

Reconceptualizing Parental Leave Benefits in COVID-19 Canada:
From Employment Policy to Care and Social Protection Policy

Keywords: COVID-19, Canada, parental leave policy, gender and intersectional equality, care,
social protection

Une nouvelle conceptualisation des prestations de congés parentaux au Canada pendant la
pandémie de COVID-19: d'une politique d'emploi à une politique de soins et de protection
sociale

Mots clé: COVID-19, Canada, politique de congés parentaux, égalité entre les genres,
intersectionnalité, soins, protection sociale

Andrea Doucet, Canada Research Chair in Gender, Work, and Care;
Professor of Sociology and Women's and Gender Studies, Brock University, St. Catharines, ON;
Adjunct Research Professor, Carleton University, Ottawa, ON
adoucet@brocku.ca (corresponding author)

Sophie Mathieu, Postdoctoral Fellow, School of Business Administration, Université TÉLUQ,
Québec City, Québec; and Adjunct Research Professor, Department of Sociology, Brock
University, St. Catharines, ON

Lindsey McKay, Lecturer (Tenure track position), Department of Sociology and Anthropology,
Thompson Rivers University, Kamloops, BC

August 5, 2020

Funding: This research was funded by SSHRC's Canada Research Chair's Program (Grant Number: 231901-2018) and SSHRC's Partnership Grant Program (Grant Number: 895-2020-1011).

We thank Jennifer Robson, Donna Lero, Sylvia Fuller, and an anonymous Guest Editor for their insightful comments on this article. We also thank Jessica Falk and Kate Paterson for research assistance and Elizabeth Paradis and Jennifer Turner for editing assistance.

Abstract

Although the COVID-19 pandemic has spurred critical and much needed attention to re-thinking policy approaches to childcare and long-term eldercare, little focus has been given to its implications for parental leave policies and parental benefits for the care of infants and young children. This article is about reconceptualizing and reconfiguring employment-based parental leave policies in Canada both during and after COVID-19. Informed by theoretical insights from the fields of care economies, feminist political economy, and care and social reproduction, and by national and international parental leave research, we argue that it is time to reconceptualize parental leave benefits not only as employment policy, but as a care and social protection policy. To make this shift, we explore three topic areas: a “mixed system” of parental benefits that combine employment-based and citizenship-based entitlements; connections between policy design and gender equality; and the need for robust intersectional data to track which Canadian families are receiving parental benefits.

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Introduction

Canada's parental leave system was launched almost 50 years ago, in 1971, with the establishment of maternity leave as an individual entitlement reserved for birth mothers. This was a wage-compensated "special benefit" offered through what is now the Employment Insurance (EI) program of the federal government, with job-protection entitlement established in federal, provincial and territorial labour laws. Since then, although Canada's parental leave system has undergone several key policy changes, the system has never adapted nor fully responded to the care-work lives of growing numbers of Canadian parents who—partly because of precarious work, non-standard work histories, temporary work contracts, or work in the gig economy (Chen and Mehdi 2019; Jeon et al. 2019; Sunil 2020; Vosko 2010, 2020)—remain structurally excluded from employment-based leave policies.

Before COVID-19, Canadian research exposed systemic exclusions in access to parental leave benefits based mainly on social class or Indigenous youth status (see McKay et al. 2016, Mathieu et al. 2020; Hull 2013; Margolis et al. 2018; Robson 2017). With its lockdowns, social distancing practices, and closures of workplaces, childcare centres, and schools, the pandemic has led more and more people to lose jobs or hours of work, especially women, mothers with lower education levels (Qian and Fuller 2020), and low-income workers (Lemieux et al. 2020). These disruptions to Canadians' work histories will affect their access to EI benefits and very likely have negative impacts for new parents' access to parental benefits.

To date, the pandemic has strengthened a longstanding view of feminist and family researchers and advocates that childcare¹ is an “essential service” that upholds and is critical to the economy (Bezanson et al. 2020; Friendly and Ballantyne 2020; Mathieu 2020; Prentice 2020). In addition, the disproportionately high number of COVID-19 fatalities among residents in long-term care facilities has put Canada’s inadequate long-term care policies for elderly populations under much needed scrutiny (Armstrong et al. 2020; Das Gupta 2020). In spite of all of its negative impacts, the pandemic has also given rise to a sudden surge of thinking about how this socio-economic moment offers a unique opportunity to re-envision and restructure public policies, including social protection policies, to better support Canadian families. Within this ongoing conversation, however, little consideration has been given to how the pandemic and its aftermath will affect parental benefits and parental leaves for parents to care for infants and very young children.

In this article, we argue that in the context of the pandemic and its long-lasting impacts, now is the time to re-conceptualize parental leave policy not only as an employment policy, but as a care and social protection policy. Although social class and intersectional inequalities in access to parental benefits existed before the pandemic, they have become more significant since the onset of the pandemic. In order to make a case for this conceptual and design shift, we develop three lines of thinking in this article. First, building on European research, we argue for a “mixed system” (Dobrotić and Blum 2019; Moss and Deven 2019) of parental benefits that combines employment-based entitlements with citizenship entitlements that together offer some version of an acceptable minimum income. Second, gender equality² must be at the heart of parental leave

design. Finally, there is a need for robust intersectional data on *who* is receiving parental benefits in Canada – and who is excluded.

