Fact Sheet

Changes to the OPS Pregnancy and Parental Leaves Supplementary Unemployment Benefit Plan Payments for OPSEU-Correctional Bargaining Unit Represented Employees

Amendments to the Pregnancy and Parental Leaves Employer Supplementary Unemployment Benefits (SUB) plan are being implemented for regular, regular part-time, and flexible part-time employees in accordance with the arbitration award dated December 4, 2023 between the Ontario Public Service Employees Union (OPSEU) Correctional Bargaining Unit and the Employer.

The Employment Insurance Waiting Period

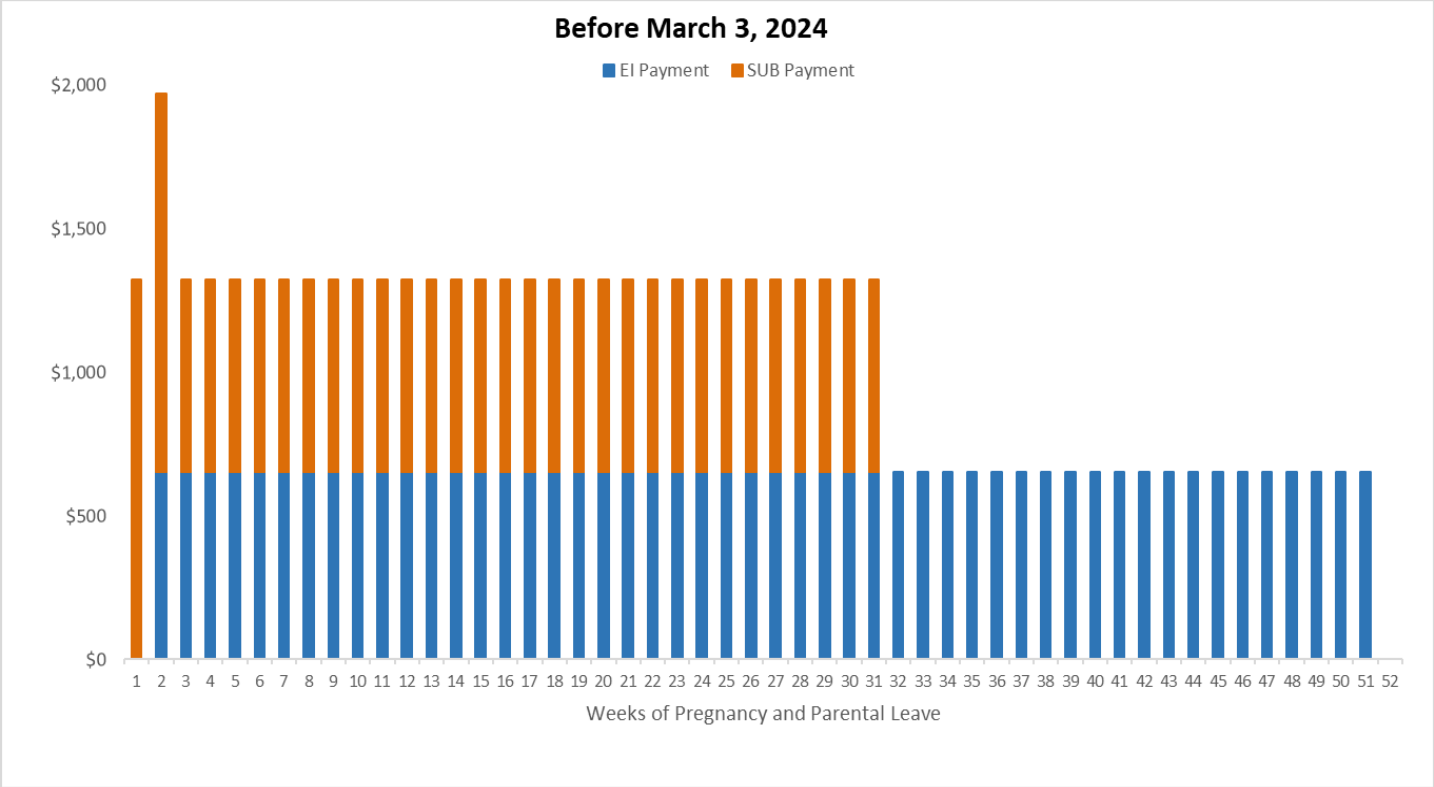
The changes to the SUB plan administration align with the amendments to the *Employment Insurance Act* (EI), that reduced the EI waiting period from two weeks to one week for various EI programs, including benefits received during pregnancy and/or parental leaves. This means that EI pregnancy and parental benefits to eligible employees in relation to the birth of adoption of a child commence one week earlier. The change did not affect the maximum duration (number of weeks) of EI benefit payments.

