

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) programme, 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. 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 the Canada Labour Code, for the seven per cent 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 programmes are accessed and used. Overall, the federal wage-compensation benefit programme and provincial/territorial/federal legal entitlements to job-protected leave operate with two separate sets of rules. In Canada, 'leave' therefore refers to either unpaid, job-protected time off work or to benefit programmes. In 2011, self-employed parents outside Québec became eligible for federal benefits on an opt-in basis. In January 2006, the province of Québec launched its own provincial Maternity, Paternity, and Parental leave benefit programme for employed and self-employed workers called the (QPIP). Details of the QPIP programme are given under 'regional or local variations in leave policy.' The information below refers to the two benefit programmes (EI and QPIP). Details regarding unpaid job-protected leave appear at the end of the Parental leave section.

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For comparisons of leave provision and early childhood education and care services between Canada and other countries in this review, 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

The following table compares benefits under the Canadian and Québec programmes. For both, parents must pay premiums through insurable employers in order to qualify.

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

Table 1: Canada (EI) and Québec (QPIP)				
	Canada EI		Québec QPIP	
Eligibility (in past year) ¹	600 hours		\$2,000 [€1,258.02] ² in earnings	
Self-employed workers	If opted in 12-months prior to claiming, with minimum net income of \$7,279 [€4,578.56] in self-employed earnings in 2019		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	Special
Maternity ^{3,4}	15 at 55%		18 at 70%	15 at 75%
Parental (may be shared) ⁵	35 at 55%	61 at 33%	32 (7 at 70% + 25 at 55%)	25 at 75%
Parental Sharing Benefit	40 at 55%	69 at 33%		
Paternity	(if 35 for one, then extra 5 for the other)	(if 61 for one, then extra 8 for the other)	5 at 70%	3 at 75%
Adoption (shared) ⁶	35 at 55%	61 at 33%	12 at 70% + 25 at 55%	28 at 75%
<i>Adjusted annually:</i>				

Maximum weekly benefit, 2020	\$573 [€360.42]	\$344 [€216.38]	\$1,057 [€664.86]	\$1,132 [€712,04]
Maximum insurable earnings, 2020	\$52,400 [€32,960.12]/year		\$78,500 [€49,377.28]/year	
Maximum total weeks per couple	76 (84 if shared)		55	43
Low-income supplement⁷	Up to 80%		Up to 80%	

Source: Adapted from 'EI maternity and parental benefits: What these benefits offer,' Service Canada (2020), <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html> and 'Québec Parental Insurance Plan,' Emploi et Solidarite sociale, Québec, <http://www.rqap.gouv.qc.ca>

Table 1 Notes:

- 1) The 600 hours are of insurable employment in the 52 weeks before the claim is made (or since the last EI claim, e.g., for unemployment, sick leave, Caregiving, or Compassionate Care benefits). In Québec, CAD\$2,000 [€1,258.02] 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.
- 2) Conversion of currency undertaken for July 31, 2020, using: https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-cad.en.html
- 3) Only birth mothers (including surrogate mothers) are entitled to Maternity leave in both plans.
- 4) Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents.
- 5) 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).
- 6) <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html>
For births and adoptions on or after March 17, 2019.
- 7) The low-income supplement is for families with a net annual income of less than CAD\$25,921 [€16,304.57]. The amount, up to 80 per cent, 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 CAD\$25,921 [€16,304.57] is below the low-income cut-off rate (poverty line) for two persons (parent and child).

a. Maternity leave (*congé de maternité*)

Length of leave (before and after birth)

- 16 to 19 weeks depending on the jurisdiction.

Payment and funding of two benefit programmes

- 15 weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of CAD\$54,200 [€32,960.12] (i.e., a benefit payment ceiling of CAD\$573 [€360.42] per week).² Low-income families can qualify for a higher benefit rate, up to a maximum of 80 per cent of average insured earnings.
- There is no payment for the first week, which is treated as a 'waiting period': this means that payment is actually provided for 14 weeks (note 1) parents have only one 'waiting period' per birth; 2) 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 CAD\$100 [€62.90] of insurable earnings to the maximum insurable earnings threshold (MIE), which was CAD \$54,200 [€32,960.12] in 2020. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees. In 2020, employee premiums were set at CAD\$1.58 [€0.99] per CAD\$100 [€62.90] (for Québec residents, at CAD\$1.20 [€0.75] of insurable earnings in 2020); employer premiums were set at CAD\$2.21 [€1.39] per CAD\$100 [€62.90] of insurable earnings (for Québec Employers, at CAD\$1.68 [€1.06]³). Self-employed individuals outside of Québec who opted in to the EI programme in order to be eligible for special benefits pay the same as employees: CAD\$1.58 [€0.99] per CAD\$100 [€62.90] of insurable earnings to a maximum of CAD\$54,200 [€32,960.12] of earnings or CAD\$856.36 [€538.66] annually.
- See 'regional or local variations' for details about additional contributions paid in Québec. Maternity and Parental leave benefits are taxable.

Flexibility in use of benefits

- Under the EI programme, as of December 3, 2017, 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.