This article is informed by our mixed methods research (qualitative longitudinal research across a decade³ and quantitative analysis⁴), our conceptual work⁵, and our participation in the International Network of Leave Policies and Research,⁶ which provides an invaluable international comparative lens. Our arguments are underpinned by theoretical literatures on care economies, which build on key insights from feminist political economy and theories of care and social reproduction (e.g., Addati et al. 2018; Folbre 2008, 2018; Michel and Peng 2017). We borrow three critical points from these literatures. First, there is no separation between care economies and broader economies and, indeed, it is the care economy that upholds and makes the formal economy possible; as expressed recently by the International Labour Organization (ILO), there is an “*unpaid care work – paid work – paid care work circle*” where the “conditions of unpaid care work impact how unpaid carers enter and remain in paid work” and which “has implications for gender equality within households as well as for women’s and men’s ability to provide unpaid care work” (Addati et al. 2018, xxvii, 10). Second, our research is informed by relational concepts of human subjectivity, which translate into the view that people are care providers, care receivers, financial providers, and financial receivers in varied and multiple ways across time, and with inevitable periods of dependency, inter-dependency, and vulnerability across the life course (Fineman 2009, 2010; Himmelweit 2007; Tronto 2013). This intra-connectedness of work and care, and caregiving/care-receiving demands strong social protection policies, such as childcare services and parental leave benefits, and job-protected leaves. Third, we draw on the ILO’s view of “care work in a changing world” and their definitions of *care*

policies and social protection policies. Briefly, *care policies* refer, in part, to “public policies [including parental leave] that allocate resources in the form of money [including income], services or time to caregivers or people who need care.” *Social protection policies* include, among others, “policies that facilitate parents’ involvement in both direct care and paid employment, such as paid maternity, paternity and parental leaves.” They attend to questions such as: “what type of care is most appropriate and desirable... who should provide care... who should pay for it ... and (what are) the nature and levels of, and conditionalities attached to, carer benefits/compensations?”⁷ (Addati et al. 2018, 13, 29-30).

This article is organized in two sections. We first provide a brief overview of Canada’s complex parental leave architecture. We then lay out our three lines of thinking about parental benefits as care and social protection policies, with our arguments aimed specifically at the EI system of parental benefits.

Canada’s Complex Parental Leave Architecture and its Evolution

Canada has a complex tripartite parental leave system (Pulkingham and van der Gaag 2004) that includes (i) two distinct parental leave benefit programs (since 2006): the Québec Provincial Insurance Program (QPIP)⁸ and EI-based parental benefits for the rest of Canada, both of which are premised on labour market attachment (see Appendix A, Table 1); (ii) employer-sponsored wage-compensation benefits to top up government programs; and (iii) 14 federal/provincial/territorial jurisdictions (ten provinces, three territories, and a federal labour code) that are governed by employment standard acts (that vary across Canada’s 14 jurisdictions)

and that establish job-protected unpaid leave after the birth or adoption of a child.⁹ This last point underscores an important and potentially exclusionary dimension of Canada's parental leave policy architecture: the legal entitlement to take job-protected leave is separate from government paid benefit plans. As all 14 federal, provincial, and territorial jurisdictions have separate employment standards legislation, with slightly different rules establishing eligibility and criteria, where parents reside and work in Canada matters in terms of whether they are entitled to job protection and leave benefits.¹⁰ Put differently, parents may qualify for benefits but not leave entitlement and vice-versa. These two potentially exclusionary criteria will become even more significant as axes of exclusion in the pandemic and post pandemic periods.

Over the past 50 years, the federal government has periodically and incrementally expanded the parental leave benefit program, but without fully reconceptualizing nor reconfiguring the policy design architecture (see Appendix A, Table 2). It has done so primarily through several key changes that have reinforced parental leave policy architecture as employment policy, extended leave times and attempted to address issues of gender equality in policy design, and, more recently, gestured towards a "mixed benefits" (Dobrotić and Blum 2019) approach that would potentially combine employment-based benefits with citizenship entitlements. While we address both the EI and QPIP policies below, especially key differences between them, we focus mainly on the weaknesses in the EI system.

Parental Leave as Employment Policy

From its inception in 1971, Canada’s parental leave architecture has been framed mainly as employment policy, and especially as one that supports women’s labour market attachment¹¹. Indeed, when maternity leave was established a half century ago, feminist scholars and labour policy advocates hailed it as “a signal victory for Canadian women’s labour rights” (Pulkingham and van der Gaag 2004, 116). At that time, a minimum of 20 weeks of insurable employment was required to qualify for 15 weeks of benefits at 67 percent of wage replacement (the peak rate since its inception) to a maximum of a hundred dollars a week.

Although parental benefits are more accessible and generous in Québec, both Canada’s and Québec’s parental benefit programs are premised on labour force attachment. In each program, leaves are a form of social insurance that covers a limited group of potential participants. They are contributory wage replacement social insurance schemes funded not through general revenue, but through a separate pool of funds¹². As a result, inequalities in the labour market are translated into inequalities in the receipt of paid parental benefits, although the extent of inequalities is also contingent on gender and provincial/territorial location (Margolis et al. 2018; McKay et al. 2016; Mathieu et al. 2020).

Comparing the EI and QPIP parental leave benefit regimes, there are key differences in access to benefits, wage replacement rates, and how gender equality issues are integrated into policy designs. In terms of access and eligibility, parental benefits in the EI program requires 600 hours of insurable employment; in contrast, in Québec, parental benefits are made available to any parent earning at \$2,000 or more during the previous tax year (i.e. 160 hours at Québec’s 2020

minimum wage of \$12.50/hour). Basing eligibility on flat-rate earnings rather than on the number of hours worked means that in Québec, non-standard workers such as part-time employees, contract workers, gig workers, and many students qualify for parental benefits, unlike their counterparts in the rest of Canada who are less likely to be covered by EI. Although the eligibility criteria for accessing EI parental benefits were widened to include the self-employed in 2011 (they have been covered by QPIP since the program launched), they are more restrictive.¹³ As we note in the second part of this article, these restrictions will have implications for who will have access to parental benefits both during and after the pandemic.

