

Pregnancy and Parental Leave: A Quick Guide for ETT Members

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Start here

Congratulations! As a TDSB teacher you can take up to 78 weeks of protected leave if you give birth (63 weeks if you don't), stretch that to 30 months with an Extended Parental Leave, and receive at least 8 weeks at full salary through the Board's top up.

Your rights come from three places, and it helps to keep them straight:

- **The Employment Standards Act, 2000 (ESA)** gives you the time off and protects your job.
- **The Employment Insurance Act (EI)** is where most of your income comes from while you're off.
- **Our collective agreement** adds the top up, the extended leave, and protections on benefits, seniority and your school.

This guide is a plain language summary, not legal advice. Every situation has its own wrinkles, so please reach out to the ETT office before you file anything. We're happy to look over your dates and your letter.

How much time you get

If you give birth, you get 17 weeks of pregnancy leave followed right away by 61 weeks of parental leave. Partners, adoptive parents and parents through surrogacy get 63 weeks of parental leave.

Leave	Who can take it	Length	When it can start	Where it comes from
Pregnancy leave	The birthing parent	Up to 17 weeks	As early as 17 weeks before your due date; no later than the earlier of your due date or the birth	ESA; CA L-C.2.1, L-C.2.7
Parental leave (birthing parent)	The birthing parent	Up to 61 weeks	Immediately after pregnancy leave ends	ESA; CA L-C.2.1, L-C.2.9
Parental leave (every other parent)	Partners, adoptive parents, parents through surrogacy	Up to 63 weeks	Any time from the birth or placement, starting within 78 weeks	ESA; CA L-C.2.1, L-C.2.9
Extended Parental Leave	Any teacher eligible for parental leave	Pregnancy, parental and extended combined can't exceed 30 calendar months	Immediately after your parental leave ends	CA L-C.2.10 to L-C.2.15

A few things worth knowing:

- **Eligibility.** The ESA needs 13 weeks of employment with the Board, but TDSB can waive that under L-C.2.7 and L-C.2.9, so newer members should still apply.
- **The six week floor.** Under L-C.2.8 you can't return to work until at least six weeks after delivery, unless a doctor says a shorter period is fine.
- **Extended leave end dates.** Your Extended Parental Leave has to end on December 31, the last day of March Break, over the summer, at the end of a reporting period, or on another date the Executive Superintendent approves (L-C.2.11).
- **Apply early for extended leave.** Apply at the same time as your parental leave, or at least 30 days before the extended leave starts (L-C.2.12).

- **No splitting.** The ESA doesn't let you split leave into chunks or go part time on leave. Talk to us if you're hoping for something more flexible.
- **Pregnancy loss.** If a loss happens within 17 weeks of the due date, you still get pregnancy leave, lasting until the later of 17 weeks after it began or 12 weeks after the loss. An earlier loss is covered by sick leave. Please call us; we'll take care of the paperwork side.

What you get paid

If you give birth, the Board tops you up to 100% of salary for your first 8 weeks, then EI carries you. Here's what that looks like for a permanent teacher:

Period	Who pays	What you receive
Week 1 (EI waiting week)	TDSB	100% of salary
Weeks 2 to 8	EI plus TDSB top up	100% of salary combined
Weeks 9 to 16	EI pregnancy benefits	55% of average insurable earnings, to a 2026 maximum of \$729 a week
Parental leave	EI parental benefits	Standard: 55% for up to 35 weeks (max \$729). Extended: 33% for up to 61 weeks (max \$437)
Extended Parental Leave	No one	Unpaid

The top up for birthing parents (Central CA C10.2). It covers at least 8 weeks at 100% of salary, with no deduction from your sick leave or STLDP. It's paid across the whole calendar year, so weeks that fall in the summer, winter break or March Break still count and still get paid. If you don't qualify for EI, the Board pays you 100% of salary for the 8 weeks anyway. LTO teachers get the top up for as long as the assignment lasts.