² Service Canada (2020) *Employment Insurance Maternal and Parental Benefits*. Available at: <https://www.canada.ca/en/employment-social-development/programmes/ei/ei-list/reports/maternity-parental.html>

³ Employment and Social Development Canada (2020) *Employment Insurance premium rate*. Available at: <https://www.canada.ca/en/employment-social-development/programmes/ei/ei-list/reports/premium/rates2020.html>

- 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 below under Parental leave.
- In 2020, Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CAD \$78,500 [€49,377.28] per year for 18 weeks of Maternity leave, without a waiting period.⁴ 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.
- 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 2020, contributions are 0.494 per cent for employees, 0.692 per cent for employers, and 0.878 per cent for the self-employed (maximum contributions, respectively, of CAD\$387,79 [€243.92], CAD\$543,22 [€341.69], and CAD\$689,23 [€433.53], up to a maximum insurable income of CAD\$78,500 [€49,377.28], compared with EI's 0.37 per cent of insurable income to a maximum of CAD\$54,200 [€32,960.12] in other parts of Canada).

⁴ Government of Québec (Travail, Emploi et Solidarité Social). Information on QPIP available at: http://www.rqap.gouv.qc.ca/Index_en.asp

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 CAD\$2,000 [€1,258.02] 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 CAD\$2,000 [€1,258.02] in self-employment earnings in the previous year. Outside Québec, EI special benefits (Maternity, Parental, Sickness, and Compassionate Care leave benefits) 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), especially women, 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 per cent because of childbirth/care, have paid contributions to the regime, and have earned at least CAD\$ 7279 [€4,578.56] (in 2019) from self-employment within the previous 52 weeks.⁵ There are no leave entitlements or benefits for parents who do not meet these eligibility criteria.
- Graduate and postdoctoral students who have been granted a scholarship from one of three large granting Tri-Council funding agencies,⁶ can receive limited benefits (Maternity, Paternity, and Parental). Research/teaching assistant and postdoctoral

⁵ *EI Special Benefits for Self-employed people, 2020*. Available at: <https://www.canada.ca/en/employment-social-development/programmes/ei/ei-list/reports/self-employed-special-benefits.html>

⁶ 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.

employment contracts vary in terms of being counted as insurable earnings.

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 the table below.
- In cases where a birth mother is ill during or after pregnancy, up to 15 weeks of federal sickness benefits can be received, resulting in a maximum of 91 weeks of benefits (15 weeks of sickness benefits, 15 weeks of Maternity benefits, and 61 weeks of Parental benefits).
- 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.

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)⁷

Length of leave (before and after birth) entitlement

- There is no statutory leave, except in Québec (see 'regional or local variations'). In Québec, fathers are entitled to Paternity leave. For same sex male parents, the partner of the biological father is entitled to adoption benefits if he was part of the adoption process. In the case of two female parents, the partner of the mother is entitled to Paternity leave and Parental leave benefits if

⁷ The French translation of the name of this ministry is Travail, Emploi et Solidarité Sociale.

her name is on the birth certificate.

- See section 3 for a proposed new federal EI Parental Sharing Benefit to encourage 'second parents' to take a period of Parental leave.

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 per cent of average weekly earnings or for five weeks at 70 per cent to an earnings ceiling of CAD \$76,500 [€48,119.26] 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 CAD\$2,000 [€1,258.02] 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

- As of December 3, 2017, the EI system provides two options. The standard option provides up to 35 weeks of income replacement per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CAD\$52,400 [€32,960.12] (i.e., a benefit payment ceiling of CAD\$573 [€360.42] per week). Alternatively, one or both parents can opt to share extended Parental leave benefits for up to 61 weeks by spreading the same benefit amount over a longer period of time (i.e., 61 weeks at 33 per cent of earnings up to the maximum or a benefit payment ceiling of CAD\$344 [€216.38] per week).⁸
- *Parental Sharing Benefits:* A new EI Parental Sharing Benefit⁹ was implemented on March 17, 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

⁸ Service Canada (2020) *Maternity and Parental Leave Benefits*. Available at: <https://www.canada.ca/en/employment-social-development/programmes/ei/ei-list/reports/maternity-parental.html>

⁹ <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html>

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.¹⁰ It also aims to be inclusive 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 March 17, 2019.

- Low-income families (i.e., families with a net income of CAD\$25,921 [€16,304.57] 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 CAD\$25,921 [€16,304.57]) while average family income has risen. In Québec, this supplement averaged CAD\$36 [€22.64] per family and five per cent of beneficiaries using Parental leave received this supplement.
- Working while on claim: As of August 12, 2018, it is possible for a claimant to receive 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.
- Temporary 'Alternate Earnings' rule: This alternative to working while on claim is available to claimants until August 14, 2021. It is the option to keep the greater of \$75[€47.17] of earnings or 40 per cent of their benefits per week (equivalent to approximately

¹⁰ For an overview of the high numbers of mothers who do not have access to maternity and parental benefits in Canada, see McKay, L., Mathieu, S., and Doucet, A. (2016) 'Parental-leave rich and Parental-leave poor: Inequality in Canadian labour market-based leave policies', *Journal of Industrial Relations*, 58 (4): 543-562. doi: 10.1177/0022185616643558.

one day of work per week), without any deductions being applied to those benefits. Earnings above this cap will result in dollar-for-dollar benefits deductions. Individuals may be eligible for this option if they choose the 'Alternate Earnings' rule for an EI claim that was made under Pilot Project 20. They must have since filed a new claim for any type of EI benefit (in this context, Maternity and/or Parental leave benefits) that started on or after August 12, 2018. They may also be eligible if they are currently on an EI claim that started before August 12, 2018. The 'Alternate Earnings' option is only available during the three-year transition period from August 12, 2018 to August 14, 2021.

- *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).