Wage replacement rates are also different between the two regimes. Since 2006, new parents in Québec have had a choice between receiving a smaller percentage of their usual income (55-70 percent for 55 weeks) with the Basic Plan or a higher level of income replacement (75 percent) for a shorter period (43 weeks) with the Special Plan (see Appendix A, Table 1). Both plans include a non-transferable (“use it or lose it”) individual-entitlement paternity leave of five weeks at 70 percent wage replacement (Basic Plan) or three weeks at 75 percent wage replacement (Special Plan).

The first two elements of the EI-based parental leave architecture (insured employment-based eligibility criteria and wage replacement rates) demonstrate its enduring character as an employment policy. Outside of Québec, eligibility criteria under EI have become more restrictive over time. For both regular EI and special benefits (such as parental benefits), the insurable hours needed to qualify has doubled, from 300 to 700 hours [in 1997] and then down to 600 hours in

the previous 12 months (in 2001), which is the current requirement; wage replacement levels for benefits were reduced in 1990 from 67 percent in 1990 to today's rate of 55 percent.

Extensions of leaves, gender equality, and a strengthening of the male breadwinner model

There have been two notable expansions (of leave duration and caregiver categories) in the federal EI program. The first was in 2001, when parental benefits were extended from 10 weeks to 35 weeks and these weeks were made available to adoptive and same-sex couples as well, signalling an attempt to recognise diverse families. Shortly after these changes were implemented, fathers' use of leave jumped significantly from 3 percent of all fathers in 2000 to 15 percent in 2005 and 20 percent in 2006 (Marshall 2008).¹⁴ While this was a significant boost at the time, the numbers since then have barely budged, hovering between 9 and 12 percent for the last decade (ESDC 2019a; Statistics Canada 2018). Meanwhile, in 2006, the QPIP introduced a three to five week non-transferable paternity leave at a high replacement rate (similar to "use-or-lose it" policies in Norway and Sweden)¹⁵; this partly explains the significant impact the program has had on the number of fathers who take parental or paternity benefits, jumping from 27.8 percent in 2005 to 81.2 percent in 2017 (ESDC 2019a; Statistics Canada 2018; Tremblay and Dodeler 2015).

The federal EI program took until 2018 to extend this same form of non-transferable leave when they created a non-transferable Parental Sharing Benefit. This additional five weeks (paid at 55 percent wage replacement) to eight weeks (paid at 33 percent) of parental benefits is available to fathers, including adoptive fathers and same-sex couples, with an important restriction. Unlike in

Québec, where leave for fathers is an individual right available to all fathers who qualify for QPIP, with the Parental Sharing Benefit, the *eligibility of the second parent/father is dependent on the eligibility of the first parent/mother*. That is, the father/second parent can only qualify for the benefit if *both* parents qualify for and *take* leave benefits, which means both parents must also qualify for a job-protected leave under Employment Standards Legislation (Government of Canada 2018b). Significantly, single parent families *do not* have access to these extra benefits in either the EI or the QPIP systems.

A second extension of leave, also implemented in 2018, allowed parents outside of Québec to spread out the same EI benefit levels over a longer period of time (i.e., 61 weeks, but only at 33 percent of earnings, up to a benefit payment ceiling of \$328 per week). In Canada, early analyses of the take up of this extended leave time points to how “it is not clear that 33 percent will be sufficient to entice mothers to extend their leave period to 61 weeks,” which “may suggest that only mothers in the top percentiles of the income distribution will benefit from the recent federal reform” (Haeck et al. 2019, 232). Although the option of a longer leave was framed as offering “more choice for parents” (Government of Canada 2018a), research from Norway highlights how “choice” in relation to gender-neutral parental leave typically translates into longer leave times for mothers, which reinforces fathers’ roles and identities as breadwinners and secondary caregivers (Brandth and Kvande 2016; Ellingsaeter 2003), and has labour market consequences for women, including the preservation of the gendered wage gap (e.g., Boeckmann, Misra, and Budig 2015; Pettit and Hook 2009). We will detail below, however, how the pandemic could lead to a more positive framing of a wider and more flexible range of parental leaves.

Towards mixed benefits, social protection, and social inclusion

While there have been no major changes since the tabling of the 2018 federal budget, the Liberal party election platform in Election 2019 (Liberal Party of Canada 2019) indicated that their plans for parental leave policies included adding a Guaranteed Paid Family Leave; this was called “an ambitious program that will make sure that parents who don’t qualify for paid leave through E.I. or who don’t get enough, because they’re between jobs, earn little, or haven’t worked enough hours, will receive a guaranteed income during the first year of their child’s life”. Indicating that the program would launch in 2021, they also pledged to “integrate E.I. maternity and parental benefits with the CCB, expand them, and ensure the legal protections for leave are not affected by this change” (Liberal Party of Canada 2019). More recently, on July 31, 2020, Prime Minister Justin Trudeau stated that the federal government will introduce a new parallel benefit for many people who do not qualify for EI benefits, including gig or contract workers (Clark 2020). This, and the 2019 Liberal party election platform, signal a potential move towards a care and social protection design through what can be viewed as a “mixed system” (Dobrotić and Blum 2019) of parental benefits that combine employment-based entitlements with citizenship entitlements that offer some version of an acceptable minimum income¹⁶. This move aligns with new developments in the European Union’s (EU) Work-Life Balance Directive and its focus on “delivering new and more effective rights for citizens’, rights that cover equal opportunities and access to the labour market, fair working conditions and social protection and inclusion” (The European Commission 2017; cited in Moss and Deven 2019, 432). A mixed benefit approach is even more relevant today because the pandemic has revealed faults in the existing EI-based program while also opening up new possibilities for citizenship-based entitlements, or some

version of a minimum income as demonstrated by the Canadian Emergency Response Benefit (CERB).

