

Canada¹

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N.B. Canada is a federal state.

Note on federal and provincial/territorial responsibility: In Canada, the federal Employment Insurance (EI) program, funded by employers and employees and administered by the Department of Employment and Social Development Canada, provides Maternity and Parental leave benefits to parents residing outside the province of Québec. Since 2006, Canada has had two programs for parental benefits with the province of Québec administering its own provincial Maternity, Paternity, and Parental leave benefit program called the (QPIP) for employed and self-employed workers.

Eligibility for job-protected unpaid leave is separate from eligibility for the payment of benefits under the two (federal and Québec) programs. Entitlement to job-protected leave from employment is granted through labour laws (employment standards acts) that fall under the jurisdiction of the ten provinces and three territories (referred to below as 'jurisdictions') as well as through the Canada Labour Code for the 7% of employees in federally regulated industries. This results in 14 different legislated leave entitlements. Variations between jurisdictions have implications for how (unpaid) legally entitled leave and the two benefit programs are accessed and used. Two separate sets of rules apply to the federal wage-compensation benefit program and provincial/federal legal entitlements to job-protected leave. In Canada, 'leave' therefore refers to either unpaid, job-protected time off work or to benefit programs.

The information below refers to Canada's two benefit programs (EI and QPIP). Details of the QPIP program are given under 'regional or local variations in leave

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policy'. Details regarding unpaid job-protected leave appear at the end of the Parental leave section.

For comparisons in this review between Canada's and other countries' leave provision and early childhood education and care services, please see the cross-country tables at the beginning (they are also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

1. Current leave and other employment-related policies that support parents

Table 1 compares benefits under the Canadian and Québec programmes. For both, parents must pay premiums through insurable employers (or as self-employed individuals) in order to qualify.

Comparison of benefits: Canada (EI) and Québec (QPIP)

Table 1: Canada (EI) and Québec (QPIP)				
	Canada EI		Québec QPIP²	
Eligibility	600 hours ²		CAN\$2,000 [€1,380.36] in earnings	
Self-employed workers	If opted-in 12-months prior to claiming, with minimum net income of CAN\$8,092 [€5,584.93] ³ in self-employed earnings in 2021 ⁴		Automatically covered	
Waiting period	1 week per couple		None	
<i>Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the Maximum Insurable Earnings level)</i>				
Plan	Standard	Extended	Basic	Special⁵
Maternity ^{3,4}	15 at 55%		18 at 70%	15 at 75%

² There have been temporary changes to EI benefits related to COVID-19, in place until September 24, 2022. (See comment on page 14): <https://www.canada.ca/en/services/benefits/ei/cerb-application/transition/ei-questions.html>

³ Conversion of currency undertaken for 06 June 2023, using: <https://sdw.ecb.europa.eu/curConverter.do>.

⁴ Government of Canada (2023) *EI benefits for self-employed people*. Ottawa: Employment and Social Development Canada. Available at: <https://www.canada.ca/en/services/benefits/ei/ei-self-employed-workers.html>

⁵ Since December 2020, these have been called 'prestations d'accueil et de soutien'.

Parental (may be shared)	35 at 55%	61 at 33%	32 (7 at 70% + 25 at 55%)	25 at 75%
Parental Sharing Benefit⁶	5 at 55%	8 at 33%	(+ 4 at 55% once 8 shareable parental benefit weeks have been paid to each parent)	(+3 at 75% once 6 shareable parental benefit weeks have been paid to each parent)
Paternity			5 at 70%	3 at 75%
Parental for Multiple Births (Non-shareable)			5 weeks to each parent at 70%	3 weeks to each parent at 75%
Single Parent Parental (Non-shareable)			5 at 70%	3 at 75%
Adoption (shared)⁶	35 at 55%	61 at 33%	32 7 at 70% + 25 at 55%	25 at 75%
			(+ 4 at 55% once 8 shareable parental benefit weeks have been paid to each parent)	(+ 3 at 75% once 6 shareable parental benefit weeks have been paid to each parent)
Adoption (Non-shareable)			5 weeks to each parent at 70%	3 weeks to each parent at 75%
Adoption-Related Welcome and Support Benefits (Shareable)			13 at 70%	12 at 75%
Multiple Adoption (Non-shareable)			5 weeks to each parent at 70%	3 weeks to each parent at 75%
Single Parent Adoption (Non-shareable)			5 at 70%	3 at 75%
<i>Adjusted annually:</i>				

⁶ For fathers and partners who are eligible only if the mother or other parent also receives parental benefits.

Maximum weekly benefit, 2023	CAN\$650 [€448.62]	CAN\$390 [€269.17]	CAN\$1,225 [€845.47]	CAN\$1,313 [€906.20]
Maximum insurable earnings, 2023	CAN\$61,500 [€42,445.99]/year		CAN\$91,000 [€62,806.27]/year	
Maximum total weeks per couple	Standard parental: 40 weeks (35 weeks plus 5 additional when benefits shared) Extended parental: 69 weeks (61 weeks plus 8 additional when benefits shared)		55 (59 if shared)	43 (46 if shared)
Low-income supplement⁷	Up to 80%		Up to 100%	

Source: Adapted from 'EI maternity and parental benefits: What these benefits offer,' Employment and Social Development Canada (2023), <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html>, 2020/2021 Employment Insurance Monitoring and Assessment Report (2022), <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/monitoring2021.html>, and 'Québec Parental Insurance Plan,' Emploi et Solidarité sociale, Québec, <http://www.rqap.gouv.qc.ca>

Table 1 Notes:

- 420 hours of insurable employment in the calendar year before the claim is made (or since the last EI claim, e.g., for unemployment, sick leave, Caregiving, or Compassionate Care benefits). In Québec, CAN\$2,000 [€1,380.36] must be earned in the prior year but an extension to up to 104 weeks before the start date for benefits can be considered if the claimant was unable to work for a portion of the year before the claim.
- Only the person who experienced pregnancy and childbirth (including surrogates) are entitled to Maternity leave in both plans; under QPIP, those with pregnancies terminated after 19 full weeks are also eligible.
- Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents.
- The benefit calculation for both programmes uses a 'best weeks' formula to determine 'average insurable earnings' up to the Maximum Insurable Earnings level for that year. EI uses the previous 52 weeks; Québec uses the past 26 weeks (an extension is granted if earnings were lower for certain reasons).
- <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html>
For births and adoptions (outside of Québec) on or after 17 March 2019.
- The low-income supplement is for families with a net annual income of less than CAN\$25,921 [€17,890.12]. The amount, up to 80 per cent of average insurable earnings, is calculated based on net family income and the number of children and their ages. It should be noted that even at 80 per cent, the threshold of CAN\$25,921 [€17,890.12] is below the low-income cut-off rate (poverty line) for two persons (parent and child). In September 2021, Québec enhanced the additional support offered to low-income parents. Additional details are on page 11.

a. Maternity leave (*congé de maternité*)

Length of leave (before and after birth)

- Sixteen to 19 weeks depending on the jurisdiction.

Payment and funding of two benefit programmes

- Fifteen weeks of EI benefits at 55 per cent of average insured earnings up to an upper limit of CAN\$61,500 [€42,445.99] (i.e., a benefit payment upper limit of CAN\$650 [€448.62] per week). Low-income families can qualify for a higher benefit rate, up to a maximum of 80 per cent of insured earnings.
- There is no payment for the first week, which is treated as a 'waiting period'. Payment is actually provided for 14 weeks and parents have only one 'waiting period' per birth; unpaid leave entitlement is 16-19 weeks (see Table 2).
- Administered under the federal EI programme, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every CAN\$100 [€69.02] of insurable earnings to the maximum insurable earnings threshold (MIE), which was CAN\$61,500 [€42,445.99] in 2023. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees, up to a maximum of CAN\$1,002.45 [€691.87] per employee for the year in 2023⁷.
- As was announced in the federal Budget 2022, the two-year freeze of the EI premium rate ended in 2023. In 2023 employee premiums were set at CAN\$1.63 [€1.12] per CAN\$100 [€69.02] of insurable earnings reaching a maximum of CAN\$1,002.45 [€691.87] for those who earn CAN\$61,500 [€42,445.99] or more. The premium rate for workers in Québec is CAN\$1.27 [€0.88] of insurable earnings in 2023; employer premiums were set at CAN\$2.28 [€1.57] per CAN\$100 [€69.02] of insurable earnings (for Québec Employers, at CAN\$1.78 [€1.23]).
- Self-employed individuals outside of Québec who opted into the EI programme in order to be eligible for special benefits pay the same as employees: CAN\$1.63 [€1.12] per CAN\$100 [€69.02] of insurable earnings to a maximum of CAN\$ 61,500 [€42,445.99] of earnings or CAN\$1,002.45 [€691.87] annually⁸.
- Maternity and Parental leave benefits are taxed.
- See 'regional or local variations' for details about additional contributions paid in Québec.