The top up for partners and adoptive parents (Appendix C-2, L-C.2.17). You get the EI waiting week paid at 90% of your weekly insurable earnings, then \$75 a week for up to 15 weeks while you're on EI. Two TDSB teachers can share those 15 weeks. This top up isn't paid for weeks between the last school day in June and the first school day in September (L-C.2.18).

El basics.

- You need 600 insurable hours in the 52 weeks before your claim. Watch this if you're part time, newly hired, or recently back from an unpaid or deferred salary leave.
- El pregnancy benefits can start up to 12 weeks before your due date. You still collect El over the summer.
- You choose standard or extended parental benefits when you apply, and you can't change it later. Extended spreads the same money over more weeks; it doesn't add any.
- Sharing with a partner adds weeks: up to 40 standard or 69 extended between you, though one person can't take more than 35 or 61.
- **Serve your waiting week; don't waive it.** The top up is built around it.

Getting the top up paid. Fill in TDSB's SEB Application/Agreement form and send it to Payroll Services with proof of your El claim (start date, waiting week dates, and weekly amount from My Service Canada Account). No proof, no top up, so send it the moment your claim is approved. The form includes a promise to return to work after your leave; if you resign instead, you'll be asked to repay the top up.

Before the baby arrives

If your doctor, midwife or nurse practitioner says you need to stop working before your due date, use sick leave and the STLDP, not pregnancy leave. Illness related to pregnancy is still illness, and L-C.8.13 says so.

- You have 11 sick days at 100% and up to 120 STLDP days at 90% each year, with your top up bank bringing STLDP back toward 100% (Central CA C6.1).
- Sick leave before the birth doesn't eat into your 17 weeks of pregnancy leave, as long as you don't start the pregnancy leave early. You're never required to.
- Don't run sick leave pay and an El claim at the same time. Employer pay is deducted from El; only the SEB top up isn't.
- If you'd rather keep working with some adjustments (less yard duty, a closer classroom, modified tasks), the Board has a duty to accommodate pregnancy under the Human Rights Code. Let us help you ask.
- If you need more than 8 weeks to recover after the birth, you can access sick leave and the STLDP for that too (C10.2(g)).
- Pregnancy related absences shouldn't be counted in the Attendance Support Program. If they are, tell us right away.

While you're on leave

Your benefits, seniority and experience keep going while you're on leave; a few things just need you to set them up before you go.

- **Health, dental and life.** On pregnancy and parental leave, you stay in the ETFO ELHT plan and the Board keeps paying its share (L-C.2.3). OTIP will email you before your leave to confirm your choices. On Extended Parental Leave you can keep coverage, but you pay both shares (L-C.2.4); check current premiums with OTIP at 1-866-783-6847.
- **Long term disability.** ETFO LTD is mandatory and can't be suspended for the first two years of leave. TDSB will send you a package to set up monthly premium withdrawals.
- **Pension.** You can keep buying pension credit for your leave. Arrange it directly with OTPP before you go. You can buy it later, but it gets more expensive and the window closes five years after your leave ends.
- **Seniority and experience.** You get Teaching Experience credit for the whole leave, including Extended Parental Leave (L-C.2.5), and seniority keeps accruing.
- **Your school.** You stay assigned to your school while you're away, though you're still part of the normal staffing and surplus process (L-C.7.3). Keep an eye on your Board email in the spring.
- **Ontario College of Teachers fee.** The Board can't deduct it while you're not being paid, so pay it yourself (L-D.14.2).
- **Your new family member.** Add the baby to your benefits plan through OTIP.

Coming back to work

You come back to your school where possible, but your specific grade or assignment isn't guaranteed.

- **Your job is protected.** The ESA requires the Board to reinstate you to the position you held, or a comparable one if it no longer exists. Under L-C.2.6, TDSB returns you to your school where possible, subject to the surplus procedures.
- **Your "position" is broader than your class.** Arbitrators have generally treated a teacher's position as their teaching job in the elementary panel, not a particular grade or assignment. That means staffing decisions made while you were away can apply to you. If your placement looks off, call us.
- **Changing your return date.** Give at least four weeks' written notice to change the end of your leave, earlier or later.

