



## UNDERSTANDING LEAVES

### The VTF/VSB Collective Agreement and the Employment Standards Act

April 30, 2024

Navigating leaves can be challenging, especially when the circumstances that lead to the request of leaves are often life-changing, stressful events. It's important, as with all parts of the Collective Agreement to know your rights and to ensure that you are following steps to improve your chances of a successful leave / leave application process.

Most leaves were achieved through collective bargaining, both locally and provincially. Some are provided through legislation in the Employment Standards Act. These leaves are available to all workers. Many leaves are connected to Human Rights legislation and protections or Employment Insurance, and this pamphlet is intended to clarify processes and support members who need time away from work.

Some leave provisions are with pay, some are without pay, and some are with the deduction of the rate of a TTOC. Each have specific application processes and timelines, and some have limitations on when they can be taken. It's important to make informed decisions when you reach out to the district.

### Leave Provisions in Vancouver

If you wish to access leaves in Vancouver, your best option is to email [leaves@vsb.bc.ca](mailto:leaves@vsb.bc.ca). This email address ensures that your application is directed to the correct place. In general, your principal is not authorized to grant or deny leaves. Contact your union if you have questions about your eligibility for leaves beyond what is contained below.

It's best to provide notice, if it's possible, to the VSB, in order to facilitate the filling of your absence with a TTOC. Everyone recognizes that this is not always possible, given the nature of some leaves. In some leaves, the employer can request documentation or evidence of the need for leave. These vary according to the leave and some have limitations.

### Caveats

The paid leaves language in our collective agreement currently must be negotiated at the provincial bargaining table. As a result, much of the language is outdated, colonial, or heterosexist. They do not reflect current understandings of many family structures or acknowledge non-Western religious practices, for example. If you feel that the current language of the leave doesn't apply to your unique situation, but it should, please contact the VEAES office.

## **A Note on Leaves**

The employer (and the union) take a dim view of employees who misuse leaves. Our leaves have been negotiated to protect employees and members and also to provide time away from work, particularly connected to protected grounds under the Human Rights Code. There may be circumstances when timelines may not correspond with your need, and this can be challenging, but at no time should any employee take an unauthorized leave or use sick leave for purposes other than as related to personal illness.

Each year, members are investigated and disciplined for theft of time – fraudulent use of leaves. It is considered a serious matter by the VSB and the union and can jeopardize not only your employment but possible future employment in other districts, as disclosure of discipline is now a standard requirement on teacher application forms.

As you can see below, there are many leaves available to VEAES members. Few are discretionary, and even those have lengthy application deadlines and may not be approved.

## **Return from Leave**

With the exception of medical leave, any leave that extends beyond one year's duration will result in you no longer having the right to return to the position you took leave from. If your leave is less than one year but more than 3 months, it must be posted as a temporary position. If your leave is less than 3 months, it will be filled by a TTOC.

If your medical leave extends beyond one year, it will be posted continuing. However, you still retain the right to return to that position if you return from your leave in September. If you receive clearance to return from your leave after the commencement of the school year, you will be able to return to your position at the beginning of the following school year. The least senior person at the school will be surplus to accommodate your return.

If you are returning from an unpaid leave of longer than one year, you will need to apply for positions in the Spring Transfer Process, beginning in May. If you are unable to post into a position, VSB Employee Services may place you into a continuing or temporary position or you may become a Permanent TTOC until such a time as a position is available.

If the leave ends within 6 weeks of the end of the school year, the Board may reassign you to a temporary or TTOC assignment until the next natural break.

## **Employment Standards Act Leaves**

Teachers also have access to all leaves in the Employment Standards Act. In some cases, such as Maternity / Pregnancy and Compassionate Care Leave, we have additional, superior provisions that supplement what is broadly available to all workers.