⁷ Government of Canada (2023) *EI premium rates and maximums*. Ottawa: Canada Revenue Agency. Available at: <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/payroll-deductions-contributions/employment-insurance-ei/ei-premium-rates-maximums.html#tb1>

⁸ Government of Canada (2023) *2023 Actuarial Report on the Employment Insurance Premium Rate*. Ottawa: Office of the Superintendent of Financial Institutions. Available at: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/premium/rates2023.html#h2.3>

Flexibility in use of benefits

- Pregnant mothers may start receiving benefits as early as 12 weeks before their due date or delay receiving benefits until the actual week that they give birth.
- Normally, Maternity Leave benefits must end by 17 weeks after the week in which the mother was expected to give birth or actually gave birth. Maternity benefit receipt can be delayed/extended by the amount of time a new-born is hospitalized, but Maternity benefits must be received within 52 weeks of the birth.
- Maternity benefits may be combined with regular benefits in the event of job loss or with other special benefits such as Parental benefits, sickness benefits, Compassionate care benefits, or family caregiver benefits for adults or for parents of seriously ill children up to a maximum of 102 weeks (with proof of eligibility for the latter benefits). Eligibility criteria and other rules regarding combining benefits can sometimes result in reducing the duration of claims.

Regional or local variations in leave policy

- Eligibility criteria and duration of leave entitlements vary across provinces and territories. The rules generally apply to all leave-taking types (Maternity, Paternity, Parental, Compassionate Care, etc.). See the Table 1 below.
- In 2022, Québec offers benefits up to an earnings upper limit of CAN\$91,000 [€62,806.27] per year for 18 weeks of Maternity leave, without a waiting period.⁹ Maternity leave use is flexible: it is possible to have a higher income replacement rate for a shorter period of time, or a lower rate for a longer period. Under the 'special' plan, Maternity Leave benefits are paid at 75 per cent of weekly income for 15 weeks, whereas under the 'basic' plan, it is 70 per cent of weekly income for 18 weeks.
- Under the Basic plan, Québec parents gain four weeks at 55 per cent if each parent takes at least 8 weeks of shareable parental or adoption leave.
- Under the Special plan, Québec parents gain three additional shareable weeks at 75 per cent if each parent takes at least six weeks of shareable parental or adoption leave.
- Maternity benefits may begin no sooner than the 16th week before the week scheduled for childbirth.
- Since 1 January 2021, the period during which maternity leave can be taken has increased from 18 to 20 weeks.
- It is possible for a claimant to receive QPIP maternity benefits while continuing to work. To determine the amount of income one can earn without affecting the amount of their QPIP benefits, they must calculate the difference between their average weekly earnings and the benefit amount.
- Benefits in Québec are financed by contributions from employers, employees, and the self-employed, who pay the standard contribution to EI (less a reduction, but with a supplementary contribution to cover the higher benefits offered in the province). In 2023, contributions are 0.494 per cent for employees, 0.692 per cent for employers, and 0.878 per cent for the self-employed; these are unchanged from 2022 (maximum contributions,

⁹ Government of Québec. For information on QPIP, see: <https://www.rqap.gouv.qc.ca/en/what-is-the-Québec-parental-insurance-plan>

respectively, of CAN\$449.54 [€310.26], CAN\$629.72 [€434.62], and CAN\$798.98 [€551.44], up to a maximum insurable income of CAN\$91,000 in 2023 [€62,806.27]¹⁰, compared with EI's 1.63% of insurable income to a maximum of CAN\$61,500 [€42,445.99] in other parts of Canada).

Eligibility (e.g., related to employment or family circumstances)

- Eligibility for job-protected unpaid leave varies between Canada's 14 employment jurisdictions and is separate from eligibility for the payment of benefits under the two (federal and Québec) programmes. The rules generally apply to all leave-taking types. See below, section 'b. Paternity leave.'
- Eligibility requirements for wage-compensation benefits under the federal programme are 600 hours of continuous employment in the previous 52 weeks. Many part-time and non-standard (contract) workers do not have enough hours to qualify, even though they pay EI premiums. For the Québec QPIP programme, workers are eligible if they earned at least CAN\$2,000 [€1,380.36] in the 52 preceding weeks.
- In 2006, when the QPIP programme began, self-employed workers in Québec became eligible for Maternity, Paternity, Parental, and Adoption benefits if they had made a minimum of CAN\$2,000 [€1,380.36] in self-employment earnings in the previous year. Outside Québec, EI special benefits (Maternity, Parental, Sickness, Compassionate Care and Family Caregiver for Children or Adults) were extended to the self-employed on a voluntary, opt-in basis in 2010 (implemented in 2011). Until 2011, most self-employed parents (outside of Québec) were not eligible for benefits because they typically work under business or service contracts and therefore are not considered to have insurable employment. In order to receive Maternity/Parental benefits, self-employed parents outside of Québec have to register one year prior to seeking benefits and qualify if they have reduced the amount of time devoted to their business by more than 40% because of childbirth/care, have paid contributions to the regime, and have earned at least CAN\$8,255 [€5,697.43] from self-employment in 2022. There are no leave entitlements or benefits for parents who do not meet these eligibility criteria.
- Graduate students and postdoctoral fellows who have been granted a scholarship from one of three large granting Tri-Council funding agencies¹¹ can receive limited benefits (Maternity, Paternity, and Parental) according to work-related earnings. Research/teaching assistant and postdoctoral employment contracts vary in terms of being counted as insurable earnings.

¹⁰ Government of Québec. *Québec Parental Insurance Plan*. Available at: <https://www.rgap.gouv.qc.ca/en/about-the-plan/general-information/premiums-and-maximum-insurable-earnings>

¹¹ The Tri-Council funding agencies include The Social Sciences and Humanities Research Council (SSHRC), the Canadian Institutes of Health Research (CIHR), and the Natural Sciences and Engineering Research Council of Canada (NSERC). These are the major sources of research funding for post-secondary institutions across Canada.

Variations in leave due to child or family reasons (e.g., multiple or premature births, poor health or disability of child or mother, lone parent) or delegation of leave to person other than the mother

- Maternity leave entitlement can be extended in some jurisdictions if the child or the mother has health-related complications (in British Columbia this applies to the child if they have a physical, psychological, or emotional condition that requires additional care). This extension can be for up to six weeks. See Table 2.
- In cases where a birth mother is ill during or after pregnancy, up to 26 weeks of federal Sickness benefits can be received, increased from 15 weeks prior to December 2022. This results in a maximum of 102 weeks of benefits (26 weeks of Sickness benefits, 15 weeks of Maternity benefits, and 61 weeks of Parental benefits). If a new-born or newly adopted child is seriously ill, the mother may combine Maternity benefits with up to 35 weeks of EI benefits for Family Caregivers for Children. Parents in Québec can combine QPIP benefits with EI Sickness and/or Caregiver benefits if they qualify for them.
- Leave entitlements and benefits are offered per birth, not per child. Parents of multiple-birth infants follow the same entitlements and benefits as parents of single infants under the EI plan. In Québec, since 1 January 2022, QPIP offers five additional benefit weeks at 70 per cent to each of the parents in case of multiple births or adoptions (three at 75 per cent under the special plan).

Additional note (e.g., if leave payments are supplemented by collective agreements, employer exclusions, or rights to postpone)

- Some employers provide a supplemental benefit plan that partially or wholly makes up the difference between the federal Maternity benefit and the worker's salary and that often includes coverage during the waiting period before federal benefits are provided.

b. Paternity leave (congé de paternité in Québec, where this is the responsibility of the Ministry of Work, Employment and Social Solidarity)¹²

Length of leave (before and after birth) entitlement

- There is no statutory Paternity leave, except in Québec (see 'regional or local variations'). Under the EI system, fathers (or same-sex partners) can share parental leave benefits, and if they do, a couple can qualify for an additional five weeks of benefits (standard option) or eight weeks (extended parental leave option). In Québec, family policy has evolved immensely over the years¹³ and fathers are entitled to Paternity leave. For same-sex male parents, the partner of the biological father is entitled to adoption benefits

¹² The French translation of the name of this ministry is Travail, Emploi et Solidarité Sociale.

