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#### **CANADA**

**Population (2003):** 31.6 million

**Total Fertility Rate (2000-2005):** 1.5

**GDP per capita (US\$ using Purchasing Power Parities) (2003):**  
\$30,677

**Female economic activity rate (ages 15 and above) (2003):** 60.7 per cent

**Female economic activity rate as per cent male rate (2003):** 83 per cent

**Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003):** No data available

**Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005):** No data available

**Gender-related Development Index (ranking out of 177 countries):**  
5th

**Gender empowerment measure (ranking):** 10<sup>th</sup>

NB Canada is a federal state, with ten provinces and three territories (referred to below as 'jurisdictions')

### **1. Current leave and other employment-related policies to support parents**

*Note on federal and provincial responsibility:* In Canada the federal government provides maternity and parental leaves through the employment insurance programme. Provinces and territories deliver the programme and thereby modify some of the details. Labour laws also fall under provincial jurisdictions resulting in different leave entitlements. Payment of maternity and parental leave is the same under the federal programme; based on a complex formula that takes economic region and low-income into account.

#### **a. Maternity Leave (*cong  de maternit *) (at federal level, responsibility of Human Resources and Skill Development)**

*Length of leave (before and after birth)*

- 15-18 weeks depending on the jurisdiction. Leave may normally not start earlier than 11-17 weeks before the expected date of birth, depending on the jurisdiction. The total leave is not affected by when a woman starts her leave, except in some cases where an extension may be granted if the actual date of delivery is later than the estimated date.

#### *Payment*

- 15 weeks at 55 per cent of average insured earnings up to a maximum 'ceiling' of CAN\$413 per week (approximately €300). There is no payment for the first 2 weeks which is treated as a 'waiting period'.

#### *Flexibility in use*

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so, but for the two months after birth no paid work is allowed for reasons of health protection.

#### *Regional or local variations in leave policy*

- Length of leave and entitlement vary across provinces and territories. The benefit payment is the same across the country except for Québec which pays benefit for the 2 week 'waiting period'.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in British Columbia and New Brunswick, an employee must have been employed by the same employer for a certain amount of time, varying from 12 to 13 months. All but one jurisdiction, Saskatchewan, require this employment to be continual. Most self-employed women are not eligible for benefit since they typically work under business or service contracts and are, therefore, not considered to have insurable employment.

#### *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 mother*

- Maternity leave 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 required additional care). This extension can be up to six weeks.

#### *Additional note (e.g. if leave payments are often 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 federal maternity benefit and the worker's salary.

### **b. Paternity Leave (*conge de paternité*) (at federal level, responsibility of Human Resources and Skill Development)**

#### *Length of leave (before and after birth)*

- 4 days, 1 day before birth, 3 days after

#### *Payment*

- None

#### *Flexibility in use*

- None

#### *Regional or local variations in leave policy*

- May be taken for up to 5 weeks after the birth in Québec

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

- 1 year of continuous employment. The self-employed are not eligible.

*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 father*

- None

### **c. Parental Leave (*congé parental*) (at federal level, responsibility of Human Resources and Skill Development)**

*Length of leave (before and after birth)*

- 37 weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 weeks. In all jurisdictions except the Yukon parents can take leave at the same time. All jurisdictions require that maternity leave and parental leave be consecutive if both are taken and the maximum number of weeks of leave that are allowed - including post-natal maternity leave and parental leave - for one person in almost all jurisdictions is 52.
- Since January 2006, Québec parents can choose from two options: either 55 weeks of parental leave with 70 per cent of wage for 25 weeks and 55 per cent for another 30 weeks; or 75 per cent of wage for 40 weeks

*Payment*

- Up to 35 weeks per family at 55 per cent of average insured earnings up to a maximum 'ceiling' of CAN\$413 (approximately €300) per week.
- Low-Income Families (less than CAN\$25,921 (approximately €18,900) per annum) are eligible for a Family Supplement to raise payment

*Flexibility in use*

- Benefit payments can be claimed by one parent or shared. They must be taken within 52 weeks of the birth. While on leave, a parent may earn CAN\$50 (approximately €36) a week or 25 per cent of the benefit, whichever is the higher (or, if the applicant lives in one of 23 economic regions, up to CAN\$75 or 40 per cent of the weekly benefit).