Flexibility in use

- Benefit payments can be claimed by either parent or can be shared (if both parents qualify) for up to a total of 35 weeks of benefits (40 weeks if shared) with the standard plan, which stipulates that leave benefits must be used within 52 weeks after the birth. Parents who opt for the extended plan must use it up within 78 weeks after a birth or adoption. While on leave, a parent may earn CAD\$50 [€31.45] a week or 25 per cent of the weekly benefit, whichever is higher.
- 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' section below. Parents of a newborn 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

- 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 CAD\$76,500 [€48,119.26] a year. There is also a 'special' plan, which applies to Parental leave, offering a shorter period of leave (25 weeks) with higher benefits (75 per cent of earnings). Leave can be taken at any time in the 70 weeks that follow birth, but benefits must be used within the 52 weeks following birth.

- As Canada has 14 jurisdictional employment standards acts, provinces and territories use different unpaid job-protected leave entitlement criteria. 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, and employment entitlements during leave (e.g., accrual of work benefits such as pensions). 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. The federal government works with the provinces and territories to encourage this change under provincial employment standards laws. The chart below shows which provinces and territories have made this change as of April 30, 2020. All jurisdictions require continuous leave within and across types of leave.

Maximum Duration of Unpaid Leave Entitlement by Jurisdiction¹¹

Employment Jurisdiction	Maternity Leave (weeks)	Parental Leave (weeks)	Adoption Leave (weeks)
Federal	17	63*	63*
Alberta	16	62	62
British Columbia	17	62	62
Manitoba	17	63	63
New Brunswick	17	62	62
Newfoundland and Labrador	17	61	16**
Northwest	17	61***	61***

¹¹ For more details, see: <https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/maternity-leave.html> (For specific provincial and territorial distinctions, see provincial and territorial web pages.)

Territories			
Nova Scotia	16	77	77
Nunavut	17	37	37
Ontario	17	61-63+	63
Prince Edward Island	17	62	62
Québec	18	52	52
Saskatchewan	19	59-71++	19++
Yukon	17	63	63

* 71 if shared

** Adopting parents can also take 61 weeks of parental leave for a total of 77 weeks

*** plus an additional 8 weeks if leave is shared

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

++ 59 weeks to primary parent who took full maternity or adoption leave; 71 weeks to parent who did not

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

- 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, New Brunswick, Nova Scotia, Québec, and, as of 2019, the federal jurisdiction, where there is no 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, Prince Edward Island requires 20 weeks, and Newfoundland and Labrador require 20 continuous weeks. The Northwest Territories require six months, and Manitoba requires seven months. 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), of their intent to take Maternity or Parental leave. Employees are often required to provide advance notice of their intended date of return. See links above for more detail.
- 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.¹²
- To be eligible for paid benefits, a parent must have worked in insurable employment for 600 hours in the previous 52 weeks or since their last Employment Insurance claim. Outside Québec,

¹² Service Canada (2020) *Maternity and Parental Leave Benefits*. Available at: <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/eligibility.html>

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 of CAD\$7,279 [€4,578.56] for claims filed in 2019. 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 CAD\$2,000 [€1,258.02] 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 CAD\$2,000 [€1,258.02]. 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 CAD\$2,000 [€1,258.02] over the previous year enables more students to access Parental leave benefits.

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 benefits are provided in the case of different circumstances (a court case challenging this policy regarding multiple births was rejected in 2011).
- Eligibility for benefits is offered per birth, not per child, under the federal EI programme and QPIP. Parents of multiple-birth infants follow the same benefit programme as parents of single infants.

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. In a 2003 survey of private companies in Québec, 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments (Tremblay, 2019).¹³ A 2010 survey of mothers who

¹³ Tremblay, D.-G. (2019) *Conciliation emploi-famille et temps sociaux*. 4th edition. Québec: Presses de l'université du Québec.

gave birth in 2008 and received EI or QPIP benefits reported that one in five mothers received an additional top-up to their benefits from their employer (Marshall, 2010).¹⁴ Such supplementary payment options are more commonly found among employers in the public or quasi-public sectors and among larger private sector employers (typically, top-ups are more accessible to higher income earners).

- 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

- There are none 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 employment-related measures

Adoption leave and pay

- The same regulations for unpaid Parental leave apply for adoptive parents and birth parents, except in four jurisdictions (see table above). 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, adoption leave benefits of 12 weeks at 70 per cent and 25 weeks at 55 per cent can be shared by both parents.

Time off for the care of dependants

- 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, including three paid days after 3 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

¹⁴ Marshall, K. (2010) 'Employer top-ups', *Perspectives on Labour and Income*. Vol.11, No. 2 - February: 5-12. Statistics Canada Catalogue no. 75-001-XPE.

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.' These provisions align with the availability of federal EI Compassionate Care benefits that are available for a maximum of 26 weeks within a 52-week benefit period.
- The Canada Labour Code was also amended to provide a maximum duration of 28 weeks of Compassionate Care leave within a 52-week period. To qualify for EI benefits, an employee has to have worked 600 hours in the last 52 weeks and their weekly earnings must decrease by 40 per cent. This *inter alia* leave allows parents to take time off to care for a sick child even after 52 weeks have passed since the birth, or if leave periods have been exhausted.
- In December 2012, a new type of EI benefit was introduced: 'EI special benefits for Parents of Critically Ill Children.' It was created for parents of critically ill or injured children and became available in June 2013. Under this provision, up to 35 weeks of EI benefits are available, and can be shared by parents who both qualify for EI to provide care or support to one or more critically ill children under the age of 18.
- In December 2017, the federal government added a new special benefit (the Family Caregiver Benefit for Adults) that enables eligible workers to access 15 weeks of EI benefits to provide care to a 'critically ill adult' who has experienced a significant change in their health and requires the care or support of one or more family members. The benefit for Parents of Critically Ill Children was renamed the Family Caregiver Benefit for Children. The 35 weeks of benefits 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.¹⁵ Both 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. In the last two years all provinces and territories have amended their legislation to provide matching periods of

¹⁵ <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html>

unpaid leave (36-37 weeks for the care of Critically Ill Children and 16-17 weeks to care for a Critically Ill Adult).

