

## Update: Impact of Reduced Employment Insurance Waiting Period on Supplemental Employment Benefit Plans

### Background

Effective January 2, 2017, the waiting period that must be served before receiving Employment Insurance (EI) benefits, including maternity and parental benefits, was reduced from two weeks to one week by the federal government. This change impacted the Supplemental Employment Benefit (SEB) plans contained in many local collective agreements, as most local provisions are often structured around the former two week waiting period.

For teachers, this matter was initially referred to arbitration under the Legislative Change provisions (article A.9) of the Provincial Collective Agreement. However, following further discussions, the parties have now reached agreement (attached) regarding how SEB plans will be administered in light of the change to the EI waiting period. The settlement requires districts to administer SEB plans in the same way that they did prior to the change to the EI waiting period. As a result, teachers in those districts that have a SEB plan will not experience a loss of SEB benefit payments. The teachers' settlement will remain in effect until the parties conclude a new collective agreement.

For support staff, the provincial parties reached an agreement to continue SEB benefits such that there would be no loss in the dollar amount received by employees because of the change in waiting period. As the bargaining certificates are held locally by the support staff unions, these changes occurred through the signing of a Mid-Contract Modification with the school district, BCPSEA, and the local support union as signatories.

### Details of Settlements

#### ❖ Teachers

As noted above, the teachers' settlement requires districts to administer SEB plans in the same way they did prior to the change to the EI waiting period. While this will mean different things in different districts due to the variations in local language across the province, the key element of this settlement is that no teacher will experience a reduction in the value of SEB benefit payments to which he or she is entitled. To provide some additional clarity around the application of this settlement to districts' local language, the parties have confirmed that:

- Where qualifying for EI maternity or parental benefits was a precondition to receiving SEB plan benefits prior to the change in the EI waiting period, it shall continue to be a pre-condition to receiving SEB plan benefits;

- Those school districts that have SEB plans that provide for certain payments during “the first two weeks of the leave” shall continue to make these payments, even though the second week of the leave is no longer part of the EI waiting period;
- Those school districts that have SEB plans that provide for payments beyond the first two weeks of the leave shall continue to make these payments, even though the number of weeks during which these payments are available may run beyond the end of the EI maternity benefit period;
- Those school districts that have SEB plans that provide for payments during the two week EI waiting period shall continue to make these payments for two weeks, even though the EI waiting period has been reduced to one week.

The parties have also agreed that if a SEB plan cannot be administered in the same way it was administered prior to the change in the EI waiting period due to a technical payroll issue, the affected school district may vary the SEB benefit payment schedule. Any such variance will require the agreement of both the local and provincial parties and cannot result in a reduction in the value of SEB benefit payments.

#### ❖ **Support Staff**

Ten of the 69 support staff collective agreements were identified as containing leave top-up language. Following general discussions with districts in late 2016, BCPSEA entered into a Guiding Principles Agreement (attached) to establish a common approach to amending support staff language in light of the legislative amendments. Once the Guiding Principles were reached, the districts with top-up language were contacted individually by their BCPSEA labour relations liaison and provided with a Mid-Contract Modification containing changes to the local top-up language for their signature.

## Questions

If you have any questions, please contact your BCPSEA labour relations liaison.

Attachments:

Settlement Agreement Between BCPSEA and BCTF re Impact of Reduced EI Waiting Period on Maternity/Parental SEB Plan

Guiding Principles Agreement: re EI and Support Staff Collective Agreements