¹³ Mathieu, S., & Tremblay, D.-G. (2020) 'Évolution et transformation de la politique familiale québécoise depuis 1997'. *Enfances, familles et générations*, 35. Available at: <https://journals.openedition.org/efg/10356>

if he was part of the adoption process. In the case of two female parents, the partner of the birth mother is entitled to Paternity leave and Parental leave benefits if her name is on the birth certificate.

Regional or local variations in leave policy

- Québec offers up to five weeks of Paternity leave after the birth, which may be taken for three weeks at 75% of average weekly earnings or for five weeks at 70% to an earnings upper limit of CAN\$91,000 [€62,806.27] per year. Funding is the same as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAN\$2,000 [€1,380.36] in the 52 preceding weeks.

c. Parental leave (*congé parental*)

Length of leave (before and after birth)

- For unpaid job-protected leave, see regional variations below.

Payment and funding

- The EI system provides two Parental leave options that apply to both parents of new-borns and newly adopted children. Standard Parental leave benefits stipulate that "up to 40 weeks can be shared between parents, but one parent cannot receive more than 35 weeks" at 55 per cent of average insured earnings up to a maximum of CADCAN\$650 [€448.62] per week (the same rate as Maternity leave). Alternatively, Extended Parental leave benefits offer longer duration for less money: up to 69 weeks can be shared, but one parent cannot receive more than 61 weeks at 33 per cent of earnings up to CADCAN\$390 per week [€269.17]. In both cases, sharing benefits is incentivized.¹⁴
- *Parental Sharing Benefits*: An EI Parental Sharing Benefit¹⁵ was implemented on 17 March 2019. This policy provides an additional five weeks of benefits under the standard option (up to 40 weeks) when couples share the benefits, and a maximum of an additional eight weeks when parents share benefits under the extended leave option. The aim of this programme is to enhance gender equality by encouraging more fathers to take a portion of Parental leave. It is important to note that families are only eligible for this new option if *both* parents qualify for and receive benefits.¹⁶ It also aims to be inclusive

¹⁴ Government of Canada (2023) *Maternity and parental leave benefits*. Ottawa: Employment and Social Development Canada Available at: <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html>

¹⁵ Government of Canada (2019) <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html> Ottawa: Employment and Social Development Canada.

¹⁶ For an overview of the high numbers of mothers who do not receive Maternity and Parental benefits in Canada, see McKay, L., Mathieu, S., & Doucet, A. (2016) 'Parental-leave rich and parental-leave poor: Inequality in Canadian labour market-based leave

of all types of families, such as families with same-sex parents and adoptive parents. The extra five or eight weeks are available only to parents of children born or placed with them for adoption on or after 17 March 2019.

- *Low-income families* (i.e., families with a net income of CAN\$25,921 [€17,890.12] or less per annum) are eligible for a family supplement under the EI programme, up to a maximum of 80 per cent of average insurable earnings. The specific amount of benefits received depends on family net income and the number and ages of children in the family (under 18 years). Data are not available regarding the number of Parental leave claimants who received the family supplement. Evidence of the total number of claimants receiving any of the 'special' benefits, however, indicates a consistent decrease each year (since 2001-2002), largely because the threshold for the family supplement has been constant since 1997 (at a net annual income of less than CAN\$25,921 [€17,890.12]), while average family income has risen. In September 2021 Québec raised the eligibility threshold for a benefits top-up to the equivalent of the annual minimum wage of a person who works 40 hours a week. The amount rose to CAN\$28,080 [€19,380.22] in 2021. This threshold will now be indexed to minimum wage increases and in May 2023 it will rise to CAN\$31,720 [€21,892.47]. In addition, the benefit calculation is now based on individual income instead of family income. Low-income parents who qualify for an increased benefit can see it reach up to 85% or 100% of their average weekly insurable income now, depending on the choice of plan. Finally, under the new top-up rules, both parents can receive an increase in their benefits simultaneously if they both qualify. Before September 2021, the increase could only be granted to one parent when both received benefits at the same time. The way supplements are calculated has also been changed. They are no longer based on non-indexed lump-sum amounts but rather are proportional to income.
- *Working while on claim*: In Canada, it is possible for a claimant to receive EI Maternity and Parental leave benefits while continuing to work. If they are earning a maximum of 90 per cent of their previous earnings (in the 52 weeks before going on leave), which is equivalent to approximately four and a half days of work per week, they will receive 50 cents for every eligible benefits dollar. If a claimant works above this 90 per cent cap, their benefits are deducted dollar-for-dollar. If they choose to work a full-time week, they will no longer be eligible to receive benefits (regardless of earnings), but this will not decrease the total amount of weeks payable on their claim. Working while on claim does not need a separate application. If claimants are already receiving Maternity and/or Parental benefits, they only need to declare their earnings online. Québec has different rules regarding working while receiving QPIP benefits (see additional details below).
- *Students and post-doctoral fellows*: In March 2019, parental leave duration was extended from six to twelve months for student researchers and post-doctoral fellows receiving federal research grants or scholarships. This programme is administered by federal Tri-Council funding agencies (see footnote 7).

policies', *Journal of Industrial Relations*, 58(4), 543–562. Available at: <https://doi:10.1177/0022185616643558>

Flexibility in use

- Both in Canada and in Québec, benefits payment can be claimed by either parent or can be shared (if both parents qualify). In Canada, the total duration is 35 weeks (40 weeks if shared) under the standard plan, which stipulates that leave benefits must be used within 52 weeks after the birth. Since 1 January 2021, in Québec, the period during which Parental leave can be taken has increased to 78 weeks (see page 15).
- When they apply for benefits, parents must choose either the standard plan or the longer extended benefit plan and this decision cannot be changed at a later date.
- Each of the 14 labour laws establishes rules regarding flexibility of use. For details, see notes under Table 2 in 'Regional or local variations in leave policy'. Parents of a new-born or newly adopted child who is hospitalized for an extended period have a window of up to two years to claim Parental benefits.
- Parental leave benefits can be combined with EI-covered Sickness or Compassionate Care benefits or Family Caregiver benefits while a parent is on leave.
- Canadian Forces members ordered to return to duty while on Parental leave or whose Parental leave is deferred because of military requirements may receive benefits for an extended window of up to two years following their child's birth or adoption.

Regional or local variations in leave policy

- As Canada has 14 jurisdictional Employment Standards acts, provinces and territories use different unpaid job-protected leave entitlement criteria. In all jurisdictions but Quebec, where residency determines eligibility for QPIP, place of employment, rather than residency, determines which legal rules parents must follow. These rules pertain to length of leave, flexibility of use, potential extensions related to special circumstances, eligibility for leave, and employment entitlements during leave (e.g., accrual of work benefits such as pensions). Additional regional variations in eligibility for leave entitlement are noted in the next section.
- Following the federal government's introduction of an optional extended Parental benefit period of 61 weeks, it amended legislation to allow 63 weeks of unpaid, job-protected Parental leave for workers in federally regulated industries governed by the Canada Labour Code. The federal government works with the provinces and territories to encourage similar changes under provincial employment standards laws. The chart below shows which provinces and territories have made this change as of March 20, 2023. All jurisdictions require continuous leave within and across types of leave.

Table 2: Maximum Duration of Unpaid Leave Entitlement by Jurisdiction¹⁷

Employment Jurisdiction	Maternity Leave (weeks)	Paternity Leave (weeks)	Parental Leave (weeks)	Adoption Leave (weeks)
Federal	17		63*	63*
Alberta	16		62	62
British Columbia	17		61-62*	62*
Manitoba	17		63	63
New Brunswick	17		62	62
Newfoundland and Labrador	17		78	78**
Northwest Territories	17		61***	61***
Nova Scotia	16		77	77
Nunavut	17		37	37
Ontario	17		61-63+	63
Prince Edward Island	17		62	62
Québec	18	5	65	65
Saskatchewan	19		59-71++	19++
Yukon	17		63*	63*

* 71 if shared.

* 61 weeks for birth mothers who have taken Maternity leave; 62 weeks otherwise.

** Adoptive parents can also take 17 weeks of unpaid adoption leave, in addition to 61 weeks of parental leave, for a total of 78 weeks.

*** An additional 8 weeks is available if leave is shared.

+ 61 weeks for birth mothers who have taken Maternity leave; 63 weeks otherwise.