Flexible working

- In the federal and Québec jurisdictions, a pregnant woman or nursing mother is entitled to ask her employer to temporarily modify her duties or to assign her to another position if continuation of her present duties puts her health or that of her unborn child or nursing infant at risk.
- In Québec, a pregnant worker can qualify for workers' compensation if no other suitable position is available at her workplace.
- As of December 2017, employees in the federal jurisdiction have a right to request flexible working arrangements.

Specific provision for (breast)feeding

- There are no provisions for breast/bottle-feeding leaves in Canada.

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

The normal maximum period of post-natal leave benefits available in Canada (Maternity and Parental leave benefits combined) has been 50 weeks (11 months in Québec). There is no entitlement to ECEC at any age. Levels of attendance at formal (regulated) ECEC services for children over three years old are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' in the cross-country comparisons (at the front of this review/on the website).

In recent years, public awareness has grown about the lack of access to affordable high quality childcare and, especially, the high cost of infant care, especially outside Québec. The situation is different in Québec, where the Québec government subsidizes daycare, bringing costs down radically, as we will see further on. The OECD reported that childcare costs in Canada are among the highest out of 35 OECD countries: 'across the OECD the average two-income family spends about 15 per cent of its net income on childcare. In Canada, the ratio is as high as 22.2 per cent of net income.'¹⁶ Even those who can afford the high fees or who qualify for a provincial fee subsidy face long waiting lists for the limited

¹⁶ OECD (2016), *Society at a Glance 2016: OECD Social Indicators*, OECD Publishing, Paris. Available at: <http://dx.doi.org/10.1787/9789264261488-en>

spaces available in licensed childcare centres and regulated family home day care. For these reasons, federal and provincial governments are being pressed to invest in early learning and childcare services.

In 2006, the newly elected federal Conservative government cancelled bilateral agreements with provincial and territorial governments to invest in early childhood services. Instead, it provided a taxable direct payment to parents—the Universal Childcare Benefit (increased in 2015 from CAD\$100 [€62.90] per month to CAD\$160 [€100.64] per child under six years, adding CAD\$60 [€37.74] for each child aged six to 17 years per month)—and the Canada Child Tax Benefit, a tax benefit for children under 18.

In the fall of 2015, with a change in government, the Liberal government's 2016 federal budget replaced these benefits with the single, enhanced, non-taxable Canada Child Benefit. As of July 2019, the Canada Child Benefit¹⁷ provides a maximum annual benefit of up to CAD\$6,639 [€4,176.00] per child under the age of six and up to CAD\$5,602 [€3,523.71] per child between six and 17 years of age. Both of these benefit programmes are supplementary to 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 \$2,832 [€1,781.36] per year for each child in the family with a disability. Along with provincial benefits, the Canada Child Benefit is a critical component in Canada's National Poverty Reduction Strategy.¹⁸

In 2017, the federal government announced a policy framework, the Multilateral Early Learning and Child Care Framework, to invest a total of CAD\$7.5 [€4.72] billion over eleven years in order to increase the supply of early learning and childcare programmes, based on parameters of quality, accessibility, affordability, flexibility, and inclusivity. Bilateral agreements were negotiated with each province as service provision falls under provincial jurisdiction. These funds exclude Québec, which provides its own provincial childcare programme.

The 2017 and 2018 federal budgets committed significant funding (1.7 billion dollars [€1.07] over ten years) to an Indigenous Early Learning and Childcare Framework (ELCC). In Canada, Indigenous populations are made up of First Nations, Inuit, and Métis communities. Over the

¹⁷ *Canada Child Benefit and related provincial and territorial programmes. For the period from July 2019 to June 2020.* Available at: <https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4114/canada-child-benefit.html#whtnw>

¹⁸ *Canada's Poverty Reduction Strategy – An Update, 2019.* Available at: <https://www.canada.ca/en/employment-social-development/programmes/results/poverty-reduction.html>

next ten years, the government has committed up to 1.02 billion [€641.59 million] to support ELCC for First Nations childcare and this will be managed in partnership with First Nations communities. Up to \$111 [€69.82] million will support ELCC for the Inuit communities and will be managed in partnership with Inuit communities; and up to \$450 [€283.05] million will support ELCC for the Métis Nation and will be managed in partnership with the Métis Nation.¹⁹

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 from birth until they are five years old as well as for older children, both before and after school. Under this programme, only families who 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, except in Québec where the system is different.²⁰

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 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 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

¹⁹ <https://www.canada.ca/en/employment-social-development/news/2018/09/backgrounder-indigenous-early-learning-and-child-care-framework.html>

²⁰ Macdonald, D. (2018) *Childcare Deserts in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

considerable impact on family incomes and women's employment.²¹ Several provinces are currently making efforts to expand childcare access and/or reduce parental fees, but must still address the limited supply of qualified early childhood educators.

