

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 through 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. Two separate sets of rules apply to the federal wage-compensation benefit programme and provincial/territorial/federal legal entitlements to job-protected leave. 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 to opt into federal benefits. In January 2006, the province of Québec launched its own provincial Maternity, Paternity, and Parental leave benefit programme called the (QPIP) for employed and self-employed workers. 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 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

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		\$2,000 [€1,355.20] ² in earnings	
Self-employed workers	If opted-in 12-months prior to claiming, with minimum net income of CA\$7555 [€5,119.26] in self-employed earnings in 2020		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	Special³
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%

² There have been temporary changes to EI benefits (See Section 3).

³ Since December 2020, these have been called 'prestations d'accueil et de soutien'.

Adoption (shared)⁶	35 at 55%	61 at 33%	13 at 70% + 25 at 55%	28 at 75%
Adjusted annually:				
Maximum weekly benefit, 2021	\$595 [€403.17]	\$357 [€241.90]	\$1,057 [€716.22]	\$1,132 [€767.04]
Maximum insurable earnings, 2021	\$56,300 [€38,148.80]/year		\$83,500 [€56,579.48]/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 (2021), <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html> and 'Québec Parental Insurance Plan,' Emploi et Solidarité 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, CA\$2,000 [€1,355.20] 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 21 June 2021, 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 CA\$25,921 [€17,564.03]. 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 CA\$25,921 [€17,564.03] 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 CA\$56,300 [€38,148.80] (i.e., a benefit payment ceiling of CA\$595 [€403.17] 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 CA\$100 [€67.76] of insurable earnings to the maximum insurable earnings threshold (MIE), which was CA\$56,300 [€38,148.80] in 2021. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees.
- In 2021, employee premiums were frozen at the 2020 level and are set at CA\$1.58 [€1.07] per CA\$100 [€67.76] (for Québec residents, at CA\$1.18 [€0.80] of insurable earnings in 2020); employer premiums were set at CA\$2.21 [€1,50] per CA\$100 [€67.76] of insurable earnings (for Québec Employers, at CA\$1.52 [€1.03]). 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: CA\$1.58 [€1.07] per CA\$100 [€67.76] of insurable earnings to a maximum of CA\$ 56,300[€38,148.80] of earnings or CA\$889.54 [€602.75] 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

- 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 below under Parental leave.
- In 2021, Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CA\$83,500 [€56,579.48] 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.
- Under the Basic plan, Québec parents gain 4 weeks if each parent takes at least 8 weeks of shareable parental or adoption leave.
- Under the Special plan, Québec parents gain 3 additional shareable weeks at 75 per cent if each parent takes at least 6 weeks of shareable parental or adoption leave.
- 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 2021, 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 2020 (maximum contributions, respectively, of CA\$412.49 [€279.50], CA\$577.82 [€391.53], and CA\$733.13 [€496.77], up to a maximum insurable income of CA\$83,500 in 2021 [€56,579.48], compared with EI's 0.37 per

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

cent of insurable income to a maximum of CA\$56,300 [€38,148.80] in other parts of Canada). Premium rates for the Québec Parental Insurance Plan remain the same in 2021, but maximum weekly premiums have increased.

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 CA\$2,000 [€1,355.20] 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 CA\$2,000 [€1,355.20] 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 per cent because of childbirth/care, have paid contributions to the regime, and have earned at least CA\$7,555 [€5,119.26] (in 2020) 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 agencies⁶ can receive limited benefits (Maternity, Paternity, and

⁵ <https://www.canada.ca/en/services/benefits/ei/ei-self-employed-workers.html>

⁶ The Tri-Council funding agencies include The Social Sciences and Humanities Research Council (SSHRC), the Canadian Institutes of Health Research (CIHR),

Parental). Research/teaching assistant and postdoctoral 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, family policy has evolved immensely over

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.