- **Returning mid year.** You go back to your assigned school, and an LTO covering your class may be moved (L-D.6.1(r)).
- **If you decide not to come back.** Resignations can only take effect at December 31, the end of March Break, or the end of the school year, with notice (L-D.9.1). Keep in mind the SEB repayment promise. Talk to us before you decide anything.

Your rights and the law behind them

You can't be penalized for being pregnant, taking leave, or caring for your child, and these rights can be enforced through our grievance process.

- **No reprisals.** The ESA (section 74) bars the Board from penalizing you for taking or asking about pregnancy or parental leave. Our CA also says no discipline without just cause (L-A.8.3), and taking leave is never just cause.
- **Pregnancy discrimination is sex discrimination.** Ontario's Human Rights Code says so directly (section 10(2)), and the Supreme Court settled it in *Brooks v. Canada Safeway Ltd.*, [1989] 1 SCR 1219.
- **The Board must accommodate you.** In *Emrick Plastics v. Ontario (Human Rights Commission)* (1992, Ont. Div. Ct.), an employer that sent a pregnant worker away instead of adjusting her duties was found to have discriminated. The accommodation duty runs to undue hardship, and the employer carries the main burden (*Central Okanagan School District No. 23 v. Renaud*, [1992] 2 SCR 970).
- **These rights are part of our contract.** *Parry Sound (District) Social Services Administration Board v. OPSEU, Local 324*, 2003 SCC 42, began with an Ontario worker let go shortly after returning from maternity leave. The Supreme Court held that ESA and Human Rights Code rights are read into every collective agreement, so an arbitrator can enforce them. For us, that means a grievance.
- **Probationary teachers.** Time on statutory leave doesn't count toward completing probation, but you can't be let go because you took leave (*Parry Sound*).
- **Child care after you return.** Family status is protected too. In Ontario, the test comes from *Misetich v. Value Village Stores Inc.*, 2016 HRTO 1229: if a workplace rule genuinely conflicts with your caregiving obligations, the Board may have to accommodate.

Your step by step checklist

Start about two months before your planned leave; the legal minimum for notice is two weeks, but more time makes everything smoother.

- ☐ Call or email the ETT office to talk through your dates and options.
- ☐ Get a medical certificate with your expected date of birth (or proof of birth or an adoption agency statement for parental leave).
- ☐ Tell your principal your start and end dates before you file (L-C.2.2).
- ☐ Complete TDSB's Elementary Teacher Application for Pregnancy/Parental/Extended Parental leave and send it to the Elementary Teaching Office, Records, at least two weeks before your leave starts. Consider listing pregnancy and parental leave separately so you keep your options open.
- ☐ Decide now whether you want Extended Parental Leave, since it has to be requested with your parental leave or 30 days before it starts.
- ☐ Apply for EI once you stop working. The Board sends your Record of Employment electronically; ask for a copy.
- ☐ Decide between standard and extended EI parental benefits before you apply.
- ☐ Send the SEB Application/Agreement form and your EI proof to TDSB Payroll Services.
- ☐ Confirm benefits with OTIP, set up LTD premium withdrawals, and arrange pension contributions with OTPP.
- ☐ Pay your OCT fee and add the baby to your benefits.

If plans change (the baby comes early, you need to stop suddenly for medical reasons), your leave starts when you stop working. Just give the Board written notice within two weeks.

Sources: ETFO, *Pregnancy and Parental Leave: A Guide to Rights and Responsibilities* (January 2022); ETFO, *A Member's Guide to Employment Insurance* (June 2022); TDSB ETFO Teachers Collective Agreement 2022 to 2026 (Central C6.1, C10.2; Local L-C.2.0, L-C.7.0, L-C.8.13, Appendix C-2); TDSB leave application (rev. May 2018) and SEB form (rev. May 2021); [Service Canada, 2026 EI maximums](#).