In Québec, there is a public day care programme financed largely by the Québec government, which in 1996 offered day care at CAD\$5 [€3.15] a day. The February 2014 budget increased the amount parents pay for childcare to CAD\$8 [€5.03] and it was increased to CAD\$8.25 [5.19] in 2019 and CAD\$8.35 [€5.25] in 2020.²² Eligible parents are entitled to a refundable tax credit for childcare expenses that reimburses between 75% and 26% of eligible childcare expenses paid, depending on family income.

3.Changes in policy since April 2019 (including proposals currently under discussion)

No changes.

Policy response to the Covid-19 pandemic up to end June 2020

Childcare and schools

- The significant impacts of COVID-19 on ECEC can be seen across Canada's ten provinces and three territories. While many provinces and territories had fairly similar responses, differences can be seen with respect to durations of closures and special access available to essential workers. With regards to closures, it is notable that childcare centres were not mandated to close in British Columbia, Northwest Territories or Yukon. Nevertheless, some centres in these provinces/territories did make the decision to temporarily close. For the remaining provinces and territories in which closures were mandated, these occurred between 14 and 24 March 2020. Re-openings began on 4 May in one province and continued until the last province re-opened on 15 June 2020. Despite regulations allowing centres to reopen, many around the country remain closed or are operating at a reduced capacity. The majority of provinces and territories introduced restrictions

²¹ 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.

²² 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

limiting capacities at childcare centres, however, several allowed for full capacity operations to continue. Policies surrounding childcare for essential workers also differed among provinces. In eight provinces, certain childcare centres were exempt from the closures in order to provide services for the children of essential workers. Of the provinces in which mandated closures occurred, only one province and one territory did not provide childcare for essential workers. In addition, guidelines regarding emergency care for essential workers were not provided by one province and two territories as closures were not mandated.

- Education is under provincial and territorial jurisdiction in Canada and thus there are variations across the country. While school closures did occur in every province and territory as a result of the pandemic, start dates of the closures and their durations differed across the country. Closures, which impacted both primary and secondary schools, were first announced on March 12, 2020. For seven provinces and territories, March 13 was the final day of class before the closures. Others continued a little bit longer, with March 24, 2020 representing the final province's last day of class. For the majority of provinces and territories, schools remain closed for the rest of the 2019/2020 school year. The few exceptions include Prince Edward Island, Manitoba, British Columbia and Québec. Upon their reopening, schools in these provinces did not return to normal, as they continued to operate at a reduced capacity. Those students requiring individualized support from student services, as well as the children of essential workers, were prioritized in the reopening. Plans for September are still in progress and vary across each jurisdiction depending on the severity of cases.

Parental leave

- On August 20, the federal government introduced a temporary amendment to maternity/parental benefits to address the challenges faced by many parents who would not meet the 600-hour threshold of insurable hours to qualify for maternity or parental leave during the COVID-19 pandemic. Retroactive to March 15, 2020, parents will only need 120 insurable hours of employment (i.e., approximately 3.5 weeks of full-time hours) in the 52 weeks prior to a claim or since their last EI claim to qualify for benefits. In effect, parents are receiving a one-time credit of 480 insurable hours. The government document that lays out these changes states: 'The hours credit will be available for new EI claims *for one year*, in recognition that labour market

conditions remain uncertain and will take time to stabilize.’²³ Given that this is only a temporary change, questions remain about how the federal government will redesign parental benefits, and the EI system more broadly, to ensure that more parents qualify for benefits.²⁴

- In Québec, leave policies for healthcare workers were adjusted due to the pandemic. For these workers, the period when they can take leave was extended from 52 to 78 weeks, that is 6 months more during which they can use their benefits.
- The conditions of EI sickness benefits were also altered in response to the pandemic. The one-week waiting period has been waived, meaning these benefits are now immediately accessible to those individuals who qualify and are sick, quarantining, or forced to stay home to care for children. Medical certificates are not required to access these benefits. Employers are not obligated to pay employees who stay home from work because of school closures unless they are able to work from home. Parents whose EI benefits and leave period end but who cannot return to work for reasons related to the pandemic have been encouraged to apply for the Canada Emergency Response Benefit (CERB).²⁵ Of note, maternity and parental benefits do count towards the \$5,000 [€3,145.05] income eligibility requirement for CERB.²⁶
- In Québec, when the reference period for access to benefits is calculated, the state of quarantine is already considered as a rationale to extend the period of reference (i.e. number of weeks of work to calculate eligibility).
- There are 14 federal/provincial/territorial jurisdictions (ten provinces, three territories, and a federal labour code) that are governed by employment standard acts (that vary across Canada’s 14 jurisdictions) and that establish job-protected unpaid

²³ <https://www.canada.ca/en/employment-social-development/news/2020/08/supporting-canadians-through-the-next-phase-of-the-economy-re-opening-increased-access-to-ei-and-recovery-benefits.html>

²⁴ Doucet, A., Mathieu, S. and McKay, L. (in press, October 2020; online first August 2020) ‘Reconceptualizing Parental Leave Benefits in COVID-19 Canada: From Employment Policy to Care and Social Protection Policy’, *Canadian Public Policy*.
<https://www.utpjournals.press/doi/abs/10.3138/cpp.2020-091>

