

Changes to the *Employment Standards Act: Maternity and Parental Leave*

Further to *Legislative Update* [No. 2018-01](#) dated May 28, 2018, school districts should be aware of amendments to the *Employment Standards Act* (ESA) to extend time available for maternity and parental leaves of absence. Sections 50 and 51 of the ESA provide maternity leave for pregnant employees to a maximum of 17 consecutive weeks supplemented by a parental leave for an additional 61 weeks, for a total of 78 weeks. Section 51 of the ESA has been amended to allow other parents, including adopting parents, up to a maximum of 62 weeks of parental leave.

Benefits, Pension and Vacation Entitlement

Section 56 of the ESA specifies that an employee on maternity and/or parental leave (as well as other leaves defined under Part 6 of the ESA — Family Responsibility Leave, Compassionate Care Leave, Reservists' Leave, Leave Respecting Disappearance of Child, Leave Respecting Death of Child, Bereavement Leave for Immediate Family and Jury Duty) is deemed to have continuous service for the purposes of calculating vacation entitlement and for pension, medical, and other benefit plans. This section of the ESA also requires that the employer continue to make benefit payments as though the employee is not on leave in instances where the employer pays the total cost of the plans or where the costs are shared if the employee continues to pay their share of the cost.

Increments

A BC Court of Appeal [decision in 2013](#) confirmed that employees, specifically teachers, are entitled to all increases in wages they would have received had a maternity leave not been taken. That decision established that school districts must provide wage increment increases to employees on ESA Part 6 leaves and must credit time on Part 6 leaves towards increment progression.

Supplemental Employment Benefits

BCPSEA's *@issue* [No. 2017-15](#) dated September 6, 2017, [No. 2018-01](#) dated January 24, 2018 communicate the impact of changes to Employment Insurance (EI) parental benefits on supplemental employment insurance plans, both in relation to the change in the waiting period from two weeks to one week and the option for parents to extend EI benefits over a longer period time.

Questions

Please contact your BCPSEA liaison if you have any questions.