++ 59 weeks for the primary parent who took full Maternity or adoption leave; 71 weeks for the parent who did not.

Eligibility (e.g., related to employment or family circumstances)

- In most provinces and territories, to qualify for unpaid job-protected Maternity, Paternity, or Parental leave, an employee must complete a specific period of continuous employment in the year prior to taking leave. The exceptions are British Columbia, Nova Scotia, Québec, and, as of 2019, the federal jurisdiction, where there is no minimum length of service required. From shortest to longest duration, Alberta requires a minimum of 90 days with the same employer, Ontario and Saskatchewan require 13 continuous weeks, and Newfoundland and Labrador requires 20 continuous weeks. Prince Edward Island requires employment over any 20 weeks in

¹⁷ Source: Miller Thomson (2022) Guide to Statutory Leaves of Absence, <https://www.millerthomson.com/wp-content/uploads/2020/03/Guide-to-Statutory-Leave-of-Absence.pdf>

the previous 52 weeks of leave, while New Brunswick requires six months of continuous employment and Manitoba requires seven months. The Northwest Territories, The Yukon Territories and Nunavut require 12 months.

- Additionally, in all jurisdictions, a medical certificate is required or may be requested by the employer and an employee must notify the employer (usually two to four weeks in advance or six weeks in Alberta eight weeks (two months) or sooner New Brunswick), of their intent to take Maternity or Parental leave. Employees are often required to provide advance notice of their intended date of return.
- Non-citizens and migrant workers with a valid social insurance number and who meet other eligibility criteria may be eligible for Maternity and Parental benefits.¹⁸
- To be eligible for EI paid benefits in Canada, a parent must have worked in insurable employment for 600 hours in the previous 52 weeks or since their last Employment Insurance claim (apart from a COVID-19 temporary law that reduced this to a minimum of 120 hours (September 2021), followed by a minimum of 420 hours which was in place until September 2022)¹⁹. Outside Québec, self-employed individuals are eligible if they register in advance for the EI Special Benefit programme, have paid premiums for at least one year, and have earned a minimum net income of CAN\$8,255 [€5,697.43] in 2023.
- Self-employed workers in Québec are automatically included in the benefits programme and are eligible for 25 or 32 weeks if they have earned at least CAN\$2,000 [€1,380.36] in the 52 weeks preceding the birth of their child.
- Québec has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits: it no longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAN\$2,000 [€1,380.36]. This threshold has remained unchanged since 2006; as a result, with each passing year, it is increasingly easy to qualify to receive benefits.
- Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada. By comparison, under QPIP, earning CAN\$2,000 [€1,380.36] over the previous year enables more students to access Parental leave benefits.

Specific differences between Québec QPIP and EI-based benefits in the rest of Canada

- In terms of benefits, the QPIP offers a basic entitlement of seven weeks at 70 per cent of average insured income, plus 25 weeks at 55 per cent, up to an earnings ceiling of CAN\$91,000 [€62,806.27] a year. There is also a

¹⁸ Government of Canada (2020) *Maternity and parental leave benefits*. Ottawa: Employment and Social development Canada. Available at: <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/eligibility.html>

¹⁹ Between September 2020 and September 2021, there was a one-time credit of 480 insurable hours, resulting in 120 hours of work required for EI special benefits (<https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/premium/rates2022.html#h2.4>); extension to September 24, 2022.

- 'special' plan, which applies to Parental leave, offering a shorter period of leave (25 weeks) with higher benefits (75 per cent of earnings).
- Since January 2021, under the Basic plan, parents gain four additional shareable weeks at 55 per cent if each parent takes at least eight weeks of shareable parental or adoption leave. Under the Special plan, parents gain three additional shareable weeks at 75 per cent if each parent takes at least six weeks of shareable parental or adoption leave.
 - Since 1 January 2021, the period during which Parental leave can be taken has also increased to 78 weeks (18 months).
 - *Working while on claim*: It is possible for a claimant to receive QPIP benefits while continuing to work. Since September 2021, parents can combine work income and benefits, up to 100 per cent of the weekly income recognized for the calculation benefits, regardless of the type of benefits (maternity, paternity, parental, adoption or adoption-related welcome and support). Earnings above this cap will result in dollar-for-dollar benefits deductions.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent), or delegation of leave to person other than the parents

- In Nova Scotia, if the child for whom leave is taken is hospitalized for more than one week, an employee can return to work and take the unused portion of the leave when the child is released (this can only be taken once per leave).
- As noted for Maternity benefits, no additional EI parental benefits are provided in the case of different circumstances (a court case challenging this policy regarding multiple births was rejected in 2011), although parental benefits can be combined with EI benefits for family caregivers for children who are critically ill.
- In Québec, non-shareable parental benefit weeks are granted to each parent in case of multiple births or adoptions since January 2021 (five weeks to each parent at 70 per cent in the basic plan and three weeks to each parent at 75 per cent in the special plan).

Additional note (e.g., if leave payments are supplemented by collective agreements; employer exclusions; or rights to postpone)

- Some employers have a supplemental benefit plan that partially makes up the difference between federal EI Parental benefits and the worker's salary and some also offer additional periods of leave. A recent survey conducted by Statistics Canada in February and March of 2020, before the full onset of the COVID-19 pandemic, revealed that 41.9 per cent of Canadian workers had access to Supplemental Maternity, Paternity, Parental or Employment Insurance income as an employer-provided benefit. Access to this supplemental income was far more prevalent among workers with permanent (continuing) jobs than among fixed contract, temporary, seasonal, or on-call workers.²⁰ Data from Statistics Canada's

²⁰ Statistics Canada (2021) 'Aspects of quality of employment in Canada, February and March 2020', *The Daily*, 22 March 2021. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/210322/dq210322a-eng.htm>

Employment Insurance Coverage survey indicate that in 2019 30 per cent of mothers with an infant under 12 months who worked as a paid employee in the previous two years received a top-up payment from their employer²¹.

- Many universities have adopted a policy of 'pausing the tenure clock' (extending the period before a mandatory tenure decision) for parents who take Maternity, Parental, or Paternity leave.

d. Childcare leave or career breaks

- None exist under labour laws or regulations at national or provincial levels.
- In some collective agreements in the Québec public service (for example, in education), it is possible to defer income, working four years at 80 per cent of earnings, followed by a one-year career break, again at 80 per cent of earnings. This is, however, part of a collective agreement, and not a labour law or regulation.

e. Other types of leave and flexible working

Adoption leave and pay

- The same regulations for unpaid Parental leave apply for adoptive parents and birth parents, except in four jurisdictions (see Table 2). In three cases, adoptive parents are eligible for Adoption leave that can be added to Parental leave. The EI programme offers Parental leave benefits, but not Maternity leave benefits for parents of newly adopted children.
- In Québec, the QPIP offers multiple types of adoption benefits:
 - Non-shareable benefits: five weeks to each parent at 70 per cent (three weeks at 75 per cent under the special plan)
 - Shareable Adoption-Related Welcome and Support Benefits: 13 weeks at 70 per cent (12 weeks at 75 per cent under the special plan).
 - Shareable benefits: 32 weeks (seven weeks at 70 per cent + 25 weeks at 55 per cent). Under the special plan, the QPIP offers 25 weeks at 75 per cent. Benefits are extended when shared by both parents. Under the basic plan: four additional shareable benefit weeks at 55 per cent once eight shareable adoption benefit weeks have been paid to each parent. Under the special plan: three additional shareable benefit weeks at 75 per cent once six shareable adoption benefit weeks have been paid to each parent.
 - In case of multiple adoption: Non-shareable benefits of five weeks at 70 per cent (three at 75 per cent under the special plan)
 - For single parents: Non-shareable adoption benefits of five weeks at 70 per cent (three at 75 per cent under the special plan)
- Since 1 January 2021, the period during which adoption leave can be taken has increased to 78 weeks (18 months) in Québec.

²¹ Choi, Y. (2023). The likelihood and timing of mothers returning to work after parental leave. Statistic Canada, Economic and Social Reports. Catalogue no. 36-28-0001.