*Regional or local variations in leave policy*

- Provincial and territorial policies vary in the length of leave, flexibility of use, eligibility etc. The payment of benefits is the same for all jurisdictions, except for Québec since 2006. Federal workers and workers for the territorial governments are regulated by the federal policy.
- In some jurisdictions the amount of parental leave depends on whether maternity/pregnancy leave was taken - the maximum number of weeks that are allowed for one person in almost all jurisdictions is 52, although British Columbia allows for an extension of maternity leave that is not calculated into the 52 weeks. In three jurisdictions aggregate parental leave cannot exceed the maximum of the allowed leave (i.e. no more than 37 weeks combined). In all other jurisdictions each parent may take the full parental leave that is allowed (i.e. 37 weeks each parent).

- Some jurisdictions require that leave is completed within 52 weeks. Québec is unusual in enabling leave to be taken at any time in the 70 weeks that follow birth.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment benefits. With the exceptions of British Columbia and New Brunswick, an employee must have been employed by the same employer for either 12 or 13 months. All but one jurisdiction require this employment to be continual. Some types of employees and employment are excluded: the specific details vary from jurisdiction to jurisdiction, but students, agricultural workers, workers in small businesses and workers in government employment creation programmes are often excluded.
- To be eligible for payment benefits, a parent must have worked for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Most self-employed workers are not eligible. However, since January 2006, self-employed workers in Québec are eligible for an 18 week maternity leave if they have earned at least CAN\$2,000 (approximately €1,460) in the 52 preceding weeks

*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.*

- There are no variations for multiple births.
- In Nova Scotia, if the child for whom leave is taken is hospitalized for more than one week, a 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).

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

- Some employers have a supplemental benefit plan that partially makes up the difference between Employment Insurance parental benefits and the worker's salary; some also offer additional periods of leave. A survey of private companies in Québec in 2003 found that 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments.
- In Alberta if the parents both work for the same employer, the employer is not obligated to grant leave to both employees at the same time.

#### **d. Childcare Leave or Career Breaks**

None

#### **e. Other employment-related measures**

*Adoption leave and pay*

- The same parental leave regulations as for parents having their own children, except in three jurisdictions where adoptive parents are eligible for adoptive leave which can be added to parental leave. In Prince Edward Island parents are eligible for 52 weeks adoption leave instead of the 35 weeks parental leave for birth parents. In

Newfoundland and Labrador and Saskatchewan adoptive parents can take 17 or 18 weeks (respectively) which can be added to parental leave, however in Saskatchewan only the primary caregiver is eligible for the adoption leave.

*Time off for the care of dependants*

- British Columbia, New Brunswick and Québec allow 3 to 5 days of unpaid leave a year to care for immediate family members.
- Nine jurisdictions have compassionate care leave provisions which allow employees to take time off to care for or arrange care for a family member who "is at significant risk of death within a 26-week period." The length of leave is eight weeks unpaid within a 26 week period. Benefits of up to six weeks can be claimed through Employment Insurance for this leave; to qualify for benefits you must have worked 600 hours in the last 52 weeks and your weekly earnings must decrease by 40 per cent. This leave, *inter alia*, allows parents to take have time off to care for a sick child even after 52 months have passed since the birth or if maternity and paternity leaves have been exhausted.

*Flexible working*

- In the federal and Québec jurisdictions, a pregnant woman or nursing mother may 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.

## **2. Changes in leave policy and other related developments** (including proposals currently under discussion)

Maternity and parental leave changed drastically in December 2000 when parental leave benefits were increased from 10 to 35 weeks, effectively increasing total maternity and parental paid leave time from six months to one year. As well, the threshold for eligibility for the collection of benefits was lowered from 700 to 600 hours of insurable employment. Compassionate Care Leave (see Section 1e above) was introduced in January 2004.

As of January 1<sup>st</sup> 2006, maternity and parental leave funding and regulation in Québec were transferred from the federal to the provincial government, and the province introduced a new policy (to date, there is nothing planned for other jurisdictions). The new programme includes: an 18 week maternity leave for all workers who have earned at least CAN\$2,000 (approximately €1,420) in the 52 preceding weeks; a new paternity leave of 3 or 5 weeks for the father, depending on the regime chosen, which is not transferable to the mother, with payment based on the father's earnings; a 12 or 28 week leave for adoption, which can be shared between father and mother, and with 75 per cent of earnings. Furthermore, under the new policy, Québec parents can choose between two options. The basic option includes the 18 weeks of maternity leave, and 5 weeks of paternity leave, paid at 70 per cent of previous earnings,

and 25 weeks of parental leave at 55 per cent of previous earnings. The adoption leave, which can be shared between parents, is of 12 weeks at 70 per cent and 25 weeks at 55 per cent. The second option includes 15 weeks for maternity leave, 3 weeks for paternity leave, paid at 75 per cent of earnings in both cases, plus parental leave of 25 weeks at 75 per cent. In this option, the maximum time a mother can take is 40 weeks. The adoption leave with this option is 28 weeks at 75 per cent.

The maximum 'ceiling' for calculating earnings-related payments is annual earnings of CAN\$57,500 (approximately €40,800), compared to CAN\$39,000 (approximately €27,650) for other Canadian provinces and territories, and self-employed and part-time workers are also eligible, since the eligibility criteria is to have had an insurable income of CAN\$2,000 (approximately €1,420) rather than having worked 600 hours in the previous 52 weeks.

In June 2005, federal legislation was passed allowing for same-sex couples to marry. Access to parental leave will widen to make same-sex families eligible in provinces where this was not already the case.

### **3. Take-up of leave**

Because the information available combines maternity and parental leave and benefits, the section below has been organised under two headings: 'mothers' and 'fathers'.

#### **a. Mothers**

About two-thirds (66 per cent) of mothers in 2003 received maternity or parental benefits. A substantial minority (25 per cent) were without insurable employment and therefore not eligible for parental leave, including mothers who were self-employed, students, paid workers who did not qualify, and those not previously employed. Figures indicate, however, that a large majority of women who are in paid employment can access benefits, even if they work part time and most who are eligible use the entitlement: in 2003, 86 per cent of women with children 1 year or under who had 'insurable employment' received maternity and/or parental benefits (Statistics Canada, 2004 Employment Insurance Coverage Survey, as reported in *The Daily* June 22, 2004).

Use of leave has grown rapidly. The combination of wider access to parental benefits following the 2000 legislation and rising labour force participation of expectant mothers produced an increase in the overall proportion of all new mothers receiving maternity or parental benefits from 54 per cent in 2000 to 61 per cent in 2001 (which is more than 80 per cent of those eligible). In 2002, an average of 108,700 mothers collected parental benefits each month, 4 times as many as in 2000 when the figure was 30,100. Mothers younger than 20 had the highest increase – nearly 5 times.

Public expenditure on the leave programme also increased over this period. Between 2000 and 2002 maternity benefits rose 13 per cent and parental benefits nearly fourfold, from CAN\$40 million (approximately €28.4 million) per month in 2000 to CAN\$152 million (approximately €107.9 million) per month in 2002. Furthermore, adoption benefits went from \$0.5 million to \$2 million. This jump can be explained by the 2000 legislation which increased the time allowed for leave and decreased the number of hours worked needed to qualify for benefits.

As a result of the longer paid benefit period, the proportion of women returning to work after about a year off (9 to 12 months) jumped from 8 per cent to 47 per cent between 2000 and 2002, while the median time at home for women with benefits increased from 6 months in 2000 to 10 months in 2001. Although most employees with benefits took advantage of the revised parental leave programme and were, or planned to be, off work for almost a year, one quarter of the women took less than 9 months off.