Reconceptualizing and Redesigning Parental Leave as Care/Social Protection Policy: What Are Some Key Issues and Questions to Consider in a COVID-19 Context?

In this section of the article, we develop three topic areas that we think should be part of post-pandemic policy development and research. These include: (i) a “mixed system” of parental benefits that combines employment-based and citizenship-based entitlements; (ii) connections between policy design and gender equality; and (iv) the need for robust intersectional data on who receives parental benefits.

(i) Towards a “mixed system” of parental benefits – with enhanced flexibility

When thousands of Canadians suddenly lost their jobs in March 2020, the federal government created the CERB rather than rely on the existing EI system. The CERB is both the newest addition to the suite of special benefits within the EI system¹⁷ and a benefit to which individuals who are not covered by the EI system have access to during the pandemic. Briefly put:

In legislation, the CERB created an entitlement for those 15 years of age and older to a taxable payment of \$2,000 per four-week period between March 15 and October 3, to a maximum of sixteen weeks. It did not differentiate between persons who could not work due to illness, layoff or because of caregiving responsibility. Unlike EI, access was not dependent on past social insurance contributions or number of insurable hours worked, but instead a uniform threshold of just \$5,000 in work income in 2019 or over the 12

months previous to the CERB application (Robson 2020a, 15; see also Petit and Tedds 2020).

The implementation of the CERB and other emergency measures raise at least six issues or questions about EI-based parental benefits. The first issue relates to EI and *who* receives benefits. Prior to the pandemic, the EI system already excluded many unemployed Canadians: only 33 percent of unemployed women and 38 percent of unemployed men received EI benefits in 2018 (MacDonald 2020; see also Robson 2020a). In relation to parental benefits, we determined through two phases of research that outside of Québec, an average of 35 percent of all Canadian mothers are not in receipt of maternity or parental benefits (See Appendix A, Figure 1; Mathieu et al. 2020). Put differently, only 65 percent of all mothers actually received parental benefits under EI across nine provinces in 2017; in Québec 89 percent of mothers received parental benefits.¹⁸ The combination of pandemic job losses and already weak unemployment coverage will seriously affect the number of people able to qualify for parental leave benefits in 2020, and possibly for months and years afterward. Being unemployed or taking unpaid leave while relying on the CERB (for up to 24 weeks) will likely prevent many people from accumulating enough insurable hours to qualify for EI and this will mean that parents might not meet the 600 insurable hours requirement to be eligible for maternity or parental leave benefits.

We do not yet know how parents' access to maternity and parental leave benefits will be altered by the pandemic, but recent analyses offer reasonable predictions. One indicator is that "COVID-19 induced a 32 percent decline in aggregate weekly hours worked between February and April

2020, and a 15 percent decline in employment” with almost “half the job losses ... attributed to workers with earnings in the bottom earnings quartile” (Lemieux et al. 2020, 3). We also know that mothers’ employment, especially for women with low education levels, is being affected more than fathers’ employment (Qian and Fuller 2020). In addition, a study released by Statistics Canada in early July 2020 concluded that “High poverty rates among most visible minority groups prior to the COVID-19 pandemic make them vulnerable to the financial impact of work disruptions” (Hou et al. 2020, 3). These findings, combined with evidence that low-income parents were already less likely to receive parental benefits prior to the pandemic (Haeck et al. 2019; Margolis et al. 2018; McKay et al. 2016) mean that the pandemic will very likely widen the gap between what Margaret O’Brien (2009, 181) has called “parental-leave rich and parental leave poor” households (see also McKay et al. 2016).

Second, as there has been a high level of public and political social solidarity and support for the CERB (Robson 2020a), we argue that this could engender increased political will to widen access to parental benefits and to create a mixed system that combines EI coverage for those who qualify and a guaranteed family income for the first year of parental care for those who do not qualify for EI parental benefits and/or unpaid job-protected leave. As Kevin Milligan (2020, np) writes, partly because the CERB extends “broad coverage not dependent on qualifying for regular Employment Insurance,” it “provides a solid platform for supporting Canadian families, but more policy work is needed to fortify the CERB so that it reaches its potential to help Canadian families and bridge our economy across the crisis.” As part of this bridging work, we

believe that it is also time to revisit the long-standing question and debate about whether parental benefits are best placed in the EI system or elsewhere (for overview see Robson 2017).

Our third point is that if the federal government is moving towards a mixed system of parental benefits, that system should still maximize people's options for qualifying for EI, but through less stringent criteria. In our view, one way to strengthen entitlements based on labour market attachment would be to mimic QPIP's policy, which requires \$2,000 in earnings in the previous year to qualify for parental leave benefits. Another option, recommended by Campaign 2000 (2018, 13), is to "reduce qualifying hours to 300 over the best 12 weeks of the last 12 months of work."

Fourth, issues of access to benefits also relates to employment standards legislation. A post-pandemic approach to parental leave should be collaborative across jurisdictions, with the federal government and provincial/territorial governments amending employment standards legislation, as four jurisdictions have already done,¹⁹ to eliminate the eligibility criterion of time with a current employer for maternity/parental/paternity/family care leaves.

Building on this, our fifth point concerns how to link existing parental leave entitlements with new COVID-19 emergency job-protected (unpaid) leaves that were introduced federally and in 11 out of 13 provincial/territorial jurisdictions. In addition to responding to Canadians' intense and pervasive need for job-protection measures to cover pandemic-related illness and particularly high caregiving demands, these new leaves have also brought to light weaknesses in

current leave entitlements (Qian and Fuller 2020; Robson 2020a).²⁰ Looking ahead to the post pandemic period, evidence from other countries suggests that longer, more flexible, non-consecutive parental leaves spread across several years could be a good approach to the unpredictable demands of childrearing. For example, in Estonia, Finland, and Hungary, “parents can take paid parental leave and/or home care leave until their child’s second or third birthday” (OECD 2017, 200). In Sweden, parental leave time can be taken in many different forms, in one or several blocks of time, with full time and part-time options, and at any time until a child is eight years old or by the end of the first year of schooling (Duvander and Löfgren 2019). Rather than in weeks, Sweden’s leaves are designated in *days* (or partial days) including weekend days, so that parents can decide how to best organize their work time and care time. As the pandemic has created extraordinary levels of uncertainty and unpredictability in both paid work and care work, thinking about more flexible and longer parental leaves beyond the first year of care would “allow fathers and mothers at various parenting stages to manage caregiving demands when needed” (Qian and Fuller 2020, np). In this vein, new proposed policy changes in QPIP to widen the leave-taking window (increased from 52 to 78 weeks) is one example of this kind of flexibility (see Appendix A, Table 2).

Finally, a mixed system of parental benefits does not only benefit parents—it benefits children as care *receivers* of parental time. While it is difficult to directly connect parental leaves and child outcomes (see Haeck et al. 2019), a care and social protection framework views “caregivers and care receivers within the same social justice framework (UNRISD 2016, cited in Addati et al. 2018, 34), thus providing conceptual space to make a case for the child’s right to good care,

including parental care (see Doucet et al. 2019; Moss and Deven 2015, 2019). This idea is strongly embedded in Nordic country policy designs, including Sweden's, which envisages parental leave "as a universal right of citizenship, including a right to care but also to be cared for," where "children have a legal right to have a relationship with both parents" (Haas and Hwang 1999, 49, cited in Moss and Deven 2019, 438). The already wide gap between "parental leave rich" and "parental leave poor" households has implications for *which* infants and young children receive financially supported parental care time. This divide, which is central to address for care and protection policies, may deepen during and after the pandemic, especially for lower-income, racialized, new immigrant, and Indigenous families (Hou et al. 2020).

(ii) *Connections between leave policy design and gender equality*

The pandemic has shone a spotlight on key gender equality issues that have simmered for years in cross-cultural research on families, care, and work: persistent gendered divisions of labour in care work and housework. While men in many countries, including Canada, have increased their participation in domestic life over the past few decades, especially in the care of children (Moyser and Burlock 2018), the *responsibilities* for care and household work have remained women's (for overview, see Doucet 2006/2018). With schools and childcare centres closed since March 2020, there has been an increasingly loud debate on the deepening of this gender divide and the multiple repercussions for women's employment, financial security, well-being, and gender equality (Dobson-Hughes 2020; Oxfam et al. 2020; Qian and Fuller 2020; Yalnizyan and Robson 2020).

This situation has brought to the forefront another important argument repeatedly made by gender and parental leave scholars: fathers' take up of parental leave can critically shift social norms and assumptions about gendered roles at work and at home (for overview, see Doucet 2017; Duvander and Johansson 2019; Kvande and Brandth 2019; O'Brien and Wall 2017; Tremblay and Dodeler 2015). This was, in fact, the sentiment expressed in 2018, when the federal government announced the EI Parental Sharing Benefit; they noted that it was directly connected to a broader federal goal of "breaking down barriers to gender equality" and that parental benefits aimed at fathers (and second parents in same-sex couples) were "proven to encourage a more balanced sharing of childcare responsibilities" (Department of Finance 2018).

In order to think through pandemic and post pandemic parental leave design that promotes gender equality, we consider three issues related to fathers' take up of leave: the importance of *individual* non-transferable leaves; the influence of wage replacement rates; and the challenges of measuring parental leave impacts on gender equality.

In relation to non-transferable leave for fathers (i.e., "use it or lose it" leave for fathers), we can see the difference that policy design makes when comparing non-transferable individual leave to parental leave that is meant to be divided between parents (Karu and Tremblay 2017). Since its introduction, QPIP's non-transferable leave for fathers has drastically increased the number of fathers claiming or intending to claim leave to care for their children in Québec (8/10 fathers versus approximately 1/10 fathers outside Québec). Although data on the numbers of fathers taking parental leave with the federal EI Parental Sharing Benefit are not yet available, we know

that it is *not* an individual non-transferable leave. It is linked to the couple and, more specifically, depends on both members of the couple having access to EI benefits. As we previously detailed, there are already large gaps in terms of access and eligibility to parental leave in most provinces and territories, and it is highly probable that these gaps will worsen during and after the pandemic. A next step in the development of the Parental Sharing Benefit should be to *detach* eligibility criteria from the couple and convert the policy into an individual non-transferable entitlement for fathers and second parents that does not rely on mothers or co-parents being eligible for leave benefits; for single parents, there should be the option of a longer leave or the ability to allow another family member to take leave.

With regard to the second issue, wage replacement rates, there is now credible evidence from Nordic and other European countries that leave benefits are more likely to be shared between women and men when men have access to *well paid* (i.e., at least 70 percent replacement wage rate), non-transferable individual leave entitlements. As Peter Moss and Fred Deven (2015, 139), the founders of the International Network of Leave Policies and Research, argue: “experience shows that fathers, by and large, will only use such leave” when it is in the form of “‘fathers’ quotas’ (well-paid, father-only leave entitlements)” whereas “other forms of leave (e.g., low or unpaid paternal entitlements or any family entitlements) are either not taken or taken predominantly by mothers. The direction to be taken, therefore, if gender equality and shared caring are priority goals is now quite clear” (see also Moss and Deven 2019; Harrington et al. 2014). Parental benefits and the new Parental Sharing Benefit, with their relatively low wage replacement rate of 33-55 percent, are out of sync with this research.

A third issue to consider in developing post-pandemic parental leave policy in Canada is how to measure the impacts of policy designs on fathers' taking leave and gender equality. Measuring the direct links between fathers leave time and gender equality is methodologically challenging and raises numerous issues related to how to assess leave taking and its impacts (Doucet and McKay 2020). On the one hand, we challenge the idea that we can draw direct causal links between fathers' leave-taking and gender equality, and we hold to the view of a group of Nordic parental leave experts (Duvander et al. 2019, 192) that "the relationship between Parental Leave and gender equality is far more complicated than a linear association." On the other hand, it is important to develop nuanced conceptual and methodological approaches that can assess what and how gendered responsibilities change over time and how fathers' care time, including paternity leave time, can shift responsibilities at home and at work (see Wray 2020). We will need to assess if and how Canadian fathers are taking on more care work and housework during the government-mandated lockdowns (see Allon et al. 2020; Shafer et al. 2020). It will be critical to ask how this pandemic is changing gendered social norms and affecting gender equality outcomes. Will it become more socially acceptable and expected for men to take parental leaves? Will new, more flexible, or longer leaves be part of pandemic and post-pandemic planning?

(iii) ***The need for robust intersectional data on parental benefits***

In pre-pandemic Canada, there were serious data gaps to track when assessing parental benefits and their impacts. The pandemic has expanded a growing call for an intersectional approach to studying the differentiated impacts (including gender, class, race/ethnicity, Indigeneity, sexualities, disabilities, age) of COVID-19 (Hankivsky 2020; Lokot and Avakyan 2020). Good

data and a sophisticated mix of methodologies and epistemological approaches will be critical for understanding how families' care and work lives have changed during the pandemic and beyond. At least five areas related to parental benefits call out for attention.

First, stronger data on *which* mothers and fathers qualify for and take leave, for how long, and at what level of benefits (including employer top-up data) is needed. Second, the current design of the EI Coverage Survey asks questions about fathers through mothers, and even more narrowly, through mothers' predictions about fathers' "intended average weeks off" (Statistics Canada 2015). These questions should be posed directly to fathers. Third, the receipt of benefits needs to be measured and reported in terms of the number of children born to *all* parents, not just parents with the requisite insurable employment hours in the year before giving birth. Fourth, the EI Coverage Survey does not currently include data on maternity and parental leave access and take up in Canada's three territories (where many Indigenous people reside) or on First Nations reserves. As Indigenous populations are increasingly building their own research capacity,²¹ statistical and data agencies and cross-sectoral researchers will need to collaborate with Indigenous (First Nations, Inuit, and Metis) researchers and communities to learn about Indigenous approaches to research, methodologies, epistemologies, and ontologies (e.g., Jewell 2016; Walter and Anderson 2013; Watts 2013, 2018). This will ensure that conceptual approaches to families, care, work, and to parental leave designs are better aligned with Indigenous principles and perspectives.

Finally, to date, with the exception of some studies that address social class (mainly educational and income differences), scant attention has been given to the receipt of parental benefits in racialized, newcomer, Indigenous, and LGBTQ2IS families, single parent families, and young parent families. The importance and urgency of disaggregated data has been acknowledged by Statistics Canada (2020), beginning in 2018, with the creation of the Centre for Gender, Diversity and Inclusion Statistics (CGDIS), which aims to encourage the creation of evidence-based policy through “monitoring and reporting on gender, diversity and inclusion.” On 24 June 2020, Statistics Canada (2020) went further, stating that “COVID-19 has had unprecedented impacts on Canadians, and particularly on the most vulnerable populations. To understand the impacts, disaggregated data are needed for visible minority populations, immigrants, seniors, Indigenous people and other vulnerable populations.” As acknowledged by Statistics Canada (2020) itself, this endeavor might face challenges in terms of standardization issues, working with diverse organizations and across provincial and territorial jurisdictions, and amassing a sufficient volume of data for meaningful comparisons.

Conclusions

Three years ago, in a comprehensive review and evaluation of parental benefits in Canada, Jennifer Robson (2017, 13-14) laid out three goals for a system of parental benefits: advancing women’s employment opportunities to “protect or encourage workforce participation and insure wages for women of child-bearing age,” to “improve the well-being of young children in families by reducing work-life stress and financial strain on parents,” and to “promote gender equity in both paid employment and unpaid caregiving.”

These objectives remain relevant for a post-pandemic parental leave system. We also propose an additional two. First, a parental leave system should ensure a good fit between policy design and the care and work lives of all Canadian families, including the growing number of families whose paid work and care work responsibilities are entangled in webs of precarity. Second, a reconceptualized post-pandemic parental leave system should acknowledge, as we have done in this article, that parental leave policies are not only employment policies. They are also care and social protection policies and must be designed with an awareness of the intra-connectedness of care and work, caregiving and care receiving, across the life course; this means recognizing that at varied points, such as after a birth, a major life event, or during and after a pandemic, people of all genders will need job-protected leaves away from paid work to care for infants, young children, and other dependents. Moreover, high quality, affordable childcare services are essential for Canadian parents so that they can retain their jobs and return to employment in workplaces that view parents as *both* workers and carers and as caregivers and care-receivers throughout their lives. The pandemic has revealed how central care work is to the economy and to society. It has made it clear that parental leaves need to be reconceptualized and redesigned as job-protected leaves *from* work and leaves *to* care.

Notes

¹ The more accurate name for childcare is “early childhood care and education” (ECE). In this article we use childcare as a shorthand form.

² We use the term equality in this article while recognising that feminist theoretical debates have attended to two understandings of the concept of equality: formal and substantive equality (see

Barnard and Hepple 2000; Fineman 2009, 2010) as well as attempts to move beyond these two dominant concepts (see Fineman, 2009, 2010; see also Mathieu 2016; Doucet and McKay 2020).

³ Our qualitative research has included longitudinal (2006-2016) couple and individual interviews with 26 couples (mainly white middle to lower income mother/father couples, and one two-father couple; in the second stage, ten years later, nine couples participated) in Ontario and Quebec (See Doucet and McKay 2017, 2020; McKay and Doucet 2010).

⁴ Our quantitative data sources included: comparative provincial data from the Employment Insurance Coverage Survey (EICS), an annual national survey conducted by Statistics Canada on behalf of Employment and Social Development Canada, which manages the EI program; and administrative data (2017) from Québec's Conseil de gestion de l'assurance parentale (CGAP), (see Mathieu et al. 2020).

⁵ Our conceptual work attends to questions of measurement and genealogies of concepts informing parental leave research and social protection policies (see Doucet et al. 2019).

⁶ <https://www.leavenetwork.org/introducing-the-network/>

⁷ Both care policies and social protection policies refer to a wider array of care services, caregivers, and care receivers, including the policy domains of childcare and eldercare (see Addati et al. 2018; UNRISD 2016).

⁸ For good overviews of Canada's parental leave architecture across time, see McKay et al. 2016, Doucet and McKay 2017; Crompton and Tedds 2016; Haeck et al. 2019; Margolis et al. 2018; Robson 2017).

⁹ A fourth component of leave policies is collective bargaining, which accounts for an important share of different outcomes in benefits and conditions of leave amongst parents (Robson, 2020b)

¹⁰ To qualify for unpaid job-protected maternity, paternity, or parental leave, an employee must complete a specific period of continuous employment in the year prior to taking leave. The exceptions are British Columbia, New Brunswick, Nova Scotia, Québec, and, as of 2019, the federal jurisdiction, where there is no length of service required. Other provinces from shortest to longest duration: Alberta (90 days with the same employer); Ontario and Saskatchewan (13 continuous weeks); Prince Edward Island (20 weeks); Newfoundland and Labrador (20 continuous weeks); the Northwest Territories (six months); Manitoba (seven months); the Yukon Territories and Nunavut (12 months) (See ESDC 2019b; Doucet et al. 2019).

¹¹ It is also important to note that maternal and infant health were also key initial aims of maternity leave policies (see Lero 2003).

¹² Employers are required to deduct employment insurance premiums (i.e., a payroll tax) from employees' insurable earnings up to a yearly maximum and to contribute 1.4 times the employee amount. Insurable employment includes all employment under a contract of service where there is an employer-employee relationship. Québec employers and employees must pay both EI and QPIP contributions but receive an EI premium reduction in recognition of Québec offering maternity, parental, adoption, and paternity benefits to their residents under QPIP.

¹³ In Québec, self-employed individuals are automatically registered in the QPIP program, whereas in the EI program, self-employed parents must register one year prior to a benefits claim, and only qualify if they have reduced the amount of time devoted to their business by more than 40 percent because of childbirth/caring, paid EI contributions, and earned at least C\$7279 (in 2019) from self-employment in the previous 52 weeks.

¹⁴ As Katherine Marshall (2008, 8) notes: "The significant rise in the rates of fathers claiming parental leave in 2005 (15%) and 2006 (20%) is mainly attributable to the introduction of the

QPIP and the subsequent increase in the participation of Quebec fathers” (see also Mathieu et al. 2020, 183; and Appendix A , Figure 1).

¹⁵ When the Nordic countries extended leaves in the 1990s and 2000s did so by offering non-transferable and individual leaves for fathers (see Eydal and Rostgaard 2014).

¹⁶ In their study of 21 European countries, Dobrotić and Blum (2019) found that 15/21 countries are embracing some version of a mixed system.

¹⁷ Other leave benefits offered by the federal government, with wage replacement rates of up to 55 percent of earnings to a maximum of \$573/week are: the family caregiver benefit for children, the family caregiver benefit for adults, and the compassionate care benefit for end-of-life-care (ESDC 2020).

¹⁸ Our analysis is based on all mothers because we understand that people are workers and carers across the life course, but may not meet eligibility or entitlement criteria (including insurable hours) in the year before they give birth. In contrast, the EI Monitoring and Assessment Report reports a higher percentage of mothers qualifying for parental benefits because they only include mothers with insurable employment who receive benefits (see ESDC 2019a, 135-6).

¹⁹ These four jurisdictions are: federal, British Columbia, New Brunswick, and Québec (Doucet et al. in press).

²⁰ See Robson 2020a Appendix Table A.1 for a summary of job-protected leaves related to COVID-19. These leaves are temporary, with significant differences between jurisdictions in terms of leave lengths and conditions attached to these leaves.

²¹ The First Nations Information Governance Center (FNIGC) is a leading research agency for research on First Nations people on reserve.

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Appendix A:

Table 1: Comparison of Parental Leave Benefits: Canada (EI) and Québec (QPIP)

| Canada (EI) and Québec (QPIP) | | | | |
|---|---|---|---------------------------------|----------------|
| | Canada EI | | Québec QPIP | |
| Eligibility (in past year) | 600 hours | | \$2,000 in earnings | |
| Self-employed workers | If opted in 12-months prior to claiming, with minimum net income of \$7,279 in self-employed earnings in 2019 | | Automatically covered | |
| Waiting period | 1 week per couple | | None | |
| <i>Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the Maximum Insurable Earnings level)</i> | | | | |
| Plan | Standard | Extended | Basic | Special |
| Maternity ^{ab} | 15-17 weeks at 55% | | 18 at 70% | 15 at 75% |
| Parental (may be shared) ^c | 35 at 55% | 61 at 33% | 32 (7 at 70% + 25 at 55%) | 25 at 75% |
| Parental Sharing Benefit | 40 at 55% | 69 at 33% | | |
| Paternity | (if 35 for one, then extra 5 for the other) | (if 61 for one, then extra 8 for the other) | 5 at 70% | 3 at 75% |
| Adoption (may be shared) | 35 at 55% | 61 at 33% | 12 at 70% + 25 at 55% | 28 at 75% |
| <i>Adjusted annually:</i> | | | | |
| Maximum weekly benefit, 2020 | \$573 | \$344 | \$1,057 | \$1,132 |
| Maximum insurable earnings, 2020 | \$52,400/year | | \$78,500/year | |
| Maximum total weeks per couple | 76 (84 if shared) | | 55 | 43 |
| Low-income supplement ^d | Up to 80% | | Up to 80% | |

Notes: EI = Employment Insurance. QPIP = Québec Parental Insurance Plan.

