

# Paid Maternity Leave



## O.S.S.T.F. POLICY

### *D. Maternity Leave*

It is the policy of O.S.S.T.F. that:

- (a) a pregnant teacher should be entitled to up to 17 consecutive weeks of fully paid Maternity Leave, the timing of which shall be at her sole discretion;
- (b) a Board should not terminate the employment of a teacher because of her pregnancy regardless of the length of employment prior to the taking of the leave;
- (c) upon returning from Maternity Leave, a teacher should receive full seniority and credit for teaching experience for the period of the leave;
- (d) if the Board requests a teacher to take more than 17 consecutive weeks of Maternity Leave, the Board should do so in writing, and if the teacher agrees, the teacher shall continue to receive all salaries, allowances, benefits, seniority accumulation and sick leave credits for the period of such extension;
- (e) the Maternity Leave should be extended as unpaid Parental Leave at the teacher's discretion to a maximum of two years. (A.81)

## CANADIAN TEACHERS' FEDERATION

Provision should be made for maternity, paternity and adoptive leaves of absence for teachers.

### **Ideal clauses for the '80's:**

- flexible maternity leave of 20 weeks at full salary
- paid paternity leave of 10 working days
- additional leave of up to 24 months for either spouse
- free medication during maternity
- guaranteed seniority rights
- guaranteed return to equal employment situation
- maintenance of pension rights
- access to up-dating opportunities during extended leave

from the C.T.F. Newsletter, Winter 1980

## UNITED NATIONS

The United Nations Convention on the Elimination of All Forms of Discrimination Against Women, ratified by many countries including Canada, contains the following statement in Part III, Article 11, Section 2:

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
- (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

## Paid Maternity Leave: Fair and Reasonable

Society places the highest value on family life. As educators, we understand the importance of psychological and financial security in the family unit right from its very beginning.

Women are certainly in the work-force to stay. Whether single, the sole supporter of dependents, or one of a working couple, the woman who works for wages relies on her income.

We have accepted the need for provisions such as medical and dental insurance, sick leave credits, disability insurance, and similar benefits. These plans protect us from loss of salary because of special life circumstances.

No less do we require paid maternity leave, to provide fully equal rights for women and men who are parents. The maintenance of income for women during the childbirth period gives women a protection which men already have.

Many other countries already provide paid maternity leave at 90% or more of salary. Some examples include:

Sweden	9 months	90% salary
France	16 weeks	90% salary
Netherlands	12 weeks	100% salary

In Canada, all provincial employees in Quebec, including teachers, are eligible for 20 weeks of paid maternity leave at 93% salary.

All members of the Ontario Public Service Employees Union who work for the Government of Ontario, including employees of the Ministry of Education, recently achieved paid maternity leave along with a number of related benefits.

Several Canadian university employee groups, the Canadian Union of Postal Workers,

the Public Service Alliance of Canada, and Bell Canada employees in the Communications Workers of Canada union have also won this benefit.

In bargaining for parental rights, and especially for paid maternity leave, we have a special role to play. Our informed support for this kind of gain is a logical extension of our professional activities in the classroom.

## Now is the Time

Negotiating **now** to achieve paid maternity leave makes a lot of sense.

- Other bargaining groups already have paid maternity leave.
  - It equalizes protection for those of our colleagues who bear children.
  - It assists all parents in providing financially for their children.
  - It is a low-cost benefit at a time when salary increases will be controlled for some time.

The CUPW paid maternity plan mentioned above requires the employer to supplement unemployment insurance over the period of the leave to provide a total salary equal to 93% of the employee's regular wages.

The cost of this plan will vary widely, depending on the demographic make-up of the bargaining group. Statistical information available shows that less than 3% of all women employees actually go on maternity leave each year.

Besides fully paid leave, other improvements can be negotiated, many of which cost nothing.



## What Ought to be Negotiated?

Basic maternity leave protection is provided to all female workers in Ontario by the Employment Standards Act; any woman employed for the 63 weeks preceding delivery is entitled to an unpaid leave of absence of 17 weeks. She is then entitled to return to the same, or a comparable, position with no loss of benefits or seniority accrued prior to the start of the leave.

This is a **minimum** standard. Employers and employees are free to negotiate better arrangements. Too many OSSTF collective agreements, however, add nothing more to the minimum provisions of the Act.

Many improvements to this minimum are needed, and should be negotiated. For example:

- The 63-week qualification period should be eliminated.
- The teacher should be the one to decide when the leave starts.
- The teacher should continue to receive benefits during the leave, with the same level of Board payment as before the leave.
- The teacher should continue to accrue seniority and credit for service towards grid placement.
- The teacher should not lose any sick leave credits during the leave.
- The teacher should be able to return to the position held before the leave, subject to the general transfer and tenure provisions of her collective agreement.
- The teacher should receive full salary during the maternity leave period.
- The teacher should have the right to extend



the leave, as an unpaid parental leave, for up to at least two years.

- Parental leave should be available to either parent.

## What Should I do?

- Support your Federation. Achieving paid maternity leave is provincial O.S.S.T.F. policy, and a negotiation priority.
- Check your collective agreement. Compare its provisions with those suggested above.
  - Discuss these issues with others informally in the staff room.
- Inform your colleagues. Pass on the information in this pamphlet to others, including your District Communications Officer.
- Offer to assist your District Status of Women Committee in its work.
- Raise the issue of parental rights at Branch meetings, and at District Council.
- Let your Chief Negotiator and your District President know of your full support as they seek to improve maternity leave provisions.

## FEDERAL STATUS OF WOMEN MINISTER

Judy Erola, Minister responsible for the Status of Women, has stated that working women should have the right to paid maternity leave.

Four federal cabinet ministers are examining proposals for a paid maternity leave program for virtually all women workers.

reported in **Toronto Star**,  
December 3, 1981

## ONTARIO STATUS OF WOMEN COUNCIL

Women are not secondary wage earners. In order for them to participate on an equal footing with men, and in recognition of the value of their reproductive function, women need protection from job loss, loss of seniority, and loss of benefits and wages which can result from pregnancy and childbirth.

from **STATUS**, October 1981

## ONTARIO FEDERATION OF LABOUR

Society recognizes that our economy would collapse if women were to leave the workforce . . . Paid maternity leave is valuable recognition that women should be able to fulfill both functions without being penalized economically.

Cliff Pilkey, in **Ontario Labour**, September 1981

## HUMAN RIGHTS COMMISSION

### Maternity Leave

Most Canadian legislation protecting the work rights of child-bearing women is very recent. Child-bearing has a considerable impact on a woman's career. A career involves a long-term commitment, but the vital career building years (20s and 30s) overlap and conflict with a woman's ideal reproductive period.

Society cannot continue without children, and must protect the health and well-being of the working woman and her child by guaranteeing the woman's right to obtain and keep employment. If women are to gain employment equality with men — they must not be penalized for child-bearing.

**Canadian Human Rights Newsletter**, March 1981,  
Vol. 4 No. 2

## GALLUP POLL

National Gallup Poll results in February 1982 showed that a majority of Canadians (61%) are in favour of paid maternity leave. The question asked was:

"A suggestion has been made that all female workers in Canada be eligible for paid maternity leave, similar to that granted recently to postal workers. In your opinion, should paid maternity leave be available to all female workers or not?"

Results	Yes	No	Don't Know
	61%	34%	5%

Note: 63% of all women questioned were in favour.



**PROVINCIAL STATUS OF WOMEN COMMITTEE  
ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION**