

Association of University and College Employees

June 1, 1977

Ms. Kathleen Ruff
Director Human Rights Branch
Department of Labour
880 Douglas Street
Victoria, B.C.

Dear Ms. Ruff,

I am enclosing a copy of a brief regarding maternity benefits for your perusal. Ms. Jackie Ainsworth of the Service, Office Retail Workers' Union of Canada, (SORWUC) Local 2, advised me to contact you for advice on a current problem.

I am a representative of the Association of University and College Employees, (AUCE) Local 1 at the University of British Columbia. Our local and Local 2 at Simon Fraser University both negotiated clauses in 1974-5 pertaining to salary maintenance during maternity leave (see pages 7 - 10 of enclosed brief). Essentially, each of the clauses establishes that the employer supplements a woman's Unemployment Insurance benefits while on maternity leave to insure that full salary is maintained. In both cases, this supplemental income is received in a lump sum one to two months after the claimant returns to work and is not received while UIC benefits are being collected.

As you will note from the enclosed brief, the union investigated the ramifications of such clauses with UIC officers back in 1974. We were told that because the money was received in a lump sum after UIC benefits had run out that the money was viewed as a "bonus" and did not affect a claimant's eligibility for unemployed benefits. Recently, however, UIC has changed their stand and have stated that our clauses result in overpayment to maternity claimants. It is their stated intention to retroactively recover amounts of money considered excessive from women who have received these contractual benefits since January 1, 1976. In some cases, these monies could exceed \$1500.00 per person and subsequently present real financial hardship to those women who are single parents. We feel that recovery of such funds contravenes human rights and discriminates against working mothers - particularly when the union was initially given assurances that the clauses were legal.

If you would refer to page 6 of our brief, we have outlined the Supplemental Unemployment Benefit (SUB) plan which is now operative policy of the U.I. Commission. You will note that while the intention of the plan is to allow salary supplement of UIC benefits in the case of temporary unemployment, illness and pregnancy - plans which only cover pregnancy are not approved. This means that certain sectors of the workforce which experience frequent layoffs (generally these are predominately male shops) can certainly negotiate SUB plans that cover temporary unemployment and they need not make provision for maternity cases in order to have the plan approved by UIC. Alternately, organized women's groups who are not generally employed in fields that experience seasonal layoffs, cannot negotiate SUB plans which only cover maternity; they must also make sure that their SUB plan covers layoffs. We feel that these regulations are also discriminatory.

We would appreciate your opinion on whether or not we would have a case under existing Human Rights Legislation that would strengthen our claim that both the recovery of money from our members and the rigid regulations pertaining to supplemental income are illegal and/or discriminatory. We are having a meeting Monday June 6th (evening) and will be discussing this further - perhaps I could phone you on Monday afternoon to see what you think.

Fairleigh Funston