Supplementary Unemployment Benefit Plan Payments for the EI Waiting Period

For a pregnancy or parental leave that begins before March 3, 2024, the current SUB plan terms under the OPSEU Correctional Bargaining Unit collective agreement for eligible employees will be maintained. For clarity, in the second week of a pregnancy or parental leave, the employee will receive the full SUB Plan payment equivalent to 93% of weekly pay.

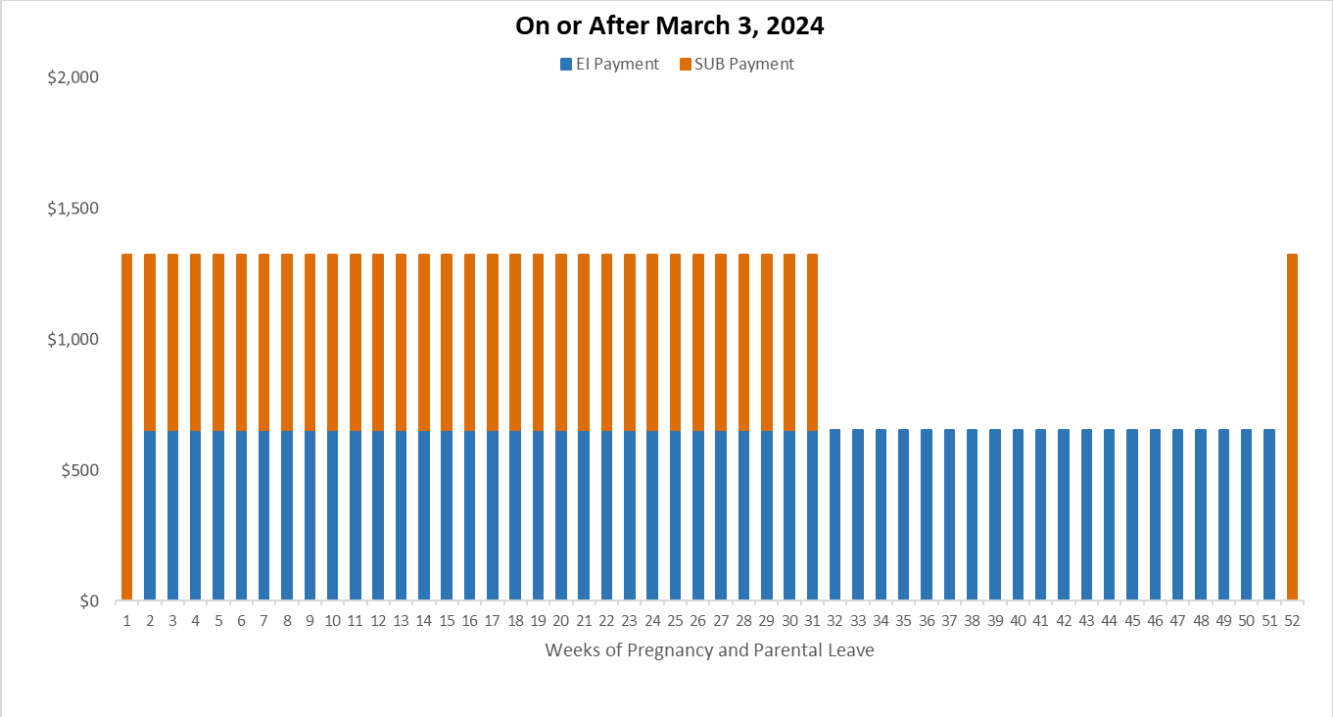
Therefore, in this week only, the combined income from SUB and EI will exceed regular weekly income.

The below example illustrates the entitlements for a birth parent who takes both pregnancy and standard parental leave before March 3, 2024 based on OPSEU Correctional Bargaining Unit average salary on the last day worked prior to the commencement of the leave:



For a pregnancy or parental leave that begins on or after March 3, 2024, the SUB plan will be revised resulting in the employee receiving the full SUB Plan payment of 93% of weekly pay for the one (1) week waiting period and the other one (1) week full SUB Plan payment equivalent to 93% of weekly pay will be moved to the end of the leave, so that it is taken during the period of pregnancy or parental leave when the employee is not in receipt of EI and prior to returning to the workplace.

The below example illustrates the entitlements for a birth parent who takes both pregnancy and standard parental leave on or after March 3, 2024 based on OPSEU Correctional Bargaining Unit average salary on the last day worked prior to the commencement of the leave:



Extended Parental Leave and EI Benefit Payments

The EI Act and the *Employment Standards Act* (ESA) both extended parental leave benefits to make the following two options available to new parents:

Standard Parental Leave: 35 weeks of ESA leave and access to 35 weeks of EI benefits paid in a 52-week period at 55% of insurable earnings, up to a maximum of $668 per week; or
Extended Parental Leave: 61 weeks of ESA leave and access to 61 weeks of EI benefits paid in a 78-week period at 33% of insurable earnings, up to a maximum of $401 per week.