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

the years⁸ and now 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 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 per cent of average weekly earnings or for five weeks at 70 per cent to an earnings ceiling of CA\$83,500 [€56,579.48] per year. Funding is the same as for Maternity leave.
- Under the Basic plan, parents gain 4 additional shareable weeks if each parent takes at least 8 weeks of shareable parental or adoption leave.
- Under the Special plan, parents gain 3 additional shareable weeks at 75 per cent if each parent takes at least 6 weeks of shareable parental or adoption leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CA\$2,000 [€1,355.20] 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 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 CA\$56,300 [€38,148.80] (i.e., a benefit payment ceiling of CA\$595 [€403.17] 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

⁸ 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>

of CA\$357 [€241.90] per week).⁹

- *Parental Sharing Benefits*: A new EI Parental Sharing Benefit¹⁰ was implemented on 17 March 2019. This policy provides an additional 5 weeks of benefits under the standard option (up to 40 weeks) when couples share the benefits, and a maximum of an additional 8 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.¹¹ 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 17 March 2019.
- *Low-income families* (i.e., families with a net income of CA\$25,921 [€17,564.03] 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 CA\$25,921 [€17,564.03]), while average family income has risen. In Québec, this weekly supplement averaged CA\$36 [€24.39] per family and around 5 per cent of beneficiaries using Parental leave received this supplement.
- *Working while on claim*: 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

⁹ Government of Canada (2021) *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>

¹⁰ Government of Canada (2019) <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html> Ottawa: Employment and Social Development Canada.

¹¹ 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 policies', *Journal of Industrial Relations*, 58(4), 543–562. Available at: <https://doi: 10.1177/0022185616643558>

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 14 August 2021. It is the option to keep the greater of CA\$75 [€50.82] of earnings or 40 per cent of their benefits per week (equivalent to approximately 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 12 August 2018. The 'Alternate Earnings' option is only available during the three-year transition period from 12 August 2018 to 14 August 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 CA\$50 [€33.88] 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

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 Jurisdiction¹²

Table 2: Maximum Duration of Unpaid Leave Entitlement by Jurisdiction			
Employment Jurisdiction	Maternity 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	61	16**
Northwest	17	61***	61***

¹² 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	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 61 weeks of parental leave for a total of 77 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 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 and Newfoundland and Labrador require 20 continuous weeks. New Brunswick requires 6 months of continuous employment and Manitoba requires 7 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 and 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. 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.¹³

- 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 (with the exception of a COVID-19 temporary law that reduced this to 120 hours). 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 CA\$7,555 [€5,119.26] in 2020 for claims filed in 2021. 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 CA\$2,000 [€1,355.20] 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 CA\$2,000 [€1,355.20]. 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 CA\$2,000 [€1,355.20] 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 7 weeks at 70 per cent of average insured income, plus 25 weeks at 55 per cent, up to an earnings ceiling of CA\$83,500 [€56,579.48] 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).

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

¹³ 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>

provided in the case of different circumstances (a court case challenging this policy regarding multiple births was rejected in 2011).

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).¹⁴ A 2010 survey of mothers who 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).¹⁵ 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). 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.¹⁶
- 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

¹⁴ Tremblay, D.-G. (2019) *Conciliation emploi-famille et temps sociaux* (4th ed.). Québec: Presses de l'université du Québec.

¹⁵ Marshall, K. (2010) 'Employer top-ups', *Perspectives on labour and income*, 11(2), 5–12. (Statistics Canada Catalogue no. 75-001-XPE). Ottawa: Statistics Canada

¹⁶ Statistics Canada (2021) 'Aspects of quality of employment in Canada, February and March 2020', *The Daily*, 22 March 2021.

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 (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, 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 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.¹⁷ 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 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 their 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.

¹⁷ <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html>

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) is 50 weeks (11 months in Québec). There is no entitlement to Early Childhood Education and Care (ECEC).

Canada is not included in the comparative table on ECEC enrolment produced for the OECD Family Database.

In recent years, public awareness has grown about the lack of access to affordable high-quality childcare and the high cost of infant care, especially outside Québec. In that province, the Québec government subsidizes childcare, bringing costs down substantially. 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.'¹⁸ Even those who can afford the high fees or who qualify for a provincial fee subsidy face long waiting lists for the limited spaces available in licensed childcare centres and regulated family home day cares. 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 the Canada Child Tax Benefit, a tax benefit for children under 18, and a taxable direct payment to parents: the Universal Childcare Benefit (increased in 2015 from CA\$100 [€67.76] per month to CA\$160 [€108.42] per child under 6 years, adding CA\$60 [€40.66] per month for each child aged 6 to 17 years).

