



***NATIONAL UNION OF PUBLIC
AND GENERAL EMPLOYEES***

B. C. Government and Service Employees' Union
Health Sciences Association of British Columbia
Health Sciences Association of Alberta
Saskatchewan Government and General Employees' Union
Manitoba Government and General Employees' Union
Ontario Public Service Employees Union
Canadian Union of Brewery and General Workers
New Brunswick Union of Public and Private Employees
Nova Scotia Government and General Employees Union
PEI Union of Public Sector Employees
Newfoundland & Labrador Association
of Public and Private Employees

■ 15 AURIGA DRIVE
NEPEAN, ONTARIO
CANADA / K2E 1B7

■ [613] 228-9800
FAX [613] 228-9801

■ www.nupge.ca

■ national@nupge.ca

Collective Bargaining Series for Women

#5 Maternity Leave (a) **Anti-discrimination clauses and amount and duration of benefits**

BARGAINING FOR MATERNITY LEAVE

Since you asked.
This is why maternity leave is important.

THERE'S PROBABLY no contract provision that speaks more directly to the issue of work and family balance than maternity leave. Three basic bargaining objectives pursued by unions have been to prevent discrimination against pregnant employees, increase the duration of maternity leaves, and ensure an adequate level of income replacement for employees on maternity leave – over and above the financial support provided under the employment insurance (EI) legislation.

Human rights legislation and case law in all Canadian jurisdictions offer some protection to pregnant employees and working mothers. However, a number of collective agreements include contract language that explicitly forbids discrimination and harassment against these workers. These provisions might appear as part of a general anti-discrimination provision or in a separate clause as displayed in the first example below.

The amount and duration of maternity benefits varies depending on the agreement. Generally, supplementary unemployment benefit (SUB) plans cover the difference between EI benefits and a set percentage of an employee's weekly earnings as seen in example two and three below. Although much less common, it's also possible to negotiate mechanisms not related to EI to provide employees with an additional income during a maternity leave. This may be done by allowing the use of sick leave credits as seen in example four below.

PUT IT ON THE TABLE

Effective contract language makes the difference.

Example #1: Collective Agreement between the Nova Scotia Liquor Commission and the Nova Scotia Government and General Employees Union (NSGEU / NUPGE) 1998 – 2000:

No employee shall be laid off, terminated or otherwise adversely affected in her employment because of pregnancy.

Example #2: Collective Agreement between the Saskatchewan Institute of Applied Science and Technology and the Saskatchewan Government and General Employees' Union (SGEU / NUPGE) 1997 – 2000:

(a) ... for the first two weeks an employee shall receive her weekly rate of pay; (b) for up to a maximum of fifteen additional weeks, payments equivalent to the difference between the Employment Insurance benefits the employee is eligible to receive and her weekly rate of pay; (c) all other time as may be required under this Article shall be on a leave without pay basis ...

Example #3: Collective Agreement between the Liquor Control Board of Ontario and the Ontario Liquor Board Employees' Union (OLBEU / NUPGE) 1998 – 2000:

SUB payments will be equivalent to the difference between the sum of the weekly employment insurance benefits the employee is eligible to receive and any other earnings received by the employee, and ninety-three (93%) of the actual weekly rate for her classification which she was receiving on the last day worked prior to the commencement of the pregnancy leave, including any retroactive salary adjustment to which she may be entitled.

Example #4: Collective Agreement between the Saskatchewan Institute of Applied Science and Technology and the Saskatchewan Gov-

ernment and General Employees' Union (SGEU / NUPGE) 1997 – 2000:

An employee on maternity leave may access her sick leave credits for the health-related portion of the maternity leave as determined by medical documentation provided by her doctor. The employer will pay its usual share of benefit premiums on behalf of the employee during her health-related absence, in the same way the employer pays benefit premiums for an employee in receipt of sick leave credits. Employees who do not have enough sick leave credits to provide this benefit will be advanced sick leave credits to a maximum of fifteen days.

THE NATIONAL WAY

Helping you set the table. Helping you get a better deal at work.

•Describing why it's necessary. Your National Union researches, analyzes and challenges the reasons for bargaining this issue. We look at possible alternative approaches which might be preferable or more beneficial to our members. The National Union and its Working Groups are in touch with our members' needs, explore various options for addressing these needs, and track national and provincial developments in this area.

•Communicating your rights province-by-province. Connecting with its members about their rights at work is a big part of what your National Union does. Publications. Leaflets. Posters. Buttons. Videos. We produce a stream of these materials. What you need to know about your rights. When you need to know it. We're always ready to help.

• Providing union education and training. Working with our component education officers, the National Union develops and delivers union education and training courses designed to deepen our members' understanding of issues like this one. These courses

provide advice and support to frontline workers who must deal with issues like this on a day-to-day basis in their workplace.

• Campaigning: from silence to voice. Your National Union is a campaigning union. We coordinate national campaigns on vital workplace issues like this one. We work with other national and provincial organizations active in this field to identify and distribute resource material to workplaces. We work hard to make sure your voice is heard by the larger policy community.

• Negotiating a strong deal. Everything your National Union does is characterized by its commitment to the development and furthering of our main organizational goal of ensuring that strong collective agreements are negotiated and enforced on your behalf. We help our components develop the best negotiating resource materials, contract language, and strategies to defend our members and the services they provide.

GET OTHER IMPORTANT INFORMATION

More information is just one click or call away. Check it out.

The **National Union's Advisory Committee on Women's Issues** has produced a ground-breaking booklet called, **Keep Your Crumbs. We Want The Whole Loaf.** It deals with a variety of women's struggles in the labour movement and it speaks of the need to be vigilant and not allow issues such as this one to be pushed to the background.

To obtain copies of this material, the NSGEU/NUPGE, SGEU/NUPGE, or OLBEU/NUPGE Collective Agreements, or if you need further information please contact the National Union at:

- www.nupge.ca
- phone: 1-613-228-9800 Fax: 1-613-228-9801
- national@nupge.ca
- 15 Auriga Dr., Nepean, Ontario K2E 1B7