- This new extended parental option allows parents to elect to receive the equivalent standard parental EI benefits at a reduced rate over a longer period of time.
- There are no changes to the duration of ESA pregnancy leave or the EI pregnancy benefit payments.
- **Effective March 3, 2024**, where an employee elects to take the extended parental leave, the SUB plan payments will decrease proportionally with the decrease in the received EI benefits amount.

- There are no changes to the length of time the Employer provides SUB Plan payments for parental leave when the employee is in receipt of EI benefits – up to 15 weeks in the collective agreement.

SUB Plan Payments for Parental Leave

The below tables illustrate the treatment of SUB plan benefit payments for an employee who takes the standard parental leave or extended parental leave based on the EI average insurable earnings maximum for 2024:

Before March 3, 2024

Description	Standard Parental Leave	Extended Parental Leave
EI Benefit Payments	At 55% of insurable earnings up to a maximum of $668 per week	At 33% of insurable earnings up to a maximum of $401 per week
Employer SUB plan Payments	Difference of 93% of an employee's weekly pay from the 55% EI benefits rate	Difference of 93% of an employee's weekly pay from the 33% EI benefits rate regardless of the EI benefit payment option

On or After March 3, 2024

Description	Standard Parental Leave	Extended Parental Leave
EI Benefit Payments	No Change	No Change
Employer SUB plan Payments	No Change	Difference of 93% of an employee's weekly pay from the 55% EI benefits rate regardless of the EI benefit payment option

The below example illustrates the difference between the entitlements that would be received for standard parental leave vs extended parental leave for a birth parent, who has already served the EI waiting period, based on an OPSEU Correctional Bargaining Unit average salary on the last day worked prior to the commencement of the leave:

Description	Amount for Standard Parental Leave	Amount for Extended Parental Leave
Average Weekly Salary	$1,415.22	$1,415.22
Average Weekly Salary at 93%	$1,316.15	$1,316.15

EI Benefit Payments for Standard Parental Leave at 55% and 33% for the Extended Parental Leave	Up to a maximum of $668	Up to a maximum of $401
Employer SUB plan payments for both the standard and extended parental leave	$648.15	$648.15
Total Weekly Payments (Combined EI and SUB benefit payments for Parental Leave up to 15 weeks)	$1,316.15	$1,049.15

See the following **Frequently Asked Questions** (FAQ) Section below for more information.

Resources

The OPS Service Centre offers centralized, multi-channel access to IT and business services through:

- Telephone:1-888-996-7772 (1-888-99-OPSSC) or 416-915-7772 and is accessible 24x7x365
- Email: opssc@ontario.ca
- Web: ONRequest, including LiveChat and our Enterprise Virtual Assistant, EVA
- Adaptive Technology Services (TTY): (Information Technology) **877-889-4873** or (Business Services) **866-310-7259**

Service Canada – EI benefit Inquiries:
Telephone Information Service at **1-800-206-7218** (TTY: 1-800-529-3742)
Website: https://www.canada.ca/en/services/benefits/ei.html

Frequently Asked Questions

Q1: I have commenced my pregnancy and/or parental leave prior to March 3, 2024. How do these changes impact my leave?

A1: Employees who have commenced their pregnancy and/or parental leave prior to March 3, 2024 will not be impacted by the changes.

For clarity with respect to the waiting period, in the second week of a pregnancy or parental leave, the Employer will provide the full SUB Plan payment of 93% of weekly pay even though the employee also receives their EI benefits in the second week.

As a result, the combined income from SUB and EI during the second week of the leave may exceed an employee's normal weekly earnings and could impact their federal EI benefit payments. Specifically, an employee may be required to repay the portion of EI benefits which result in payments above an employee's regular weekly earnings when added to Employer SUB payments. This could potentially emerge in adjudication of the EI claim by the Government of Canada or through annual assessment of income tax.

For clarity with respect to the extended parental leave, whether the employee elects to take the standard or extended parental leave the Employer will provide SUB Plan payments equal to the difference of 93% of an employee's weekly pay from the EI benefits rate the employee is receiving either at 55% or 33%, respectively, for up to 15 weeks.

Q2: When may pregnancy leave begin?

A2: In accordance with the ESA, usually, the earliest a pregnancy leave can begin is 17 weeks before the employee's due date. Ordinarily, the latest a pregnancy leave can begin is on the baby's due date. However, if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born.