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 2021, the Canada Child Benefit¹⁹ provides a maximum annual benefit of up to CA\$6,833 [€4,630.03] per child under the age of 6 and up to CA\$5,765 [€3,906.36] per child between 6 and 17 years of age. Both of these benefit programmes are supplementary to a federal childcare expense

¹⁸ OECD (2016) *Society at a glance 2016: OECD social indicators*. Paris: OECD Publishing. Available at: <http://dx.doi.org/10.1787/9789264261488-en>

¹⁹ *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>

deduction, which typically must be claimed by the parent with the lower net income. The Canada Child Benefit may be augmented by up to \$2,886 [€1,955.55] 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.

In 2017, the federal government announced a policy framework, the Multilateral Early Learning and Child Care Framework, to invest a total of CA\$7.5 [€5.08] 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 also 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 next ten years, the government has committed up to CA\$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 [€75.21] million will support ELCC for the Inuit communities and will be managed in partnership with Inuit communities; and up to \$450 [€304.92] million will support ELCC for the Métis Nation and will be managed in partnership with the Métis Nation.²⁰

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 both 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

²⁰ <https://www.canada.ca/en/employment-social-development/news/2018/09/backgrounder-indigenous-early-learning-and-child-care-framework.html>

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.²¹

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 considerable impact on family incomes and women's employment.²² 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. Plans for expansion 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.²³

In Québec, there is a public day care programme financed largely by the Québec government, which in 1996 offered day care at CA\$5 [€3.39] a day. The February 2014 budget increased the amount parents pay for childcare to CAD8\$ [€5.42] and it was increased to CA\$8.25 [5.59] in 2019 and CA\$8.35 [€5.66] in 2020.²⁴ Eligible parents are entitled to a refundable tax credit that reimburses between 26 and 75 per cent of eligible, paid childcare expenses, depending on family income.

²¹ Macdonald, D. and Friendly, M. (2020) *In progress: Child care fees in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

²² 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.

²³ 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>.

²⁴ Finances Québec. (2020) *Connaitre le coût quotidien net des services de garde*. Available at : http://www.budget.finances.gouv.qc.ca/Budget/outils/garde_fr.asp

3.Changes in policy since April 2020 (including proposals currently under discussion)

In April 2021, the federal government announced plans to provide a significant investment in funding a national, affordable, and high quality early learning and childcare system. This includes: a budget commitment of CA\$4.1 billion [€2.78 billion] in 2021-22 and to CA\$9.2 billion [€6.23 billion] annually by 2025-26; the expansion of the not-for-profit sector of the system; new investments for Indigenous Early Learning and Child Care; CA\$29.2 million [€19.79 million](in 2021-2023) to enhance physical accessibility to licensed childcare centres across the country; and a plan to work towards CA\$10 [€6.78]/day for childcare by 2026.²⁵

Policy response to the COVID-19 pandemic up to end April 2021

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, there have been differences with respect to durations of closures and special access for essential workers. Although childcare centres were not mandated to close in British Columbia, Northwest Territories, or Yukon, some centres in these provinces/territories did decide to close temporarily. In the remaining provinces and territories, mandated closures were initiated sometime between 14 March 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 limiting capacities at childcare centres, however, several allowed for full capacity operations to continue.
- Policies surrounding childcare for essential workers also differs 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 jurisdictions that mandated closures, only one province and one territory did not provide childcare for essential workers. Guidelines regarding emergency care for essential workers were not provided by one province and two territories where closures were not mandated.

²⁵ <https://childcarecanada.org/documents/child-care-news/21/04/federal-budget-plan-child-care-turning-point>

- As of February 2021, childcare services were open in every province. Though operating capacities differ, most are described as 'open under public health guidance in all regions.' Common practices enforced at these facilities now include physical distancing, daily COVID-19 screenings, frequent handwashing, improved sanitation, and mask or face covering wearing. Whereas staff and older children are required to wear these protective coverings, they are simply recommended for children below grade 1. It should be noted that despite the continued operation of the vast majority of childcare services, there have been several closures. For example, in Ontario, some schools and childcare centres in the Greater Toronto Area (GTA) closed on April 6, 2021. Closures are not the sole impact of COVID-19 on Canada's childcare sector. Based on a survey conducted by the Canadian Centre for Policy Alternatives (conducted between 22 September and 13 November 2020), there was a significant decline in childcare enrolment across the country.
- With the exception of Québec, all provinces and territories saw at least 10 per cent fewer children enrolled in childcare in autumn 2020 compared to February of that same year, before the first pandemic lockdowns. In many regions, this percentage was far higher; the GTA, for example, saw declines averaging 40 to 60 per cent and one of the main reasons listed for this decline was the high cost of childcare.²⁶
- Education is under provincial and territorial jurisdiction in Canada and thus there are variations across the country. School closures occurred in every province and territory as a result of the pandemic, but their start dates and durations differed across the country. Closures, for 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; for others it was March 24, 2020. Schools remained closed for the rest of the 2019/2020 school year in most provinces and territories, with the exception of Prince Edward Island, Manitoba, British Columbia, and Québec. Upon their reopening, schools in these provinces operated at a reduced capacity and students requiring individualized support from student services as well as the children of essential workers were prioritized.
- The reduction in COVID-19 cases throughout summer 2020 enabled most schools across the country to resume in-person classes for the 2020/2021 school year. Notably, Ontario, Manitoba, British Columbia, and Northwest Territories offered a combination of in-person and remote learning options. In Ontario