Women taking longer and shorter leave periods share certain similarities; they had roughly the same median age (30), the same marriage rate (95 per cent), and the same education (7 out of 10 had a post-secondary diploma or university degree). However, while almost one-quarter of the husbands of women who took less time off claimed or planned to claim benefits, only a handful of the long leave takers did so. This follows from the Canadian system, where if fathers claim some of the 35 paid parental leave weeks, mothers will have less than a year of paid leave for themselves, and thus a shorter stay at home. Analysis indicates that women with partners who claimed or planned to claim parental benefits were 4.6 times more likely to return to work within eight months than those with partners who did not claim benefits.

Other significant factors linked to a shorter leave period included a mother's job being non-permanent (these women were almost 5 times more likely to return to work in less than nine months compared to those with a permanent job), and low employment earnings (mothers with maternity or parental leave benefits who returned to work within 4 months had median annual earnings of just under CAN\$16,000 (approximately €11,360) (Marshall, 2003; Perusse, 2003).

## **b. Fathers**

Legislation in 2000 added 25 weeks of paid parental leave to the pre-existing 10 weeks. Since the extension of parental leave benefits, fathers' participation rate in the programme has increased from 3 per cent in 2000 to 10 per cent in 2001 and 11 per cent in 2002 and 2003, but dropped back to 9.5 per cent in 2004. The average number of fathers receiving parental benefits each month was 7,900 in 2002, 5 times more than two years earlier. One reason for the increased claim rate in Canada may be

that fathers no longer face a two week unpaid waiting period if they wish to share leave with their partner. Another reason may be the length of time now offered for benefits – with 35 weeks available, mothers may be more willing to share some of the leave time with their partners.

Mothers reported that their desire to stay with their child was the most common reason men did not take parental leave, followed by financial reasons and that it was easier for women to take time off work (Statistics Canada, 2004 Employment Insurance Coverage Survey, as reported in *The Daily* June 22, 2004).

Overall, therefore, since 2000 most newborns are receiving full-time care by their mothers for longer, and many more are also experiencing a father at home for some of the time as well. But women still receive the majority of parental benefits (86 per cent) and collect an average of 30 weeks compared to men who on average collect 13.8 weeks.

#### **4. Research and publications on leave and other employment-related policies since January 2001**

##### **a. General overview**

Parental leave policy has been directly studied by Statistics Canada, a government agency that undertakes statistical and social analyses on a broad range of economic and social issues. Questions about maternity and parental leave were added to the Employment Insurance Coverage Survey at Statistics Canada to monitor uptake following the introduction in 2000 of extended leave benefits (from 10 to 35 weeks). Mothers are asked about parental benefits including the reasons for their spouse taking or not taking parental leave. Fathers are not included in the survey.

Most Canadian research providing information on leave policies is embedded in more general research on work-family balance, the links between parental leave and maternal health and fathers and their work-family balance. There is a growing body of literature that examines issues of work-family balance in Canada and how workplace practices and cultures might better provide more support and flexibility to parents and ensure optimal development in children. Within this research, there is some emphasis being given to fathers, including a large national study conducting research into the lives of diverse groups of Canadian fathers (*Supporting Fathering Involvement*, see section 4c).

##### **b. Selected publications from January 2001, including results from research studies**

Duxbury, L. and C. Higgins (2001) *National Work-Life Conflict Study: Report One*. Ottawa: Public Health Agency of Canada.

This report examines to what extent work-life conflict is a problem in Canada and what progress has been made in this area.

Jenson, J. (2002) 'Against the Current: Child Care and Family Policy in Quebec', in: S. Michel and R. Mahon (eds.) *Childcare Policy at the Crossroads: Gender and Welfare State Restructuring*. London: Routledge. This chapter examines three innovative aspects of Québec's family policy which distinguishes Québec from the rest of Canada as well as from the United States.

Duxbury, L. and Higgins, C. (2003) *The 2001 National Work-Life Conflict Study: Report Two – Work-Life Conflict in Canada in the New Millennium: A Status Report*. Ottawa: Public Health Agency of Canada. Available at: <http://www.phac-aspc.gc.ca/publicat/work-travail/report1>.

This report, one of a series of three, conceptualises work-life conflict broadly to include role overload, work to family interference, family to work interference, work to family overspill and caregiver strain.