In general, an employee cannot be terminated (layoff) or change their job conditions without the employee's agreement. Please note that bereavement and parental leave are both ESA and local provisions – please review both documents

| Leave                       | Length / Pay                                           | Where to find it              | Notes                                                                           |
|-----------------------------|--------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------|
| Family Responsibility       | 5 days, unpaid                                         | ESA, VTF / VSB CA             |                                                                                 |
| Parental                    | 61 weeks, unpaid                                       | ESA, VTF/ VSB CA (G.21.23+24) | After Maternity / Pregnancy or non-birthing parent                              |
| Compassionate Care          | 8 weeks EI + VSB top-up                                | ESA, VTF/ VSB CA (G.2), EI    | Requires certification that death is likely within 26 weeks                     |
| Critical Illness / Injury   | 36 weeks for care of a child, 16 weeks adult EI        | ESA, VTF / VSB CA (G.3), EI   |                                                                                 |
| Disappearance of a child    | 52 weeks, unpaid                                       | ESA                           |                                                                                 |
| Death of a child            | 104 weeks, unpaid                                      | ESA                           |                                                                                 |
| Domestic or sexual violence | 5 days paid + 5 days unpaid, option of 15 weeks unpaid | ESA                           | No discretion by Board                                                          |
| Bereavement                 | 3 days unpaid + 5 days paid VSB                        | ESA, VTF / VSB CA (G.4)       | ESA unpaid, VSB / VTF (Immediate Family as defined in the collective agreement) |

## Employment Insurance and Supplementary Benefits (Top-up)

Some leaves are contingent on having a successful Employment Insurance Leave. If you are accessing these leaves, you will need to apply to both EI and to the VSB.

You can contact EI directly at 1-800-206-7218 to determine your eligibility and to ask questions about applications and claim amounts. In BC, you need 700 hours of insured hours to qualify for benefits and minimum of 14 weeks of work. As we are salaried, EI uses 9.1 hours per day to calculate our insurable hours.

Critical Illness or Injury Leave

Compassionate Care Leave (VSB additional top up for 8 weeks)

Maternity / Pregnancy (VSB additional top up for 19 weeks, excluding summers)

## Sick Leave (Article G.20)

Sick Leave is something that is protected under the Human Rights Code. You cannot be discriminated against by your employer for being sick, having a disability or other medical condition. Your sick leave days are earned at a rate of 1.5 days per month or 15 days per year (prorated for part time work). The days are added to your sick bank when you report to work at the start of the year. You can see your sick leave balance on your pay advice, and will receive an annual accounting from the VSB.

Sick leave can be ported between districts up to 60 days following a verification process for members who move between BC public schools. Application to port must be made within 90 days of starting work for the new district. Employees in their first year of employment who have not ported sick leave from another district will be provided with 5 days of sick leave from the Board.

You do not need to apply to the district to access your sick leave. Sick leave may be used for personal illness, attending necessary medical or specialist appointments, or undertaking therapy, treatment or medical rehabilitation. Sick leaves can be full time or part time.

A doctor's note must be provided after 10 consecutive teaching days of absence. There are some circumstances in which medical documentation may be requested prior to the 10<sup>th</sup> day. You do not need to provide a doctor's note for individual days of absence. All members have the right to medical privacy that must be honoured in the context of the employer's right to request information. In general, the employer is not entitled to information about your diagnosis, prognosis, or treatment.

A *medical accommodation* is something that can be requested if your medical condition requires changes to your working conditions. Sometimes medical accommodations are material, such as an ergonomic desk, decibel blockers, or specific lighting. Sometimes they are connected to hours of work (partial leave) or particular activities such as lifting or standing. Medical accommodations are negotiated between the Board and the member, sometimes with the assistance of the union. Your school-based admin does not grant or deny accommodations.

Members working On Call have access to sick leave beginning on the 6<sup>th</sup> consecutive day in one assignment. As of last year, all TTOCs are entitled to up to 5 days Employment Standards Act (ESA) sick leave. There are some conditions to accessing sick leave for TTOCs.