²⁶ 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>

and Northwest Territories, students could choose to enrol in either online or in-person learning. In Manitoba and British Columbia, remote learning options depended more on the individual school districts and whether physical distancing within classrooms was possible. As the second and third waves ²⁷of the pandemic have occurred, some cities have closed schools temporarily and there have been recurring shutdowns that have meant that schools have alternated between online and in-person. For example, when Ontario declared a stay-at-home order that began on 26 December 2020, schools remained closed from 4 January until 16 February 2021, after the usual winter break period. A second stay-at-home order was issued in the province for 8 April to 6 May 2021, with schools across the province ordered to be closed on 8 April or 11 April (with no end date announced).

Parental leave

Canada's EI-based system

- On 20 August 2020, 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 15 March 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 receive 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*, (until 25 September 2021) in recognition that labour market conditions remain uncertain and will take time to stabilize.'²⁸ Given that this is only a temporary change, questions remain about how the federal government will redesign parental

²⁷ Miller, A. (2021) 'Canada is losing the race between vaccines and variants as the 3rd wave worsens', *CBC News*, 8 April 2021. Available at: <https://www.cbc.ca/news/health/coronavirus-variants-canada-COVID-19-vaccine-third-wave-1.5978394>

²⁸ Government of Canada (2020) *Supporting Canadians through the next phase of the economy re-opening: Increased access to EI and recovery benefits*. Available at: <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>

benefits, and the EI system more broadly, to ensure that more parents qualify for benefits.²⁹

- As of 31 January 2021, the one week waiting period for those applying for Maternity or Parental leave has been waived. A similar adjustment was made for those applying for EI sickness benefits in September 2020.³⁰ 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).³¹ Of note, Maternity and Parental benefits do count towards the CA\$5,000 [€3,387.99] income eligibility requirement for CERB.³²

Québec

- Since 1 January 2021, the period during which Paternity, Parental, or Adoption leave can be taken has increased to 78 weeks (18 months). For Maternity leave it has increased from 18 to 20 weeks.
- On 1 January 2022, an extension is planned in Québec for single parents (when only one parent is indicated on the birth certificate or equivalent document): 5 more weeks under the Basic plan at 70 per cent of income up to maximum insurable income; 3 more weeks under the Special plan at 75 per cent of income up to maximum insurable income.
- As of 29 October 2020, Parental, Paternity, and Adoption benefits have been paid to eligible parents until the end of the second week following the death of the newborn if the maximum number of weeks and of benefits has not been reached.
- Leave policies for healthcare workers in Québec were adjusted due to the pandemic. For these workers, the period when they can take

²⁹ Doucet, A., Mathieu, S. and McKay, L. (2020) 'Reconceptualizing parental leave benefits in COVID-19 Canada: From employment policy to care and social protection policy', *Canadian Public Policy*, 46(7), S272–S286. Available at: <https://doi.org/10.3138/cpp.2020-091>

³⁰ Government of Canada (2021) 'Government of Canada temporarily waives the one-week waiting period for Employment Insurance claims' (*Press release*, 29 January 2021). Available at: <https://www.canada.ca/en/employment-social-development/news/2021/01/ei.html>

³¹ Rostom, S. (2020) 'Returning from pregnancy or parental leave during COVID-19?' Available at: <https://goldblattpartners.com/COVID-19-legal-resource-page/returning-from-pregnancy-or-parental-leave-during-COVID-19/>

³² Government of Canada. (2020) '*Canada Emergency Response Benefit*' (*Press release*, 23 June 2020). Available at: <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

leave was extended from 52 to 78 weeks, that is six additional months during which they can use their benefits. Additionally, any worker who earned less or had reduced hours because of the pandemic (including while quarantining) can request to either prolong or switch reference periods (to a period that began no more than 104 weeks prior). As of January 2021, the period during which Paternity, Parental, or Adoption leave can be taken has increased from 52 weeks (12 months) to 78 weeks (18 months).