²⁵ Rostom, S. (2020) ‘Returning from pregnancy or parental leave during COVID-19?’, *GoldBlatt Partners*, 29 June 2020. Available at: <https://goldblattpartners.com/covid-19-legal-resource-page/returning-from-pregnancy-or-parental-leave-during-covid-19/>

²⁶ Government of Canada (2020) ‘Canada Emergency Response Benefit’, *Canada*, 23 June 2020. Available at: <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

leave after the birth or adoption of a child. There were several leave options implemented as a result of COVID-19 with 11/13 jurisdictions creating new unpaid leave entitlement in their labour codes. These unpaid job-protected leaves are temporary with significant differences between jurisdictions in terms of leave lengths and conditions attached to these leaves. Some leaves are for one or more of the following: for quarantine, for the care of ill or dependent children, or to care for children because of childcare and school closures.²⁷

Other measures for parents and other carers

- The impact of the pandemic was felt widely across the country's labour market, with many Canadians losing their jobs or reducing their hours. Between February and April 2020, 5.5 million Canadian workers either lost their jobs or saw their hours reduced as a result of the pandemic.²⁸ Notably, the number of affected workers was reduced significantly (43%) by June 2020, with only 3.1 million workers affected.²⁹ A significant increase in employees working from home has been a notable impact of COVID-19 as well.
- Work-Sharing is a small, federally run program supported through the Employment Insurance (EI) fund designed to minimize layoffs. It allows employees to reduce work weeks by 10-60 per cent. Employers and employees must agree to participate in Work-Sharing and apply together. In light of the pandemic, the duration of the program has been increased to a maximum of 76 weeks. Eligibility requirements for Work-Sharing is the same for regular EI benefits (i.e. 600 insurable hours in the previous year). Participants of this program would receive EI benefits to supplement their wages. 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.
- The federal government currently offers three types of caregiving benefits, which generally align with unpaid leaves available to

²⁷ See Robson, J. (2020) 'Radical Incrementalism and Trust in the Citizen: Income Security in Canada in the Time of Covid-19', *Canadian Public Policy*. <https://doi.org/10.3138/cpp.2020-080>

²⁸ Statistics Canada (2020) 'COVID-19 and the labour market in June 2020', *The Daily*, 10 July 2020. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/200417/dq200417a-eng.htm>

²⁹ Ibid.

employees under provincial legislation. Each of the benefits are offered through EI, providing up to 55% of recipients' earnings, to a maximum of \$573 [€360.42] a week. The first benefit, "Family caregiver benefit for children", grants up to 35 weeks of pay for those caring for a critically ill or injured child under the age of 18. The second, "Family caregiver benefit for adults", offers up to 15 weeks of financial assistance for those caring for a critically ill or injured person over the age of 18. Finally, the "Compassionate care benefit" grants up to 26 weeks of pay for those caring for an individual of any age that requires end-of-life care. Those individuals that have stopped working to provide care for a family member sick with Covid-19 may be eligible for the Canada Emergency Response Benefit (CERB). Those providing care for a loved one with Covid-19 are also eligible for the benefits mentioned above.

- There are a few supplements (federal and provincial as detailed below) offered by the government which parents and/or carers who must remain at home due to school/childcare centre closures can receive (if they are eligible). It should be noted that the majority of these supplements are not exclusive to parents and can also be accessed by individuals without children. However, in addition to the Canada Childcare Benefit (CCB), many of the provincial supplements are tailored specifically to parents. However, the Canada Emergency Child Benefit (CESB) recipients with dependents receive \$750 [€471.75] more per month (\$2,000 [€1,258.02]) than those without (\$1,250[€786.26]).

Federal Supplements

- When thousands of Canadians suddenly lost their jobs in March 2020, the federal government created the **Canada Emergency Response Benefit (CERB)** rather than relying on the existing Employment Insurance (EI) system. The CERB is the first addition to the suite of special benefits within the EI system and a benefit to which individuals, who are not covered by the EI system, have access to during the pandemic. It is available to people 15 years and older who earned at least \$5,000 [€3,145.05] in the 12 months previous to the CERB application. Partly in response to public and political critiques, the CERB was lightly modified in April to allow some employment or self-employment income (up to \$1,000 [€629.01]). This payment provided a taxable \$2,000 [€1,258.02] per four-week period and is available 15 March to 3 October 2020. On 20 August 2020, the CERB was extended from a maximum of 24 weeks to 28 weeks. People are eligible to apply to CERB if they are unable to work due to layoffs, illness, or caregiving responsibilities. Unlike EI (and leave benefits more

broadly in all provinces and territories except Québec) eligibility does not depend on past social insurance contributions or 600 insurable hours worked.

- Parents who are students and ineligible to receive CERB may qualify for the **Canada Emergency Student Benefit (CESB)**. This benefit was announced by the federal government on 22 April 2020 and became available on 15 May 2020. The benefit covers four four-week periods, spanning May to August 2020, and requires reapplications for each period. While providing most recipients with \$1,250 [€786.26] per 4-week period, those with dependents or a disability receive \$2,000 [€1,258.02] (equivalent to CERB). To be eligible, individuals must be currently enrolled in a post-secondary education program, graduated from a post-secondary program in December 2019 or later, or have completed high school and applied for a post-secondary program. Applications require a confirmation that applicants are unable to work/find work because of the pandemic, or are working with an income of \$1,000 [€629.01] or less per period.
- The **Canada Child Benefit (CCB)** is a tax-free, monthly payment offered by the federal government designed to help eligible families with the costs of raising children. From its introduction in 2016 until June 2020, the CCB offered a maximum of \$6,400 [€4,025.66] annually per child under the age of 6 and \$5,400 [€3,396.65] annually per child ages 6-17. The government recently announced an increase to the CCB, beginning in July 2020. For the 2020-21 benefit year, the maximum amounts will be increased to \$6,765 [€4,255.25] per child under the age of 6 and \$5,708 [€3,660.38] per child ages 6-17. In response to the pandemic, the government also increased the May 2020 CCB payment with a one-time top-up of up to \$300 [€188.70] per child. Additionally, due to the extended deadline for 2019 tax filings, eligible Canadians currently receiving CCB payments will continue to do so until the end of September 2020 to ensure that this benefit is not interrupted.³⁰