If you are caring for a family member, you need to access Illness of a Family member, which is limited to 5 days per year, and is deducted from your sick bank.

## **Maternity / Pregnancy**

Please see the separate brochure "Welcoming a Child" (still in production) for detailed information about Maternity / Pregnancy Leave. Maternity / Pregnancy leave begins at the birth of the child, unless your doctor recommends a different date and/or a sick leave happens in conjunction with the pregnancy.

In general, the provisions in the collective agreement for this leave also apply for Adoption.

At the end of the maternity / pregnancy leave, a member can apply for additional Parenthood Leave (G.21.25) of 1, 2 or 3 years duration. These leaves are unpaid.

Some members wish to reduce their FTE after a Maternity / Pregnancy Leave, this is not a leave, but is provided under Part Time provisions in C.20.3.

## Deferred Salary Leave

Application – 3 months prior to participation

Board discretion – Employee Services approval no less than 1 month prior to participation

This leave is sometimes called a “self-funded” leave, because applicants can determine a leave of absence, and the Board will withhold a percentage of salary in the years or months leading up to the leave, at which point, it will be paid to the member with interest.

For a maximum of 5 years, members receive their salary less a percentage requested by the employee, to a maximum of 33 1/3%. Within these parameters, the member can choose the percentage to be deducted and the length of leave. It is subject to approval from Human Resources and applications are due 3 months prior to the start of participation in the program

## Emergent Leaves

The need for some leaves arise and there is no opportunity to plan ahead. For example, inclement weather is not always predictable (circumstances beyond an employee’s control), or if there is an unexpected death (bereavement leave). The following leaves do not require advance notice to the VSB and can be booked through SFE. For some of these leaves, the Board will follow up with a form for you to complete verifying your use of the leave.

## VTF / VSB Collective Agreement Leaves

\* This grid does not include leaves that require VTF or BCTF election. For these leaves, please see VTF/VSB Collective Agreement, Article G.21.

| Leave and CA provision                               | Duration                 | Application timelines / eligibility | Approval required               | Pay                                 | Notes                                                                  |
|------------------------------------------------------|--------------------------|-------------------------------------|---------------------------------|-------------------------------------|------------------------------------------------------------------------|
| Accident<br>G.21.1                                   | N/A                      | N/A                                 | No                              | From sick bank, no loss of pay.     | Excludes Worksafe related injuries                                     |
| Activities closely related to teaching / SLP G.21.11 | Varied based on activity | Prior authorization required        | Apply through Employee Services | Deduction of the pay rate of a TTOC |                                                                        |
| Adoption<br>G.21.2                                   | See Maternity / Parental | See Maternity / Parental            | No                              | See Maternity / Parental            | Additional possible days to travel, attend interview, or receive child |
| Attendance at Hearings (TRB)<br>G.21.3               | As per subpoena          | Provide subpoena                    | Yes                             | No loss of pay                      | TRB hearing, see Jury Duty / Court for other                           |