- On 14 December 2020, it was announced that parents receiving parental benefits under QPIP would now receive a minimum of CA\$500 [€338.80] per week. This change was implemented to reflect changes to EI benefits in the rest of Canada and ensure that parents in Québec receive the same benefits. Like the new federal benefits, this change applies from 27 September 2020, to 25 September 2021. QPIP eligibility continues to require a minimum of CA\$2000 [€1,355.20] of insurable income during the 52 weeks period prior to claiming benefits, regardless of the number of hours worked.

Job-protected leaves across Canada

- Canada's 14 federal/provincial/territorial jurisdictions (ten provinces, three territories, and a federal labour code), governed by employment standard acts (that vary across Canada's 14 jurisdictions), establish job-protected unpaid leave after the birth or adoption of a child. As a result of COVID-19, only 11 jurisdictions created new unpaid, job-protected, temporary leave entitlements in their labour codes, which differ significantly in terms of leave lengths and conditions. These leaves cover one or more of the following situations: quarantining, caring for ill or dependent children, or caring for children because of childcare and school closures.³³

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.³⁴ Between February and April 2020, 5.5 million Canadian workers either lost their jobs or saw their hours reduced

³³ See Robson, J. (2020) 'Radical incrementalism and trust in the citizen: Income security in Canada in the time of COVID-19', *Canadian public policy*, 46(1): S1-S18. Available at: <https://doi.org/10.3138/cpp.2020-080>

³⁴ Qian, Y. and Fuller, S. (2020) 'COVID-19 and the gender employment gap among parents of young children', *Canadian public policy*, 46(2), S89-S101. Available at: <https://www.utpjournals.press/doi/full/10.3138/cpp.2020-077>

as a result of the pandemic.³⁵ The number of affected workers was reduced significantly (43 per cent) by June 2020, with 3.1 million workers affected.³⁶ Another notable impact of COVID-19 has been the significant increase in employees working from home.

- In 2021, the pandemic continues to negatively impact employment rates across the country. As Canada faced a second wave of COVID-19 in December and January, the employment gains that had occurred during the summer and fall months dissipated. Monthly job declines in January 2021 were the worst since April 2020, near the start of the pandemic. These losses were particularly strong in Ontario and Quebec, where lockdowns and school closures occurred. This increase in unemployment disproportionately affected women, racialized individuals, and youth.³⁷
- Work-Sharing is a small, federally run program supported through the Employment Insurance (EI) fund designed to minimize layoffs. 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. In light of the pandemic, the duration of the program has been increased to a maximum of 76 weeks. Eligibility requirements for Work-Sharing and regular EI benefits are the same (i.e. 600 insurable hours in the previous year). 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.
- The federal government currently offers three types of caregiving benefits, which generally align with unpaid leaves available to employees under provincial legislation. Each of the benefits are offered through EI, providing up to 55 per cent of recipients' earnings, to a maximum of CA\$595 [€403.17] a week. The first benefit, '**Family caregiver benefit for children,**' grants up to 35

³⁵ 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>

³⁶ Ibid.

³⁷ Press, J. (2021) 'Women, youth bear the brunt of January job losses, unemployment rate hits 9.4%', *CTV News*, 5 February 2021. Available at: <https://www.ctvnews.ca/business/women-youth-bear-the-brunt-of-january-job-losses-unemployment-rate-hits-9-4-1.5296869>. See also Fuller, S. and Qian, Y. (2021) 'COVID-19 and the gender gap in employment among parents of young children in Canada', *Gender & Society*, 35(2). Available at: <https://doi.org/10.1177/08912432211001287>.

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. Individuals who have stopped working to provide care for a family member sick with COVID-19 may be eligible for the Canada Recovery Caregiving Benefit (CRCB).- as well as the benefits mentioned above.

