

MY PARENTAL RIGHTS AND THE QUEBEC PARENTAL INSURANCE PLAN (QPIP)



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November 2012



What Do I Need To Know?

Mothers, Fathers, Potential Parents-to-be

- Your rights as per the Collective Agreement 2010-2015
- Benefits provided by the Quebec Parental Insurance Plan or Employment Insurance
- Different types of parental leaves
- Issues such as deferring annual vacation, extending a leave

I Am Pregnant! Now...

Who, What, When, Where, How?



You probably have a lot of questions...
Here are some answers!

Above all, congratulations and enjoy this time!



What is a Reassignment and/or Preventative Leave (5-13.25)?

- CSST program that provides a safe working environment for a pregnant teacher.
- Tasks must not pose a danger to teacher or baby.
- Tasks must be reasonable for teacher to perform.
- It has been established that the adaptation or modification of a teacher's working conditions that eliminate the danger to the teacher are considered a Reassignment.
- If Reassignment is not possible, Preventative Leave may be granted.



How is a Teacher Granted a Preventative Leave?

- Contact your doctor as soon as possible. Your doctor is the person who will begin this process.
- Your doctor must fill out « *Certificat visant le retrait préventif et l'affectation de la travailleuse enceinte ou qui allaite* » and be very specific regarding the recommendation made.
- Not automatically given to all pregnant teachers.
- There are many factors involved and many people involved in the decision process.



Items to Discuss With Your Doctor?

- Get the appropriate blood tests done to ensure that you are immune to all potentially dangerous diseases.

This must be done as soon as possible because it may take some time to receive the results.

In order for the process to begin, these results are necessary.



Items to Discuss With Your Doctor?

- This certificate should be available in all medical clinics and offices.
- Explain in great detail to your doctor the exact nature of your work situation (see checklist).
- Keep your doctor informed of your work situation throughout your entire pregnancy, if need be.



What Do I Do While Awaiting the Results of the Blood Tests?

- Inform the school board and local union of your situation as soon as possible. It is recommended that you also advise your school principal.
- You may be required to stay home until all test results have come in. When verifying for immunity against the 5th Disease, you will be required to stay home.
- The school board will pay you for the first three weeks while awaiting these results.
- Provide your school board with the required paperwork as soon as it is received in order to avoid delays in the receiving of benefits.

A soft-focus, light blue-toned image of several hands gently cradling a small baby's head and shoulders, serving as a background for the left side of the slide.

Possible Risks Related to the Work Environment

- How your work is organized (schedule, room changes, etc...)
- The age of your students
- The behaviour of your students
- Teaching time
- Supervision



Possible Risks Related to Ergonomic Factors

- Amount of time spent in a standing position
- The lifting and carrying of heavy equipment
- Movements that include the flexion and extension of your core



Possible Risks Related to Chemical Factors

- Being exposed to chemicals, gas, or fumes




Possible Risks Related to Biological Factors

- Chicken Pox
- Rubella
- Measles
- Mumps
- 5th Disease



Possible Risks Related to Physical Factors

- Loud noises
- Vibrations



Salary Insurance (5-13.26)

- If there are complications during a pregnancy due to conditions not related to your workplace, you may be eligible for salary insurance. Contact your local union for additional information. For copies of the salary insurance forms, contact your school board.
- Salary Insurance is equal to approximately 75% of the salary the teacher would have earned had she been at work.
- QPIP bases its benefits on the salary insurance period ***unless otherwise requested by the teacher.***

Preventative Leave and Salary Insurance: A Comparison

Preventative Leave – CSST (5-13.25)

Caused by working conditions

Determined by doctor

Possible reassignment

CSST pays 90% of net salary

Payments stop 4 weeks before expected date of birth

Non-insurable earnings

Is considered as time at work for purposes of summer pays (agreement)

Other Special Leaves - Salary Insurance (5-13.26)

Problems related to pregnancy


Determined by doctor – disability
(5-10.03)

Paid 75% of what she would have earned had she been at work (5-10.15)

May receive salary insurance until date of birth (5-10.03)

Insurable earnings

School board retains a portion of salary to cover summer pays (agreement)



How many days do I have at my disposal to use for medical appointments during my pregnancy 5-13.26 c)?

Based on the Collective Agreement, teachers are granted four full days or eight half days to use for medical appointments.

These days are not taken from your bank of sick days. These days exist separately for this purpose.