Time off for the care of dependants (see also Section 3)

- The Canada Labour Code (covering employees in federally regulated industries) has changed to provide up to five days per year for personal or family responsibility leave, including three paid days after three months of continuous employment.
- British Columbia, Alberta, Manitoba, Ontario, New Brunswick, Prince Edward Island, and Nunavut allow three to five days of unpaid leave per year to care for a sick child or family member; Newfoundland and Labrador allows up to seven days of unpaid sick leave or family responsibility leave.
- In Québec, employees are entitled to ten days of unpaid leave per year, which can be used for a sick child or other family member under the *Loi sur les normes du travail* (minimum employment standards law).
- All jurisdictions have Compassionate Care leave provisions, which entitle employees to take 27 or 28 weeks of unpaid time off to care for (or arrange care for) a family member who 'is at significant risk of death within a 26-week period,' and which generally align with unpaid leaves available to employees under provincial legislation. EI Compassionate Care benefits provide up to 26 weeks of benefits for those caring for an individual of any age who requires end-of-life care using the same rules required for parental leave benefits. In addition, two more recently introduced benefit programs are the '**Family caregiver benefit for children**,' that provides up to 35 weeks of benefits for those caring for a critically ill or injured child under the age of 18 and the '**Family caregiver benefit for adults**' that offers up to 15 weeks of financial assistance for those caring for a critically ill or injured person over the age of 18 or a family member who has experienced a significant change in their health and requires the care or support of one or more family members. Each of these benefits are offered through EI, providing up to 55 per cent of recipients' earnings, to a maximum of CAN\$650 [€448.62] per week.²² Provisions for unpaid leave that match these benefit programs are provided under the Canada Labour Code and provincial/territorial employment standards legislation.
- The 35 weeks of Family Caregiver Benefits for Children may now be shared among any family members (or people considered to be like family) who meet the existing eligibility requirements for EI special benefits, requiring 600 insurable hours during the qualifying period.²³ These caregiving benefits are also available to eligible self-employed individuals who have contributed to EI and may be combined with Compassionate Care leave benefits if the child/adult's health worsens. Claimants must provide a medical certificate attesting that the child/adult is critically ill. All provinces and territories have amended their legislation to provide matching periods of unpaid leave (36-37 weeks for the care of Critically Ill Children and 16-17 weeks to care for a Critically Ill Adult).

²² Government of Canada (2022) *EI caregiving benefits*. Ottawa: Employment and Social Development Canada. Available at:

<https://www.canada.ca/en/services/benefits/ei/caregiving.html>

²³ Government of Canada (2018) *Introducing a new EI Family Caregiver benefit*. Ottawa: Employment and Social Development Canada. Available at: <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html>

Specific provision for (breast)feeding

- None.

Flexible working

- *Work-Sharing* is a small, federally run program supported through the Employment Insurance (EI) fund designed to minimize layoffs. Although not specifically designed for parents, it allows employees to reduce their weekly working hours by 10-60 per cent. Employers and employees must agree to participate in Work-Sharing and apply together. Since September 25, 2022, the duration of Work-Sharing is a maximum of 26 weeks; if needed, an extension may be requested, providing up to 12 additional weeks, bringing the maximum up to 38 weeks. Participants of this program receive EI benefits to supplement their wages and the employer must maintain all existing employee benefits during the Work-Sharing agreement. In the province of Québec, while some larger firms made it possible for workers to reduce their hours, many did not. There were no governmental regulations in Québec with respect to this.
- In the federal and Québec jurisdictions, a pregnant woman or nursing mother is entitled to consult with a health care practitioner to establish whether continuing any aspect of her work poses a risk to her health or that of the unborn child or nursing infant. If needed, she is obliged to ask her employer to temporarily modify her duties or to assign her to another position if necessary.
- In Québec, a pregnant worker can qualify for Workers' Compensation if no other suitable position is available at their workplace.
- As of December 2017, employees in the federal jurisdiction have a right to request flexible working arrangements after 6 months of continuous employment. Employees may request changes to the number of work hours per week, their work schedule, or the employee's location of work, such as working from home or a satellite location. Employers are required to consider such requests, but may not grant them if the requested change would result in additional costs that would constitute an undue financial hardship for the employer or would result in negative impacts on the quality or quantity of work, the ability to meet customer demand, and/or the performance of the employee's workplace. No other jurisdiction has introduced a formal right to request flexible work arrangements, but they may be introduced through collective agreements.
- Following the substantial changes in work arrangements that occurred during the Pandemic, including the significant number of employees who worked from home, negotiations about work from home, required office days, and hybrid arrangements have been common in the popular and business press. Individual employers and, in some cases, unions have been involved in trying to reconcile employer and employee needs and preferences. There is also some interest in the adoption of four-day work weeks among some employers, but most of this is occurring in individual workplaces and is not framed as an employee's right or as an employment policy specifically designed to facilitate earning and caring roles.

2. Relationship between leave policy and early childhood education and care (ECEC) policy

There is no entitlement to early childhood education and care in Canada. Parents must make their own arrangements for childcare at the end of parental leave in order to return to work. Childcare for infants and young toddlers is the most expensive and least available among regulated childcare arrangements. The most current information available estimates that in 2021 there was a full or part-day childcare centre/preschool space available for only 28 per cent of children age 0-5 across the country²⁴. Difficulties finding and affording childcare, particularly outside of Québec, may result in parents postponing their return to the work force, limiting their work hours, or using multiple or temporary arrangements²⁵.

Canada is not included in the comparative table on ECEC enrolment produced for the OECD Family Database. Childcare program policies, licensing standards, and funding mechanisms are under provincial/territorial jurisdiction and vary considerably.

Across the country (outside Québec), jurisdictions have provincially/territorially/municipally funded, provincially or municipally delivered childcare subsidy programmes. These programmes subsidize childcare for young children (birth to five years old) and before and after school care for older children. Under this programme, only families that can provide continual proof that both parents (or a lone parent) are working or studying can qualify, and childcare must be provided by a licensed early childhood programme or a regulated childcare provider. Eligibility criteria are income-based and social (i.e., for children with a disability or special need and for families referred by Child and Family Services agencies) and there are minimal fees and surcharges in some provinces.

Although most parents do not qualify for provincial/municipal childcare subsidies, they are a crucial resource for lower-income parents, including parents who are students, enabling them to complete qualifications and/or work at lower paying jobs. Notably, these are the very parents who are less likely to qualify for Parental leave entitlement and benefits. Levels of funding, available places, and waitlist backlogs vary by municipality and province and change over time; often, there are long waiting lists for these subsidies.²⁶

Most provinces offer publicly funded kindergarten to children who are five years old. In Ontario, optional full-day kindergarten has been universally available since 2014 for children between the ages of three years and eight months and six years old. This policy change reduced the demand for daytime childcare for this age

²⁴ Beach, J., Friendly, M., Nguyen, N.T., Borges Nogueira, P., Taylor, M., Mohamed, S., Rothman, L. & Forer, B. (2023). *Early childhood education and care in Canada 2021*. Childcare Resource and Research Unit.

²⁵ Government of Canada: Statistics Canada (2022) "Survey on Early Learning and Child Care Arrangements, 2022" *The Daily*. Available here: <https://www150.statcan.gc.ca/n1/daily-quotidien/220601/dq220601a-eng.htm>

²⁶ Macdonald, D. and Friendly, M. (2020) *In progress: Child care fees in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

group (four and five-year-olds), although not for after school programmes and summer care.

Across the country, day care fees vary depending on provincial policies and market rates, with infant care being the most expensive. Canada's patchwork of provincial/territorial childcare policies continues to limit children's access to high quality early childhood programmes and has a considerable impact on family incomes and women's employment.²⁷ As aforementioned, many provinces/territories are improving access and/or reducing parental fees under the new childcare plan, but the limited supply of qualified early childhood educators remains an issue. There are strong calls by childcare advocates and women's groups to ensure that every jurisdiction develops an effective Early Learning and Child Care (ELCC) workforce strategy. While the new childcare plan accounts for workforce concerns, the extent to which the provinces/territories are implementing measures—such as appropriate wage grids and improvements to working conditions and benefits in order to attract, recruit, and retain qualified early childhood educators—to support the ELCC workforce vary considerably. Plans for expansion first require stabilizing the existing supply of programs, which has been impacted to a significant degree by decreased enrolments and additional expenses required during the Pandemic.²⁸

In Québec, there is a network of non-profit childcare financed largely by the Québec government, which in 1997 offered day care at CAN\$5 [€3.45] a day. The February 2014 budget increased the amount parents pay for childcare to CAN\$ [€5.25] and it was increased to CAN\$8.25 [€5.69] in 2019 and CAN\$8.70 [€6] in 2020²⁹. In 2023, the daily rate for subsidized care is CAN\$8.70 [€6]. Subsidized spaces are insufficient to meet demands; however, parents who use unsubsidized childcare are entitled to a refundable tax credit that reimburses between 26 and 75% of their expenses, depending on family income. In 2021, Québec announced the introduction of a "Major initiatives for families" (Grand chantier pour les familles) to complete Québec's childcare network. The objective is for the network to be completed by 2025, so that every child has access to a childcare space. Early childhood programs fall under provincial jurisdiction, requiring that federal leadership and funding be paired with provincial/territorial government commitments and collaborative relationships to effect significant, sustained changes in early childhood policies and provision. Recent efforts, beginning in 2017 and gaining considerable momentum since 2021, are finally resulting in transformative changes in Canada's approach to early learning and childcare, including significant commitments to ensure Indigenous-led programs that respect and honour Indigenous children, families, and communities. While not without significant challenges, significant multi-year funding and the negotiation

²⁷ For an overview of the costs of day care in Canadian cities, see Macdonald, D. and Friendly, M. (2019) *Developmental milestones: Child care fees in Canada's big cities*, 2018. Ottawa: Canadian Centre for Policy Alternatives.