| Leave and CA provision                             | Duration                             | Application timelines / eligibility                              | Approval required                                                                   | Pay                                        | Notes                                              |
|----------------------------------------------------|--------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------|
| Bereavement G.4.                                   | 3 days paid, additional 2 for travel | Book through SFE<br>Limits to nature of relationship             | Submit Leaves form to leaves@vsb.bc.ca                                              | No loss of pay                             | Local and Provincial language differ               |
| Circumstances beyond an employee's control G.21.4. | After 5 days, without pay            | N/A                                                              | No reasonable excuse denied<br>Submit Leaves form to leaves@vsb.bc.ca               | Deduction of the pay rate of a TTOC        |                                                    |
| Citizenship Interview G.21.5                       | Up to 2 half days                    | N/A                                                              | Submit Leaves form to leaves@vsb.bc.ca                                              | No loss of pay                             |                                                    |
| Compassionate Care Leave G.2.                      | Up to 8 weeks                        | Upon receipt of EI claim                                         | Certification of likelihood of death within 26 weeks may be required                | EI claim + VSB top-up to 100%              | Some limitations on relationship eligibility       |
| Cultural Leave for Indigenous Employees G.11       | 5 days                               | 7 days notice to district                                        | Submit Leaves form to leaves@vsb.bc.ca                                              | No loss of pay                             |                                                    |
| Disability / Worksafe Claim G.21.7                 | Up to 12 months                      | N/A                                                              | N/A                                                                                 | No loss of pay, outside of sick leave bank | During period of temporary disability              |
| Educational G.21.9                                 | Varied based on program              | Accepted until funds are spent                                   | Joint committee determines approval                                                 | Depends on application and length of leave | 5 years at VSB and promise to remain at VSB 3 more |
| Educational Ceremony G.21.10                       | ½ day, 1 day if travel required      | None - Book through SFE                                          | Submit Leaves form to leaves@vsb.bc.ca                                              | No loss of pay                             | Own graduation or immediate family member          |
| Examinations G.21.12                               | ½ day, 1 day with prior approval     | Book ½ day through SFE, apply through Employee Services if 1 day | Prior authorization required for full day<br>Submit Leaves form to leaves@vsb.bc.ca | No deduction in pay                        |                                                    |

| Leave and CA provision                           | Duration                           | Application timelines / eligibility | Approval required                                                                                               | Pay                                        | Notes                                                                      |
|--------------------------------------------------|------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------|
| Family Responsibility                            | Up to 5 days                       | None - Book through SFE             | Submit Leaves form to <a href="mailto:leaves@vsb.bc.ca">leaves@vsb.bc.ca</a>                                    | unpaid                                     | Employment Standards Act<br>See Illness immediate family                   |
| Funeral G.21.13                                  | 1 day                              | None - Book through SFE             | Verification form may be required after leave                                                                   | No loss of pay                             | Not required to be a family member                                         |
| Illness G.21.14, G.20                            | As needed                          | None - Book through SFE             | Doctor's note may be required after 10 days                                                                     | No loss of pay using accumulated sick bank |                                                                            |
| Illness immediate family G.21.15                 | Up to 5 days                       | None - Book through SFE             | N/A                                                                                                             | No loss of pay, deduction from sick bank   | See Family Responsibility                                                  |
| International Amateur Competition G.21.16        | Up to 22 days                      | N/A                                 | Apply through Employee Services<br>Submit Leaves form to <a href="mailto:leaves@vsb.bc.ca">leaves@vsb.bc.ca</a> | No loss of pay                             | Qualification at Olympic, Commonwealth or Pan Am as competitor or official |
| Jury Duty G.21.17                                | As mandated                        | N/A                                 | Produce statement from Court re: time and fees paid                                                             | No loss of pay                             | Jury duty or witness in a court action, subpoena required                  |
| Court Appearance G.21.17                         | Up to 5 days                       | Prior notice when time permits      | Provision of proof of attendance in court                                                                       | Deduction of the pay rate of a TTOC        | No loss of pay if attendance is related to employment                      |
| Maternity / Pregnancy G.21.18                    | 17 weeks                           | Prior notice                        | N/A                                                                                                             | EI claim + VSB top-up for 16 weeks         | EI claim required for top-up                                               |
| Ministry of Ed, university, TRB business G.21.20 | Up to 10 days combined, 20 for TRB | Prior notice                        | Requested by authority                                                                                          | No loss of pay                             | Requesting authority reimburses Board                                      |