- 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 [€4,336.63] annually per child under the age of 6 years and \$5,400 [€3,659.03] annually for each child aged 6 to 17 years. The government recently announced an increase to the CCB, beginning in July 2021. For the 2021-22 benefit year, the maximum amounts will be increased to CA\$6,833 [€4,630.03] per child under the age of 6 and CA\$5,765 [€3,906.36] per child aged 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 CA\$300 [€203.28] per child and, more recently, has promised an additional CA\$1200 [€813.12] for each child under 6 years of age.³⁸
- There are a few supplements (federal and provincial, detailed below) offered by the government that 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. The Canada Emergency Student Benefit (CESB), for example, provides recipients with dependents CA\$750 [€508.20] more per month (CA\$2,000 [€1,355.20]) than those without (CA\$1,250 [€847.00]).
- On 24 March 2021, the Ontario government announced that the Ontario COVID-19 Child Benefit will provide parents with CA\$400 [€271.04] per child. The province offered two similar payments last year, under the Support for Learners program, which provided

³⁸ Government of Canada (2020) 'Canada child benefit' (*Press release, 24 September 2020*) Available at: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/canada-child-benefit-overview.html>

parents with CA\$200 [€135.52] per child in grade twelve or below and CA\$250 [€169.40] per child or youth (under 21) with special needs.

Federal Supplements

- Since the pandemic was first announced in March 2020, the federal government has implemented numerous benefit programs designed to financially aid Canadians who encountered income loss as a result of COVID-19. Central to the first phase of these supplements were CERB and CESB. In fall 2020, these programs were replaced with CRB, CRCB, and CRSB, which remain in place today.

Phase 1: 6 April 2020 to 27 September 2020 – CERB & CESB

- 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 was the first addition to the suite of special benefits within the EI system and was accessible during the pandemic to individuals 15 years and older who earned at least CA\$5,000 [€3,387.99] in the 12 months prior to the CERB application and who were 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 did not depend on past social insurance contributions or 600 insurable hours worked.
- Partly in response to public and political critiques, the CERB was slightly modified in April 2020 to allow recipients to earn some employment or self-employment income (up to CA\$1,000 [€677.60]). Taxable payments of CA\$2,000 [€1,355.20] per four-week period were available from April 6 to September 27, 2020 (extended in August 2020 from a maximum of 24 weeks to 28 weeks).
- Despite CERB's inclusive eligibility criteria, many people, especially students, were unable to access the benefit. The requirements that an applicant's employment had *stopped* as a result of the pandemic meant that students who work solely during the summer months could not qualify (even if summer work was no longer available due to COVID-19 restrictions). In recognition of this, the government created 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 covered four four-week periods, spanning May to August 2020, and required reapplications for each period. While providing most recipients with CA\$1,250 [€847.00] per four week period, those with dependents or a disability receive CA\$2,000 [€1,355.20] (equivalent to CERB). To be eligible, individuals had to have been 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 required a confirmation that applicants are unable to work/find work because of the pandemic, or were working with an income of CA\$1,000 [€677.60] or less per period.

Phase 2: 27 September 2020 to Present – CRB, CRSB & CRCB

- On 20 August 2020, the federal government introduced three new benefits for individuals who are not eligible for EI and require temporary income support previously offered by CERB (which ended on 27 September 2020). Legislation concerning these benefits (Bill C-4) was passed in the Senate on 2 October 2020. Applications for the CRSB and the CRCB opened to Canadians on October 5. Those for the CRB followed soon after on October 12. Applications for these benefits are possible until September 25, 2021.
- The **Canada Recovery Benefit** (CRB) provides financial support for employed and self-employed individuals who are unable to work or have experienced income loss of at least 50 per cent due to COVID-19 and who are not entitled to EI benefits. CRB recipients receive CA\$900 [€609.84] (after withheld taxes) biweekly. The benefit requires reapplications for each eligibility period. While initially available for a maximum of 26 weeks, the CRB can now be claimed for a total of 38 weeks and can be applied for retroactively.
- The **Canada Recovery Sickness Benefit** (CRSB) provides CA\$450 [€304.92] (after withheld taxes) weekly. Initially available for a maximum of two weeks, as announced on 19 February 2021, the benefit can be claimed for four weeks. To be eligible, individuals must be ill or self-isolating due to COVID-19 or have an underlying health condition that increases their risk of contracting the virus. Available until 25 September 2021, individuals can apply retroactively for any eligible 1-week period for up to 60 days following that period's end.
- The **Canada Recovery Caregiving Benefit** (CRCB) provides recipients with CA\$450 [€304.92] per week (after withheld taxes). This benefit is designed to offer financial aid to those unable to work because they are caring for a child (under the age of 12) or another dependent whose school, childcare centre, 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. While initially available for a maximum of 26 weeks, like the CRB, this benefit has been extended to 38 weeks.