²⁸ MacDonald, D. and Friendly, M. (2021) *Sounding the alarm: COVID-19's impact on Canada's precarious child care sector*. Ottawa: Canadian Centre for Policy Alternatives. Available at : <https://www.policyalternatives.ca/TheAlarm>.

²⁹ Finances Québec. (2020) *Connaître le coût quotidien net des services de garde*. Available at : http://www.budget.finances.gouv.qc.ca/Budget/outils/garde_fr.asp

of bilateral agreements with each province/territory³⁰ and with Indigenous partners as part of a Canada-wide Early Learning and Child Care system are designed to result in more affordable, accessible, inclusive, high-quality childcare for all Canadians who wish to use it.³¹

Building on earlier efforts in 2005, the federal government released the Multilateral Early Learning and Child Care Framework (MELCCF) in 2017, and then a year later, the Indigenous Early Learning and Child Care Framework. The 2017 federal budget included an accompanying funding plan for both Frameworks totaling CAN\$7.5 billion over 11 years, with CAN\$1.2 billion earmarked for the first three years. The MELCCF was seen as an important step forward that committed the federal government, provinces and territories, and Indigenous partners to work together collaboratively to improve on existing programs. Specifically, the 2017 Multilateral Framework articulated key principles to guide new investments and to achieve broad long-term objectives through bilateral agreements.³² The Framework further recognizes the diverse and multicultural fabric of Canada, the unique needs of French and English linguistic minority communities and Indigenous peoples and the importance of inclusive early learning and childcare in providing high quality programs to children and families who are experiencing vulnerability, including children with varying abilities. Although a very important step forward, childcare experts expressed some concern about the lack of commitment to a universal publicly funded system, the amount of funds available, and limited methods to ensure accountability for meeting objectives³³.

Experiences during the Pandemic highlighted how critical affordable, accessible childcare is for parents (particularly mothers), employers, and for the Canadian economy. In Budget 2021, the federal government announced further development of its childcare plan to provide significant additional funds for early learning and childcare, drawing upon Québec's model³⁴. The 2021 Budget clearly identified access to affordable, high-quality childcare as an economic issue, as much as part of "essential social infrastructure", highlighting long-term social and economic outcomes, support for increasing women's labour force participation and boosting economic growth. Funding committed in that budget heralded the establishment of a Canada-wide Early Learning and Child Care System with the

³⁰ Separate funding is provided to Quebec, given its well-developed child care system in an asymmetrical agreement.

³¹ Government of Canada (2021) *A Canada-wide Early Learning and Child Care Plan*. Ottawa: Department of Finance Canada. Available here: <https://www.canada.ca/en/department-finance/news/2021/12/a-canada-wide-early-learning-and-child-care-plan.html>

³² Government of Canada (2017). Multilateral Early Learning and Child Care Framework. <https://www.canada.ca/en/employment-social-development/programs/early-learning-child-care/reports/2017-multilateral-framework.html>

³³ Child Care Now. (2019). An Analysis of the Multilateral Early Learning and Child Care Framework and the Early Learning and Child Care Bilateral Agreements.

³⁴ [Cleveland, G., Mathieu, S. & Japel, C. \(2021\). 'What is the Quebec model of early learning and child care?', *Policy Options*, Feb. 18. Available at: <https://policyoptions.irpp.org/fr/magazines/fevrier-2021/what-is-the-quebec-model-of-early-learning-and-child-care/>](#)

goal of “ensuring that all families have access to high-quality, affordable and flexible early learning and child care, no matter where they live.”

Budget 2021 investments totaling up to CAN\$30 billion were allocated for initial five-year agreements with the provinces and territories, with longer-term funding to be allocated in future years. Bilateral Canada-wide Early Learning and Child Care agreements that set out the terms and conditions for this funding were negotiated between July 2021 and October 2022 with each province and territory. The agreements stipulated that governments would reduce average childcare fees by 50 per cent by the end of 2022 and work towards the goal of having regulated childcare spaces for children under 6 years of age be offered at an average price of CAN\$10 [€6.90] per day nationwide within 5 years (by 2025-2026). The agreements also include a commitment to yearly growth in access to affordable regulated childcare spaces across Canada, particularly in the public and non-profit sector; improvement and expansion of flexible before- and after-school care; commitments to better address vulnerable families and children with disabilities; and efforts to improve early childhood educators’ remuneration and development opportunities in order to expand and support the childcare workforce. Importantly, each provincial/territorial government committed to developing common, publicly available data to measure progress and be accountable to Canadians for improvement in the system. An asymmetrical agreement was developed with Quebec to allow further development of early learning and childcare in that province. The Early Learning and Child Care Plan includes CAN\$2.5 [€1.73] billion to be allocated towards Indigenous early learning and care, to be managed in partnership with First Nations communities. Beginning in 2021-2022, CAN\$1.4 [€0.97] billion over 5 years, then CAN\$385 [€265.72] million ongoing, will be invested towards high-quality, Indigenous-centric programming, workforce development, and up to 3,300 new childcare spaces; while CAN\$515 [€355.44] million over five years, and CAN\$112 [€77.30] million ongoing, will be invested to support before and after-school care for First Nations children on reserve.

Over the next ten years, the government has committed up to 1.02 billion [€0.70] to support ELCC for First Nations childcare and this will be managed in partnership with First Nations communities. Up to CAN\$111 [€76.61] million will support ELCC for the Inuit communities and will be managed in partnership with Inuit communities; and up to CAN\$450 [€310.58] million will support ELCC for the Métis Nation and will be managed in partnership with the Métis Nation.³⁵

As of April 2023, six provinces reportedly have met the CAN\$10/day mark for existing spaces however expansion, and even stability in existing childcare spaces, is being affected by labour shortages and high turnover in the early childhood care and education workforce. Substantial efforts to address workforce issues (low pay, poor working conditions, lack of respect) are urgently required if policy goals are to be achieved. The 2021 Budget notes collaboration with not-for-profit sector childcare providers, and training and development for early childhood educators. A number of provinces have introduced wage grids, tied to educational

³⁵ Government of Canada (2018) Backgrounder: Indigenous Early Learning and Child Care Framework. Ottawa: Employment and Social Development Canada. Available at: <https://www.canada.ca/en/employment-social-development/news/2018/09/backgrounder-indigenous-early-learning-and-child-care-framework.html>

qualifications and the Agreements also include accountability measures such as publicly available data.

In December 2022, the government introduced legislation that would enshrine in law current programs and policies to establish and sustain progress made to develop a Canada-wide early learning and childcare system. Bill C35, An Act Respecting Early Learning And Child Care In Canada, is currently before Parliament.³⁶ Passage of this legislation would ensure that progress made in this area that is so critical for Canadians will continue.

Additional Supports for Parents and Young Children

In 1989 there was a unanimous resolution in Canada's House of Commons to end child poverty by the year 2000. Over the years various forms of income support to families with children have been implemented. In addition to provincial/territorial welfare systems that provide social assistance to low-income Canadians, Canada's tax system and, specifically, federal child benefits provide financial support, particularly to low and modest-income families.

