changes will provide similar options to other parents with twins,

## **C - COMPLICATIONS OF PREGNANCY**

Any complication of pregnancy prior to going on maternity leave is sick leave. There is no need to commence your maternity leave early under this circumstance, and you can use accumulated sick-leave credits for this purpose ... or an unpaid leave of absence due to illness, if necessary.

You can, of course, begin the maternity leave early in this circumstance if you don't have sufficient sick leave credits to cover the period of illness prior to the maternity leave.

You should also be aware that a termination of pregnancy after the 20th week entitles the woman to full maternity leave benefits if she so chooses. Prior to the 20th week, EI considers the absence an illness.

### **Community Health Agreement, CML, Paragon Orthotics**

All of the above also applies to employees covered by the Health Services and Support Community Subsector, CML, and Paragon Orthotics agreements, with the exception of the Supplementary Employment Benefits Plan (i.e. there is no top-up by the employer during the first 17 weeks).

There is an exception to this: employees who "devolved" from the HSPBA to the Community Subsector Agreement continue to receive the Supplementary Employment Benefit by special memoranda.

### **Community Social Services Agreement**

Coverage for our members working under the provisions of Community Social Services agreements is the same as coverage under the Health Services & Support Community Subsector Agreement.

Please note that an issue concerning the accumulation of vacation pay entitlement during maternity and parental leaves is currently under dispute between the unions in the Community Social Services Bargaining Association and the employer. 

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