Provincial Supplements

- In addition to the federal income replacements, numerous provinces and territories offered supplements as well. Some offered direct payments to residents whose abilities to work had been impacted by the pandemic; these ranged from \$500 [€314.50] to \$1000 in different provinces.
- Between 20 April and 20 June 2020, in the province of Québec, there was a temporary suspension of amounts which could be

³⁰ Government of Canada (2020) 'Canada child benefit', *Canada*, 24 June 2020. Available at: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/canada-child-benefit-overview.html>

taken off the QPIP to reimburse some debt. A parent who, because of confinement restrictions related to the pandemic, cannot live with a child for whom they have asked for QPIP benefits can receive these parental benefits. Finally, in Québec, parents unable to live with their children (for whom they have QPIP benefits) at a given time, because of travel restrictions or others due to pandemic related confinement restrictions, are allowed to extend the period during which they can receive the benefits (i.e. for as many weeks or days as they were allowed but could not take in the normal time frame).

New COVID-19 Benefits (announced on 20 August 2020): On 20 August 2020, three new benefits for individuals who are not eligible for EI and are in need of temporary income support after CERB benefits (which end on October 3, 2020) were introduced. These benefits still require legislative approval by the Canadian federal government. As Canada's Parliament is prorogued until September 23, 2020, this bill will be debated and possibly adopted once Parliament is back in session.

- The **Canada Recovery Benefit** (\$400 per week for up to 26 weeks) for workers who are self-employed and cannot resume or return to work.
- The **Canada Recovery Sickness Benefit** (\$500 per week for up to two weeks) for workers who are ill or must self-isolate due to COVID-19-related reasons.
- The **Canada Recovery Caregiving Benefit** (\$500 per week for up to 26 weeks per household) for those who are unable to work because they are caring for a child (under the age of 12) or another dependent whose school, childcare center, or other day program facility is shut down due to COVID-19. This benefit may be shared, but only one member of a household can receive the benefit at any one time.

4. Uptake of leave

There is no source of information on the uptake of unpaid leave entitlements. For receipt of leave benefits, there are three sources of information: a Statistics Canada national survey (the Employment Insurance Coverage Survey, EICS), Québec administrative data, and EI administrative data that is 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 the three territories and parents living on First Nation reserves. It also only asks mothers about leave and fathers' use of leave. The EICS and Employment and Social Development Canada (ESDC) sources sometimes report national figures, which obscure programme differences. ESDC provides annual

information on EI Maternity and Parental benefits, with some disaggregation (see below for mothers' use of benefits). The most recent EI Monitoring and Assessment report covers the period from April 1, 2018 to March 31, 2019 and is the main source of published information on EI maternity and parental benefits received at this time. This report provides information about the uptake of the extended Parental leave benefits option that was introduced in December 2017. Information is not yet available about the 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 2018/19 EI Monitoring and Assessment Report states that during FY1819, there were 200,030 new parental benefit claims.³¹ Slightly less than 1.0 per cent of all parental benefit claims (about 1,500) came from adoptive parents. The vast majority of parental benefit claims (83.2 per cent) were made by women, while 16.8 per cent were claimed by men. The number of parental benefits claimed by men has increased slightly each year in recent years and increased by 8.9 per cent in FY1819 over the previous year. 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 parental benefits over 12 months at a benefit rate of 55 per cent of weekly insurable earnings. Extended parental benefits provide up to 61 weeks of benefits paid over a maximum of 18 months at a benefit rate of 33 per cent of weekly insurable earnings. The first parent who completes an application for benefits must elect one of these two options, which is binding on both parents and cannot be changed once parental benefits are paid. In FY1819, the first full fiscal year during which both options were available, 16 per cent of claims (31,910) were for extended benefits: 17.0 per cent of women parental benefit claimants selected the extended option, as did 10.6 per cent of men. The average weekly extended parental benefit amount received was \$297 in FY1819; the average weekly standard benefit received was \$475/week.

Eligible parents can share and use benefits at the same time or at different times. Among couples who opted for standard parental leave benefits, when mothers and fathers shared leave, the average number of weeks of benefits in 2018/19 was 23.6 for mothers and 10.2 weeks

³¹ Employment and Social Development Canada (2020) *2018/19 Employment Insurance Monitoring and Assessment Report*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>

for fathers. When parents did not share benefits, mothers received an average of 33.6 weeks of Parental leave benefits and fathers claimed 27.8 weeks.³² In Québec in 2018, parents shared Parental leave (i.e. each parent takes part of the leave) in 17 per cent of all QPIP birth files.