As of March 2022, the Canada Child Benefit (tax-free monthly payments to eligible families with one or more children under 18 years of age)³⁷ provides a maximum annual benefit of up to CAN\$6,997 [€4,829.18] per child under the age of 6 and up to CAN\$5,903 [€4,074.13] per child between 6 and 17 years of age to eligible families. The Canada Child Benefit may be supplemented by a federal childcare expense deduction, which typically must be claimed by the parent with the lower net income. The Canada Child Benefit may be augmented by up to CAN\$2,985 [€2,060.18] per year for each child in the family with a disability. Eligible parents received a one-time CAN\$300 [€207.05] bonus in their CCB payment in May 2021, in response to the pandemic³⁸. In 2021, the Canada child benefit young child supplement (CCBYCS) provided support to families with children under the age of 6 years, with a payment of up to CAN\$1,200 [€828.21] per child, issued 28 May, 30 July and 29 October 2021. The CCBYCS was provided in addition to regular Canada Child Benefit payments. Along with provincial benefits, the Canada Child Benefit, which is indexed to inflation, and is recalculated each July, is a critical component in Canada's National Poverty Reduction Strategy.

In addition to childcare and income supports, each jurisdiction funds and is responsible for a variety of other services. Parenting support programs and services for newcomer families are among these. In addition, each jurisdiction oversees specific early intervention and other services for children with disabilities, including speech and language, mental health services for children and youth, and unique programs for specific populations such as children with autism spectrum

³⁶ Bill C35, An act respecting early learning and child care in Canada. House of Commons. <https://www.parl.ca/DocumentViewer/en/44-1/bill/C-35/first-reading>

³⁷ *Canada Child Benefit and related provincial and territorial programmes. For the period from July 2021 to June 2022.* Available at: <https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4114/canada-child-benefit.html#cbycs>

³⁸ Government of Canada (2021) CCB young child supplement. Ottawa: Taxes. Available here: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/ccb-young-child-supplement.html#toc2>

disorders and other conditions. Access to appropriate services is recognized as a critical resource for families.

3. Changes in policy since April 2022 (including proposals currently under discussion)

The Minister of Employment, Workforce Development and Disability Inclusion announced on 12 March 2023 that, in major reforms to employment insurance that will be announced in 2023, a new 15-week parental benefit for adoptive parents will be introduced (which will include parents whose child is born via surrogacy). The Minister is also quoted as saying that increases to weekly EI maximums is 'on the table'³⁹.

Québec enhanced the additional support offered to low-income parents. It raised the eligibility threshold for a benefits top-up to the equivalent of the annual minimum wage of a person who works 40 hours a week. The amount rose to CAN\$28,080 [€19,380.22] in 2021 from CAN\$25,921 [€17,890.12]. This threshold will now be indexed to minimum wage increases. In May 2023, it will rise to CAN\$31,720 [€21,892.47]. Also, the benefit calculation is now based on individual income instead of family income. Low-income parents who qualify for an increased benefit can see it reach up to 85 per cent or 100 per cent of their average weekly income now, depending on the choice of plan. Finally, under the new top-up rules, both parents can receive an increase in their benefits simultaneously if they both qualify. Before September 2021, the increase could only be granted to one parent when both received benefits at the same time. The way supplements are calculated has also been changed.

As of 1 January 2022, an extension is provided in Québec for single parents (when only one parent is indicated on the birth certificate or equivalent document): five more weeks under the Basic plan at 70 per cent of income up to maximum insurable income; three more weeks under the Special plan at 75 per cent of income up to maximum insurable income.

4. Uptake of leave and benefits

Unpaid leave:

There is no source of information on the uptake of unpaid leave. For receipt of leave benefits, there are three sources of information: a Statistics Canada national survey (the Employment Insurance Coverage Survey, EICS), Québec

³⁹ Annie Bergeron-Oliver (2023) New Canada parental benefit will be arriving 'in the coming months.' Toronto: CTV News. Available at: <https://www.ctvnews.ca/politics/new-canada-parental-benefit-will-be-arriving-in-the-coming-months-1.6310351>

administrative data⁴⁰, and EI administrative data that are collected by Employment and Social Development Canada (ESDC) and published in an annual EI Monitoring and Assessment Report by the Employment Insurance Monitoring Commission. The EICS excludes parents in the three territories and those living on First Nation reserves. Until 2020, the EICS was based on data collected only from mothers with a child aged 12 months or less and asked them about fathers' use/intended use of leave and benefit⁴¹. The EICS and Employment and Social Development Canada (ESDC) sources sometimes report national figures, which obscure the major differences in patterns of leave and benefit taking between parents in Québec who utilize the QPIP programme and those in the rest of Canada who utilize EI leave benefits. ESDC provides annual information on EI Maternity and Parental benefits, with some disaggregation (see below for mothers' and fathers' use of benefits). Recent changes to EICS methods have resulted in the latest reports referring to parents and spouse/partners, rather than to mothers and fathers.

Sharing paid benefits between parents:

The most recent *EI Monitoring and Assessment Report (2020/2021)* covers the period from 1 April 2020 to 31 March 2021 and is the main source of published information on EI maternity and parental paid benefits received by parents outside of Québec at this time. This report provides information about the uptake of the extended Parental leave benefits option that was introduced in December 2017. It is also the first EI Monitoring and Assessment Report to include uptake of the newly introduced parental benefit sharing option that can extend the length of time parental benefits can be received if benefits are shared between both parents (mothers and fathers or same-sex parents in two-parent families).

The 2020/21 EI Monitoring and Assessment Report states that during the 2020-2021 Fiscal Year, there were 213,100 new parental benefit claims⁴². Slightly less than 1 per cent of all parental benefit claims (about 1,200) came from adoptive parents. The vast majority of EI parental benefit claims (76.5 per cent) were made by women; however, the percentage of claims established by men increased from 22.3 per cent in FYV19-20 to 23.5 per cent in the following year. This represents a 16.8 per cent increase from FY18-19, prior to when the parental sharing option

⁴⁰ The Conseil de gestion de l'assurance parentale (CGAP) collects data on the take-up of benefits in Québec. These data are only collected for parents who receive benefits and that are relevant for the payment of these benefits. Accordingly, the CGAP does not have any information on parents who do not receive benefits, or on social characteristics (such as race and ethnicity) that are not affect the payment of benefits. Similarly, little is known about new parents who do not receive EI maternity or parental benefits.

⁴¹ Beginning with the 2020 survey, data are collected from both mothers and fathers of children aged 18 months or younger in the reference year. This change in survey methodology and the impacts of COVID-19 on parents' employment, income, access to EI parental benefits, and increased uncertainty among survey parents about when they would return to work mean that data collected in 2020 and 2021 must be considered in context and are not comparable to data collected in 2019 or previous years.

⁴² Employment and Social Development Canada (2022) *2020/2021 Employment insurance monitoring and assessment report, Canada*. Available at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf

was introduced, when women received 90.6 per cent of the total amount of parental benefits paid and men received 9.4 per cent.

Parents whose children were born or placed for adoption on or after December 3, 2017 had the option to choose to take standard or extended parental benefits. Standard parental benefits provide up to 35 weeks of benefits at 55 per cent of weekly insurable earnings over a maximum of 12 months – with 40 weeks of benefits available to parents who choose to share parental benefits as a result of policy changes introduced in March 2019. Extended parental benefits provide 61 weeks of benefits at a benefit rate of 33 per cent of weekly insurable earnings with an additional 8 weeks of benefits available to couples who share benefits over a maximum of 18 months. In the fiscal year 2020-2021 (FY20-21), 18.2 per cent of all parental claims were for extended benefits. The average weekly extended parental benefit amount received was CAN\$326 [€225] in FY20-21; the average weekly standard benefit received was CAN\$540 [€372.70]/week, with 66.2 per cent of standard benefit claimants receiving the maximum weekly benefit available during the first half, and 60.9 per cent in the second half⁴³.

A recent analysis of patterns of mothers' parental leave taking comparing EICS data from 2009 to 2019 identified interesting changes over time. Specifically, while the percentage of new mothers who received maternity and parental benefits returned or intended to return to work increased over time (from 82.3 per cent in 2009 to 88.4 per cent in 2019), a larger proportion of mothers are taking longer periods of leave in recent years. The data revealed that while the percentage of new mothers returning to work within 12 months increased from 2009 to a high of 74.1 per cent in 2015, it decreased to 68.7 per cent in 2018 with a further decrease to 59.6 per cent in 2019.⁴⁴ The author speculated that several factors might be affecting the duration of leave, including the introduction of the extended EI parental benefit option, as well as the difficulty of finding affordable infant care, especially outside of Quebec.