Miscarriage that Occurs after the Beginning of the 20th Week of Pregnancy 5- 13.19

If a miscarriage occurs after the beginning of the 20th week of pregnancy, a teacher is now entitled to 21 weeks of maternity benefits at 93%, 18 weeks of which are paid by QPIP and the employer.

Mother's Benefits





How Do I Know If I Am Eligible to Receive QPIP Benefits?

Quebec Parental Insurance Plan

- You have to have earned at least \$2,000 in the last 52 weeks.
- Resident of Quebec.
- Generally speaking, the benefits are calculated based on the last 26 weeks of insurable earnings.

QPIP Teacher's Responsibility

- Apply for QPIP on the day on which benefits begin
- Earliest, 16 weeks prior and no later than 3 weeks following birth
- Select either Basic Plan or Special Plan (same plan will be applied to both parents)

Maternity Plan Options under QPIP

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Basic Plan

- Default plan
- 18 weeks at 70%
- School board tops up to 93% of what the teacher would have earned had she been at work for 21 weeks

Special Plan

- Must be requested
- 15 weeks at 75%
- School board tops up to 93% of what the teacher would have earned had she been at work for 21 weeks



Above and Beyond QPIP: Collective Agreement 5-13.19

- Teachers also receive benefits from their school board in addition to the QPIP benefits.
- For the first 21 weeks of the QPIP Maternity Leave, teachers receive up to 93% of what they would have earned had they been at work. This difference is paid by the school board. Fathers also now get benefits from both the school board and QPIP. See Paternity section.
- For the purpose of the Collective Agreement, the teacher's Maternity Leave lasts for 21 weeks. After these 21 weeks, your sole source of remuneration will be the QPIP plan up until the maximum number of weeks in your plan of choice.

Employment Insurance (5-13.20)

Eligibility

- Non-Québec resident
- Must have accumulated 600 hours of insurable earnings during the last 52 weeks

Teacher's Responsibility

- Apply for benefits to *Service Canada*

Benefits

- EI maternity leave is 15 weeks; however, the board pays the difference between EI and 93% of the salary that teacher would have earned for 20 weeks. Following that, can receive EI for a maximum of 32 weeks (total 52 weeks maximum).



Ineligible for QPIP 5-13.21 c)

- Every situation must be considered individually – contact your local union to ensure all your rights are respected and to review your options.
- Often due to a leave-of-absence without pay for an extended period of time.
- If a teacher has accumulated 20 weeks of service in the public or parapublic sectors, 12 weeks of maternity paid by the school board in many cases. Contact your local union regarding your situation.
- In rare cases, if a teacher has not accumulated 20 weeks of service in the public or parapublic sectors, entitled to a leave-of-absence without pay for 20 weeks.

Four Types of Benefits

Number of Weeks and Benefit Rates

Types of Benefits	Basic Plan QPIP		Special Plan QPIP		Employment Insurance	
	Maximum number of weekly benefits	Percentage of average weekly earnings	Maximum number of weekly benefits	Percentage of average weekly earnings	Maximum number of weekly benefits	Percentage of average weekly earnings
Maternity (exclusive to the mother)	18	70%	15	75%	15	55% maximum \$676 (2011 rate)
Paternity (exclusive to the father)	5	70%	3	75%	—	—
Parental (can be shared)	7 <u>25</u> 32	70% 55%	25	75%	35	55% maximum \$676 (2011 rate)
Adoption (can be shared)	12 <u>25</u> 37	70% 55%	28	75%	35	55% maximum \$676 (2011 rate)

Employment Insurance

For teachers who live outside Quebec, to be eligible, I have to have accumulated 600 hours of insurable earnings within 52 weeks preceding the beginning of my maternity or my adoption leave. There is a two week waiting period before Employment Insurance benefits are paid.

QPIP Information

- **Parental Leaves** may be shared among the mother and father, if they so choose.
- Please note that there are several options to extend your time with your child following these 50 weeks. Please contact your local union for additional information. It is important to remember that a leave-of-absence can affect the amounts received from the school board during the summer months.

Postponed Vacation (5-13.22)

Teachers may postpone up to to four weeks' annual vacation (summer & March break).

Conditions:

- Only when vacation falls during maternity leave (20 or 21 weeks)
- If the school calendar has been modified by agreement by the union and school board to permit it (beginning before September 1).
- Written notice must be given no later than two weeks before the expiry of the leave

The four weeks will immediately follow the maternity leave (20 or 21 weeks), unless there is an agreement with the board to the contrary.

Replacement teachers may postpone the March break.

Postponed Vacation (5-13.22) (cont'd)

What happens if teacher does not inform QPIP of postponed vacation?