Using weeks and amounts of benefits claimed expressed per family (rather than per claim), analysis for 2018/19 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 (90.4 per cent) used the full 15 weeks available for an average duration of 14.6 weeks. In 2018/19, the average duration of parental benefit claims per family was 33.8 weeks for parents who decided to share Parental benefits, and 33.2 weeks when parents did not share benefits. Mothers who received both Maternity and Parental benefits used 48 of the 50 weeks of combined benefits available, approximately 95.9 per cent of the full entitlement.³³

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers.'³⁴ 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

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that in 2018/19, 170,010 Canadian mothers (excluding those from Québec) claimed EI Maternity benefits, a decrease of 0.9 per cent from the previous year. EICS survey data are used in the reporting of national numbers of benefit coverage as follows. In 2018, 75.3 per cent of new mothers (those with a child aged twelve months or younger) had recent insurable employment; of these mothers, 88.5 per cent received Maternity or Parental leave benefits.

For the first time, the federal government provided figures by programme in the annual ESDC Employment Insurance Monitoring and Assessment report. Based on EICS survey data, outside Quebec, using the EI programme, 71.5 per cent of all mothers had recent insurable employment. Of these mothers, 85.4% received Maternity or Parental leave benefits (1.8% less than in 2017 which was 87.2%).

³² *ibid.*

³³ *ibid.*

³⁴ By fathers, we refer to spouses/partners of recent mothers. This includes same-sex partners.

By contrast, according to EICS survey data, Québec had the highest share of recent mothers with insurable employment, at 87.4 per cent, and the highest share of these mothers having received Maternity or Parental leave benefits, using QPIP, at 96.6 per cent.^[1]

The vast majority of mothers who receive Maternity benefits (98.1 per cent) go on to receive Parental leave benefits. As noted above, under EI, women comprised 83.2 per cent of those receiving Parental benefit claims in FY1819. Women tend to receive Parental benefits for longer periods than men. In 2018/19, the average duration of Parental benefits was 32.7 weeks for women compared to 16.0 weeks for men.

The average weekly Parental benefit for mothers receiving the standard benefit was CAD\$466 [€298.83] compared to CAD\$517 [€331.54] 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 CAD\$297 [€190.46] per week (CAD\$294 [€188.53] for women and CAD\$321 [€205.85] for men). More than half of parents who received Parental benefits received the maximum weekly benefit available.³⁵

Fathers

In 2018/19, fathers accounted for approximately 16.8 per cent of those who claimed Parental leave benefits, an increase of 8.9% over 2017/18. Previous years have shown a slow but, for the most part, steady increase in the uptake of Parental leave benefits among eligible fathers in Canada (excluding Québec), suggesting that more couples were sharing benefits. For the most part, the percentage of fathers who claimed EI Parental leave benefits has varied between 9.4% and 15 per cent over the last decade. In 2018, for all provinces combined (including Québec), EICS survey responses indicated that the proportion of fathers who claimed or intended to claim Parental leave was 31.3 per cent in 2018.³⁶ These data obscure major differences in the uptake of Parental leave by fathers in and outside of Québec. Specifically, outside of Québec only 15.0 per cent of recent fathers took or intended to claim Parental leave in 2018 (up from 11.9% in 2017), compared to 79.6 per cent of fathers in Québec.

³⁵ Employment and Social Development Canada (2020) *2018/19 EI Monitoring and Assessment Report*. Annex 2. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>

³⁶ Statistics Canada (2019) *Employment Insurance Coverage Survey 2018*. Reported in *The Daily*, 14 November 2019.

Unfortunately, there is limited information about the circumstances under which couples share Parental leave and benefits. Existing data suggest that, in 2018/19, fathers who shared standard EI Parental leave benefits with their spouse tended to claim an average of 10.2 weeks of benefits, while those who did not share benefits took, on average, 27.8 weeks of benefits.³⁷

The introduction of the QPIP (Québec Parental Insurance Plan), which includes leave that is exclusively for fathers, has had a huge impact on the number of fathers claiming or intending to claim leave in Québec since the introduction of the plan: from 27.8 per cent in 2005 to 81.2 per cent in 2017 and 79.6 per cent in 2018.³⁸ Data are not yet available on the numbers of fathers taking Parental leave since the new federal EI Parental Sharing Benefit was introduced.

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. According to Statistics Canada, in 2010 those Canadian fathers taking leave, including in Québec, took an average of nine weeks of paid Parental leave, compared to 28 weeks for women.³⁹

The trend has been for fathers to take fewer weeks each year (i.e., the average was eleven weeks in 2009, but only eight weeks in 2011). Excluding Québec, fathers took an average of 18 weeks' Parental leave benefits in 2009, 14 weeks in 2010, and 13 weeks in 2011. The 2018/2019 EI Monitoring and Assessment Report indicated that fathers received an average of 16.0 weeks of Parental benefits following birth or adoption, compared to 32.7 weeks for mothers under the standard Parental benefit option.⁴⁰ The difference in numbers between data sources can be partly explained by the fact that the Statistics Canada data include both biological and adoptive parents and are collected per calendar year rather than per fiscal year.

³⁷ Employment and Social Development Canada (2020) *2018/19 Employment Insurance Monitoring and Assessment Report*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>

³⁸ Statistics Canada (2019) 'Employment Insurance Coverage Survey, 2018', *The Daily*, 14 November 2019.

³⁹ Unpublished data from Statistics Canada Special Surveys Division.

⁴⁰ Employment and Social Development Canada (2019) *2017/18 EI Monitoring and Assessment Report*. Annex 2. Available at: <https://www.canada.ca/en/employment-social-development/programmes/ei/ei-list/reports/monitoring2018.html>