Using weeks and amounts of benefits claimed expressed per family (rather than per claim), analysis for 2020/21 indicates that, as in previous fiscal years, eligible parents used almost all the EI Maternity and Parental leave weeks to which they were entitled. The vast majority of mothers in receipt of Maternity benefits (93.4 per cent) used the full 15 weeks available for an average duration of 14.7 weeks. The average number of weeks of parental benefits received in 2020/21 was 30.4 weeks for mothers and 8.8 weeks for fathers for those receiving standard parental benefits. Among parents who claimed extended, benefits, mothers received an average of 47.0 weeks of Parental leave benefits and fathers claimed 16.7 weeks⁴⁵. More recent data from the 2021 EICS survey revealed that one quarter of new parents (both mothers and fathers) outside Quebec (25.2 per cent) chose the extended EI parental benefits option.⁴⁶

⁴³ Calculated from data found at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf

⁴⁴ Choi, Y. (2023). The likelihood and timing of mothers returning to work after parental leave. *Statistic Canada, Economic and Social Reports*. Catalogue no. 36-28-0001.

⁴⁵ Ibid.

⁴⁶ Statistics Canada (2022). *Employment Insurance Coverage Survey, 2021*. The Daily, Nov 24, 2022

Eligible parents can share and use benefits at the same time or at different times. The EI Monitoring and Assessment Report for 2020/2021 is the first report results on sharing and using the additional weeks of parental benefits made available to parents whose children were born or adopted on or after 31 March 2020. Of all families sharing standard parental benefits, 86.9 per cent used at least one of the extra weeks available to them, and 54.5 per cent used all 40 weeks of parental benefits offered. 74.1 per cent of families used one or more weeks available through shared extended parental benefits, while 39.4 per cent used all 69 weeks of parental benefits available. Nine out of 10 families took maternity or parental leave at the same time, with an average of 5.6 weeks of overlap for families receiving standard parental benefits, and 12.0 weeks for those receiving extended parental benefits. The average duration of shared parental benefits was, for standard parental benefits, 8.8 weeks for men and 30.4 weeks for women; for shared extended parental benefits, the average leave duration was 16.7 weeks for men and 47.0 weeks for women.

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers'⁴⁷. Readers should note that statistics are kept separately for those who claim EI benefits under the federal plan and individuals in Québec who receive Maternity, Paternity, or Parental benefits under the QPIP.

Mothers

Based on EICS data, the proportion of Québec parents who are eligible for and receive benefits under the QPIP program is higher than in the rest of Canada. In 2021, 99.8 per cent of recent mothers with insurable employment received QPIP Maternity or Parental leave benefits, compared to 89.3 per cent of mothers in the rest of Canada⁴⁸. This means that, of parents with insurable employment, 0.2 per cent in Québec and 10.7 per cent outside Québec were not receiving benefits. In 2021, 82.9 per cent of parents with a child aged 18 months or younger outside of Québec had insurable employment. This left 17.1 per cent without insurable employment, and therefore not eligible to receive any benefits. Thus, adding 10.7 per cent and 17.1 per cent, we see that 27.8 per cent of parents outside Québec did not receive any parental benefits in 2021. It is critical to pay close attention to these exclusions, as they are not reflected in reporting by Statistics Canada.

The vast majority of mothers who receive Maternity benefits (98.4 per cent) go on to receive Parental leave benefits. Women tend to receive Parental benefits for longer periods than men. In 2020/21, the average duration of standard unshared Parental benefits was 33.3 weeks for women compared to 17.3 weeks for men; for

⁴⁷ By fathers, we refer to spouses/partners of recent mothers. This includes same-sex partners.

⁴⁸ Statistics Canada (2022) Employment Insurance Coverage Survey, 2021, *The Daily*. Available at: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/221124/dq221124b-eng.pdf?st=PAARNK8c>

unshared extended benefits, the average duration was 57.1 weeks for women and 26.4 weeks for men⁴⁹.

In FY20-21, 93.4 per cent of mothers used all of the 15 EI maternity weeks offered to them, with an average duration of 14.7 weeks.⁵⁰ On average, QPIP mothers took 45.2 weeks of benefits in 2020⁵¹.

The average weekly Parental benefit for mothers receiving the standard benefit was CAN\$533 [€367.87] compared to CAN\$564 [€389.26] per week for fathers. Among those parents who opted for extended Parental benefits at a lower income replacement rate, the average weekly benefit received was CAN\$321 [€221.55] per week for women and CAN\$341 [€235.35] for men. More than half of parents who received both standard and extended Parental benefits received the maximum weekly benefit available (for standard benefits, 66.2 per cent in the first half of FY20-21 and 60.9 per cent in the second half; for extended benefits, 65.2 per cent in the first half of FY20-21 and 60.9 per cent during the second half)⁵².

Fathers

In 2019/20, fathers accounted for 23.5 per cent of those who claimed Parental leave benefits outside of Québec. Previous years have shown a slow but steady increase in the uptake of Parental leave benefits among eligible fathers in Canada (excluding Québec), suggesting that more couples are sharing benefits. In 2019, for all provinces combined (including Québec), EICS survey responses indicated that the proportion of fathers who claimed or intended to claim Parental leave rose to 42.2 per cent in 2021, compared to 32.1 per cent in 2020⁵³. These data obscure major differences in the uptake of Parental leave by fathers in and outside of Québec; since the administrative data on QPIP show a participation rate of fathers of 70 per cent in 2020, these figures tend to overestimate the number of fathers who use benefits throughout the rest of Canada.

Outside of Québec, only 23.5 per cent of recent fathers took or intended to claim Parental leave in FY20-21 (a small increase from the previous year), compared to 85.6 per cent of fathers in Québec. Data are not yet available on the numbers of fathers claiming EI Parental leave benefits since the new federal EI Parental Sharing Benefit was introduced.

The introduction of the QPIP, which includes leave that is exclusively for fathers, has had a huge impact on the number of fathers claiming or intending to claim

⁴⁹ Employment and Social Development Canada (2022) *2020/21 EI monitoring and assessment report*. Available at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf

⁵⁰ Ibid.

⁵¹ Gouvernement du Québec (2022) *Profil des Prestataires 2020*, Régime québécois d'assurance parentale. Available here: https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2020.pdf

⁵² Employment and Social Development Canada (2022) *2020/21 EI monitoring and assessment report*. Available at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf.

⁵³ Ibid.

leave in Québec: from 27.8 per cent in 2005 to 85.6 per cent in 2019⁵⁴. In 2020 in Québec, both parents took parental leave in 68.9 per cent of all births registered by QPIP. In the remaining families, only one parent was paid benefits: 9.4 per cent were fathers and 21.7 per cent were mothers. Thus, for 78.3 per cent of births covered by QPIP, fathers took leave (either Paternity, Parental or both).

On average, fathers who receive benefits following a birth or adoption take significantly fewer weeks than women who receive benefits.⁵⁵ The 2020/2021 *EI Monitoring and Assessment Report* indicated that fathers received an average of 12.2 weeks of standard Parental benefits following birth or adoption, compared to 32.8 weeks for mothers under the standard Parental benefit option; for extended benefits, fathers received an average of 16.7 weeks, compared to 56.0 weeks for mothers⁵⁶.

As for Quebec, almost all fathers took advantage of the maximum weeks of paternity benefits to which they were entitled. With regard to parental shareable benefits, 37 per cent of QPIP fathers used them. On average, QPIP fathers took 9 weeks of benefits in 2020.⁵⁷

In summary, patterns of parental leave and benefit taking are continuing to evolve as Canada's EI leave benefits and Québec's QPIP policies change, with both offering more flexibility and encouragement of benefit sharing between men and women. A recent public consultation on Parental leave and benefits reflects concerns about expanding access to leave benefits, increasing benefit levels, and ensuring wider access for diverse populations.

⁵⁴ Statistics Canada (2020) 'Employment insurance coverage survey 2019', *The Daily*, 16 November 2020. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/201116/dq201116b-eng.htm>.

⁵⁵ https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2020.pdf

⁵⁶ Employment and Social Development Canada (2022) *2020/21 EI monitoring and assessment report: Annex 2*. Available at: https://www.canada.ca/content/dam/esdc-edsc/documents/programs/ei/ei-list/reports/monitoring2021/2020-2021_EI_MAR-EN.pdf

⁵⁷ https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/conseil_gestion_assurance_parentale/statistiques/profil_prestataires/Profil-Prestataires-2020.pdf