- All other moneys earned while receiving QPIP benefits must be declared, including the payment of vacation time.
- QPIP will then adjust the benefits accordingly so that the teacher does not exceed more than 25% of her benefits.
- If the adjustment is not made and QPIP obtains this information, the teacher will receive a bill from QPIP.
- This is not penalizing the teacher, it is a representation of the amounts which should have been deducted.
- Teacher also has the possibility to suspend her QPIP benefits

Rights During Maternity Leave (5-13.22)

- Health insurance
- Accumulation of sick-leave days
- Accumulation of seniority
- Accumulation of experience
- Accumulation of continuous service for employment security purposes
- Accumulation of service for probation purposes
- Promotion

Father's Rights



Leave Related to Birth of Child (5-13.30)

- Five days paid at 100%
- May begin as early as beginning of delivery and at the latest 15 days following the return home of spouse or child
- Need not be continuous
- Notice given as soon as possible
- Also applies to female teacher whose spouse gives birth
- Also applies when a miscarriage occurs after 20th week prior to the expected date of delivery

Paternity Leave (5-13.31)

- No more than 5 weeks taken consecutively
- Request 3 weeks prior when possible (5-13.39)
- Must end no later than 52 weeks after child's birth
- Benefits as per clause 5-13.22 apply
- Also applies to female teacher whose spouse gives birth
- Suspension, division and extension of paternity leave is possible under (5-13.34 – 5-13.37). Benefits as per clause 5-13.69 apply.

Paternity Leave

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QPIP Basic Plan

- 5 weeks at 70%
- School board tops up to 100% of what the teacher would have earned had he been at work.

QPIP Special Plan

- 3 weeks paid at 75%
- School board tops up to 100% of what the teacher would have earned had he been at work.

Paternity Leave (cont'd)

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EI

- No plan
- School board tops up to 100% for 5 weeks if receiving EI parental benefits

Ineligible for QPIP and EI

- School board pays 5 weeks at 100%

Adoption





Adoption Leave and the Collective Agreement 5- 13.49

- Same provisions as the paternity leave:
five day leave, five week leave.



QPIP Adoption Benefits

- Basic Plan - 37 weeks. 70% for 12 weeks and 55% for remaining weeks.
- Special Plan - 28 weeks. 75% for the entire 28 weeks.
- Request can be made as early as the arrival of the child and received within 52 weeks following the arrival.
- International adoptions can be requested two weeks prior to the child's arrival.



Other Important Information For Parents

Leave Without Salary and Part-time Leaves Without Salary (5-13.60)

When the maternity leave ends, the teacher is on a leave of absence without salary to extend a maternity, paternity or adoption leave.

Teacher's Responsibility:

- Teacher may choose one of five options (5-13.60)
- Must advise the school board in writing at least three weeks in advance of her choice (5-13.65)

Link of employment establishes teacher rights.

Options to Extend Maternity Leave

Options	Advantages	Begin	Change Option End Option
A: Accumulated sick days	Can be combined with other options	After mat. leave or after other option (5-10.31 d)	
B: Full-time leave (till end of year + 2 yrs.)	Provides the most time	Immediately after maternity leave	May change option End with board consent
C: Full time to a maximum of 52 weeks	Offers flexibility	Taken within 70 weeks following birth	Can end with 21 days' notice
D: Part of a year not more than 2 yrs. (Aug.-Dec. or Jan.-June)	Can alternate work and home	Immediately after maternity leave	May change option Can end with 30 days' notice
E: Partial leave – part of a day, part of a week for a max. of 2 yrs.	Allows part-time work	Immediately after maternity leave	May change option End with board consent

Request is generally required 3 weeks before beginning

These options also apply to paternity and adoption leaves

Rights During Leave of Absence Without Salary (5-13.69)

- Accumulate seniority
- Retain experience
- Participate in basic life insurance plans
- May continue to participate in other insurance plans
- Continue to accumulate experience for up to 52 weeks from start of leave of absence without salary to extend maternity leave
- Teacher is reinstated in his or her duties upon return (5-13.70)

Leaves for Family Responsibilities (5-14.06)

- Reasons: Obligations related to care, health or education of child or child of spouse or for reasons related to health of spouse, father, mother, brother, sister or grandparent
- According to section 79.1 of the Act respecting labour standards – teacher may be absent from work without salary for 10 days per calendar year
- Days are deducted from bank of sick-leave days to a maximum of 6 days
- Days may be used in days or fractioned into parts of days with board consent
- Must advise board of absence as soon as possible

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