Lero, D.S. (2003) Research on Parental Leave Policies and Children's Development: Implications for Policy Makers and Service Providers. In: *Encyclopaedia of Early Childhood Development*. Available at: <http://www.excellenceearlychildhood.ca/documents/LeroANGxp.pdf>.

A brief overview of parental leave policy and its impacts on child development.

Marshall, K. (2003) 'Benefiting from extended parental leave', *Perspectives on Labor and Income*, (Statistics Canada – catalogue no.75-001-XLE), March: 5-11.

The paper examines the labour market activity of mothers before and after the most recent changes in parental leave policy, including whether women now remain at home longer and whether there are factors, such as income, that influence the length of leave taken.

Perusse, D. (2003) 'New maternity and parental benefits', *Perspectives on Labor and Income* (Statistics Canada, Catalogue no.75-001-XIE), March: 12-16.

This paper explores the extent to which Canadian parents are taking advantage of recent changes to the maternity, parental and adoptive benefits available under the Employment Insurance programme.

Duxbury, L., Higgins, C. and Johnson, K. (2004) *The 2001 National Work-Life Conflict Study: Report Three - Exploring the Link Between Work-Life Conflict and Demands on Canada's Health Care System*. Ottawa, Canada: Public Health Agency of Canada. Available at: <http://www.phac-aspc.gc.ca/publicat/work-travail/report3>.

The report uses quantitative data to investigate the link between work-life conflict, health status and the use of Canada's health care system.

Hughes, K.D. (2005) *Risky Business: Women's Self Employment and Small Business in Canada*. Toronto: University of Toronto Press.

Report of a study examining self-employed women's access to maternity benefits and parental leave.

Doucet, A. (2006) *Do Men Mother? Fathering and Domestic Responsibilities* Toronto: University of Toronto Press.

This book explores the narratives of over 100 Canadian fathers who are primary caregivers of children and the interplay between fathering and public policy, gender ideologies, community norms, social networks and work-family policies.

c. Ongoing research

Balancing Cash and Care: A study of father's use and effects of parental leave in Canada (2003-2007). Andrea Doucet, Carleton University funded by the Social Sciences and Humanities Research Council of Canada (2003-2007).

This research project examines parental leave policy and practice of federal and provincial governments, following enhanced commitment to this leave, with a particular focus on the use and effects of this leave policy by, and for, fathers in Ontario. Contact: Andrea Doucet at [adoucet@ccs.carleton.ca](mailto:adoucet@ccs.carleton.ca)

Supporting Fathering Involvement (2004-2009). A multi-site and multi-cluster project by the Father Involvement Research Alliance, encompassing university and community research alliances across Canada, coordinated by Kerry Daly at the University of Guelph and funded by the Social Sciences and Humanities Research Council of Canada.

The seven research clusters include a 'New Fathers Cluster' led by Ed Bader, Catholic Community Services of York Region and Andrea Doucet, Sociology and Anthropology, Carleton University which will study: the support services provided to fathers through the first eighteen months of the child's life, including pre-natal period; the impact of becoming a dad on the father's physical and mental health and on the father's personal development; and examination of the degree of support afforded to fathers by the health care system. Contact: Kerry Daly: [kdaly@uoguelph.ca](mailto:kdaly@uoguelph.ca)

Offer and use of work-family balancing measures (including parental leave) by parents in Québec; a comparison of men and women in different types of organizations (non profit and for profit) (March 2006-Dec 2008).

This research project is just getting underway with Diane-Gabrielle Tremblay (Télé-université, Université du Québec a Montréal), Renaud Paquet and Elmoustapha Najem (Université du Québec en Outaouais). It is financed by the Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy ([www.telug.quebec.ca/chaireecosavoir](http://www.telug.quebec.ca/chaireecosavoir)). A Belgium team coordinated by Bernard Fusulier might do a similar comparative research with D-G. Tremblay. Contact: Diane-Gabrielle Tremblay: [dgtrembl@telug.uqam.ca](mailto:dgtrembl@telug.uqam.ca)