Provincial Supplements

- In addition to the federal income replacements, numerous provinces and territories offered supplements. Some offered direct payments to residents whose abilities to work had been affected by the pandemic; these ranged from CA\$500 [€338.80] to CA\$1000 [€677.60] depending on the province.
- A parent who, because of confinement or travel restrictions related to the pandemic, cannot live with a child for whom they receive QPIP benefits can choose to still receive these benefits at the expected time or extend their receipt period and receive them at a later date.

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 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. 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* (2020) 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 the 2018-2019 Fiscal Year, there were 200,030 new parental benefit claims.³⁹ Slightly less than 1 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 by 8.9 per cent in FY18-19 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 select one of these two options, which is binding on both parents and cannot be changed once parental benefits are paid. In the fiscal year 2018-2019 (FY18-19), 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 CA\$297 [€201.25] in FY18-19; the average weekly standard benefit received was CA\$475 [€321.86]/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 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.⁴⁰

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

³⁹ Employment and Social Development Canada (2020) *2018/19 Employment insurance monitoring and assessment report, Canada*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>

⁴⁰ Ibid.

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.⁴¹

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers.'⁴² 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, which represents 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 2019, 77.7 per cent of new mothers (those with a child aged twelve months or younger) had recent insurable employment; of these mothers, 90.3 per cent received Maternity or Parental leave benefits. Little had changed compared to 2018.

In 2019, 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 Québec, 71.5 per cent of all mothers had recent insurable employment. Of these mothers, 85.4 per cent received Maternity or Parental leave benefits (1.8 per cent less than in 2017, which was 87.2 per cent).

By contrast, according to EICS survey data, Québec had the highest share of recent mothers with insurable employment in 2018, at 87.4 per cent, and the highest share of these mothers having received QPIP Maternity or Parental leave benefits, 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

⁴¹ Ibid.

⁴² By fathers, we refer to spouses/partners of recent mothers. This includes same-sex partners.

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 CA\$466 [€315.76] compared to CA\$517 [€350.32] 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 CA\$297 [€201.25] per week (CA\$294 [€199.21] for women and CA\$321 [€217.51] for men). More than half of parents who received Parental benefits received the maximum weekly benefit available.⁴³

In December 2017, changes to the EI program were introduced, including the extended parental benefits option. According to the most recent report from the EICS, in 2019, the first full year for which data are available, 32.3 per cent of mothers intended to take more than 12 months of leave, compared with 22.9 per cent in 2018 and 21.7 per cent in 2017.⁴⁴

Fathers

In 2018/19, fathers accounted for approximately 16.8 per cent of those who claimed Parental leave benefits, an increase of 8.9 per cent over 2017/18. 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 were sharing benefits. For the most part, the percentage of fathers who claimed EI Parental leave benefits has varied between 9.4 per cent and 15 per cent over the last decade. 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 35.4 per cent in 2019 from 31.3 per cent in 2018 and 29.1 per cent in 2017.⁴⁵ 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 compared to 79.6 per cent of fathers in Québec.

⁴³ 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>.

⁴⁴ 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>.

⁴⁵ Ibid.

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.⁴⁶

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 leave in Québec: from 27.8 per cent in 2005 to 81.2 per cent in 2017 and 79.6 per cent in 2018.⁴⁷ In 2019 in Québec, both parents took parental leave in 70.4 per cent of all births registered by QPIP. For the remaining families, only one parent was paid benefits: 10.5 per cent were fathers and 19.1 per cent were mothers. Thus, for 80.9 per cent of births covered by QPIP, fathers took leave (either Paternity, Parental or both).

Outside of Québec, only 15 per cent of recent fathers took or intended to claim Parental leave in 2018 (up from 11.9 per cent in 2017), compared to 80.9 per cent of fathers in Québec (in 2019). 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. 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.⁴⁸ 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.

⁴⁶ 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>.

⁴⁷ 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>.

⁴⁸ 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>.