Q3: When may parental leave begin?

A3: In accordance with the ESA, usually, a birth parent who takes pregnancy leave must ordinarily begin their parental leave as soon as their pregnancy leave ends. All other parents must begin their parental leave no later than 78 weeks after the date

their baby is born or the date their child first came into their care, custody and control. For clarity, this applies to both the standard and extended parental leave.

Q4: How do the extended parental leave changes impact me if I choose to end my parental leave earlier?

A4: An employee who has commenced standard or extended parental leave may choose to return to the workplace earlier by notifying the employer in writing at least four (4) weeks prior to the employee's preferred return date. Once the employee returns to the workplace, they are not eligible for a subsequent parental leave for the same child and are not entitled to any additional SUB Plan payments. For clarity, if the employee elects to end their parental leave five (5) weeks after it commences, they are only eligible for up to five (5) weeks of SUB Plan payments.

Q5: If I elect to take the extended parental leave, am I entitled to any additional time off or do I have to return immediately upon the expiry of the parental leave?

A5: An eligible employee who has commenced standard or extended parental leave may change the end date of their leave, upon application in writing, at least two (2) weeks prior to the end date of their leave a further, optional consecutive leave of absence without pay, but with accumulation of credits, for not more than six (6) weeks.

Q6: How do these changes impact me if I am sharing my parental leave with my partner?

A6: These changes do not impact an employee's SUB Plan payments if they are sharing the parental leave with their partner.

Q7: What information do I need to provide to Pay and Benefits Services Division (PBSD) to ensure I am being provided with the correct SUB Plan payment?

A7: The employee provides PBSD with the confirmation they received from EI of their parental leave payments. The employee is required to confirm in writing whether they elected the standard or extended parental leave.

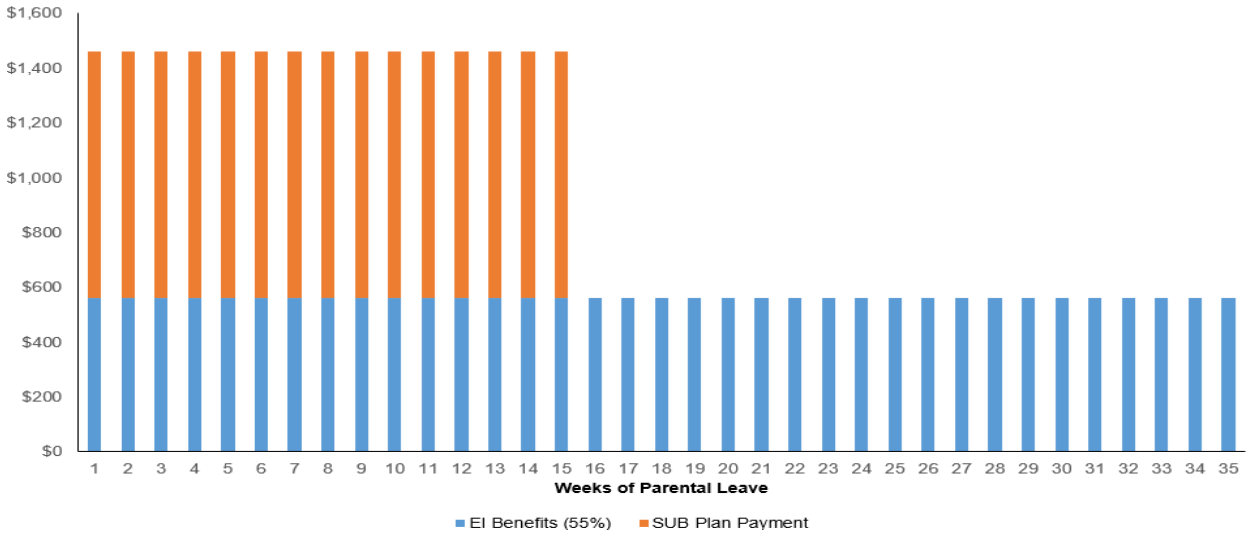
Q8: Who do I contact if I have questions?

A8: You should contact your Human Resources Advisor (HRA). More information on how to contact your HR Advisor can be found on Human Resources Advisory Services site on Inside OPS.

Appendix A

The below example illustrates the difference between the entitlements that would be received for standard parental leave (35 weeks within a 52-week period) vs extended parental leave (61 weeks within a 78-week period) for a birth parent who has already served the EI waiting period and is based on an OPSEU Correctional Bargaining Unit average salary on the last day worked prior to the commencement of the leave. This example does not include pregnancy leave entitlements.

Standard Parental Leave Effective March 3, 2024



Extended Parental Leave Effective March 3, 2024