| Leave and CA provision                        | Duration                                                       | Application timelines / eligibility                                                | Approval required                                                                                                | Pay                                                                                   | Notes                                                                                  |
|-----------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Other Reasons G.21.22                         | N/A                                                            | Prior notice                                                                       | Apply to Employee Services                                                                                       | Unpaid                                                                                |                                                                                        |
| Parental (short term) G.21.23                 | 3 days, up to 15 additional                                    | Specific to situation                                                              | Application required for >3 days<br>Submit Leaves form to <a href="mailto:leaves@vsb.bc.ca">leaves@vsb.bc.ca</a> | No loss of pay for 3 days, deduction of the pay rate of a TTOC for additional 15 days | For assuming legal guardian or adopting a child<br>Need not be consecutive             |
| Parental G.21.24                              | Up to one year                                                 | Apply to Employee Services                                                         | Granted upon request                                                                                             | Unpaid                                                                                | Employment Standards Act                                                               |
| Parenthood G.21.25                            | One, two or three years                                        | Sept 30 for Jan or Feb start, March 31 for Sept 1 start. Intent to return required | Apply to Employee Services                                                                                       | Unpaid, not considered a break in service                                             | Exceptions for timelines in emergency situations                                       |
| Personal Without Pay Short Term G.21.26       | Up to 10 days                                                  | Apply to Employee Services                                                         | Apply to Employee Services<br>Submit Leaves form to <a href="mailto:leaves@vsb.bc.ca">leaves@vsb.bc.ca</a>       | Unpaid                                                                                | Not normally attached to a school break                                                |
| Personal Without Pay < 1 year G.21.26         | 3 months (Jan–Apr), 4 months (Sept –Dec), 6 months (Jan- June) | 2 teaching months prior to commencement of the leave                               | Apply to Employee Services                                                                                       | Unpaid                                                                                | Only one granted in a 3 year period, must have worked for VSB 3 years FTE              |
| Personal Without Pay 1 year or longer G.21.26 | One, two or three years                                        | March 31 prior year, intent to return required                                     | Apply to Employee services                                                                                       | Unpaid, not considered a break in service                                             | Must have worked for VSB 3 years FTE<br>Do not return to the position that was vacated |
| Public Office G.21.27                         | Duration of campaign / term of office                          | N/A                                                                                | Apply to Employee Services                                                                                       | Unpaid                                                                                | Nomination, campaign, serving as MP or MLA, municipal meetings                         |

| Leave and CA provision                                | Duration                   | Application timelines / eligibility                                                             | Approval required                                             | Pay                                 | Notes                                                     |
|-------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------|
| Religious Holidays<br>G.21.28                         | As per request             | N/A                                                                                             | Book through SFE<br>Submit Leaves form to<br>leaves@vsb.bc.ca | Deduction of the pay rate of a TTOC |                                                           |
| Secondment<br>G.21.29                                 | As per terms of secondment | N/A                                                                                             | Must be approved                                              | Regular pay during leave            | Guaranteed return to same or comparable position          |
| Travel by Exchange Employees<br>G.21.31               | 10 days                    | Exchange employees eligible                                                                     | Apply to Employee Services                                    | No loss of pay                      | Preferred as extension of winter or spring break          |
| Temporary Principal / Vice Principal<br>G.9           | Less than one year         | Acting Principal / Vice Principal in district                                                   | N/A                                                           | Pay as per P/VP contract            | Posted temp for one year or less, continuing for > 1 year |
| VTF, VEAES, VSTA, BCTF, CTF or EI business<br>G.21.32 | 20 days                    | Book through SFE up to 20 days<br>Paperwork must be submitted to the union and Labour Relations | N/A                                                           | No loss of pay                      | Union reimburses Board, request for >20 days              |

In general, anything that is not specifically named as an available leave must be done through a Personal Leave without pay. This is the only leave other than in Secondment, Public Office, P/VP roles (where the other work is a condition of the leave) during which you could work for another employer or yourself.

Many of the above leaves allow for some discretion on the part of the VSB, however, this discretion may not be used in an arbitrary, discriminatory way, and requires consideration to be given to members. Each of these leaves was negotiated at either the local or provincial bargaining table, and the VSB agreed to these terms.

If you have applied for one of these leaves and have been denied, and are experiencing emergency or extenuating circumstances, please contact the VEAES office for advice regarding other options.