^a Only birth mothers (including surrogate mothers) are entitled to Maternity leave benefits in both plans.

^b Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents.

^c 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 whereas Québec uses the past 26 weeks (an extension is granted if earnings were lower for certain reasons).

^d The low-income supplement is for families with a net annual income of less than CAD\$25,921. The amount, up to 80 percent, is calculated based on net family income and the number of children and their ages.

Source: Doucet et al. in press 2020. Adapted from “Employment Insurance Maternal and Parental Benefits”, Service Canada, 2020 ESDC 2020. <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml> and “Québec Parental Insurance Plan”, Emploi et Solidarité sociale, Québec, 2012, http://www.rqap.gouv.qc.carindex_en.asp.

Table 2: The Evolution of Current Parental Benefits in Canada

| Year | Jurisdiction | Policy Change |
|--|--------------------------------------|--|
| 1971 | Federal | Maternity Leave introduced (15 weeks) |
| 1984 | Federal | Eligibility for Adoptive Parents |
| 1989 | Federal | Parental Leave introduced providing eligibility for fathers (10 weeks) |
| 1990-1994 | Federal | Wage replacement rates decreased from 67% to 55 % |
| 1997 | Federal | Required insurable hours increased from 300-700 hours |
| 2001 | Federal | 25 weeks added to Parental Leave for a total of 35 weeks; Reduction from 700-600 hours required for eligibility Two week waiting period for benefits reduced to one week per couple |
| 2006 | Québec | Québec Parental Insurance Plan introduced Non-transferable paternity leave for fathers (5 weeks at 70% wage replacement or 3 weeks at 75% wage replacement) |
| 2010 | Federal | Eligibility for Self-employed workers |
| 2014 | Federal | Flexible use of leave weeks for military parents |
| 2018 | Federal | Expansion of choice in parental benefits (35 weeks paid at 55% or 61 weeks paid at 33%). |
| 2019 | Federal | Parental Sharing Benefit |
| 2019 (introduced, but not passed into law yet). | Québec | Longer more flexible duration for leaves (52-78 weeks) More leave (4 weeks) where fathers take 10+ weeks of leave Increased leave for adoptive parents and additional 10 weeks when adoption is from outside Quebec Multiple births (5 more weeks for each parent). |
| 2019 (not yet implemented). | Federal Liberal election platform | Additional program promised: Guaranteed Paid Family leave |

Figure 1: Proportion of mothers receiving maternity and/or parental benefits in Canada, Québec, and the nine other provinces, 2001–2017

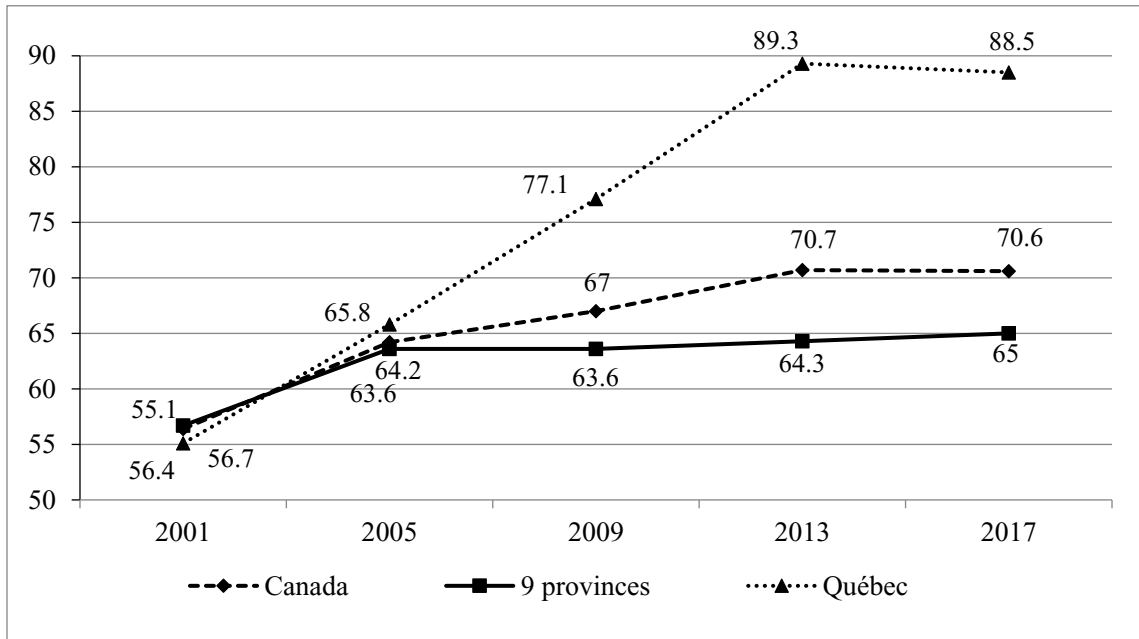


Figure 1. Proportion of mothers receiving maternity and/or parental benefits in Canada, Québec, and the nine other provinces, 2001–2017. The data is based all on *all* mothers, and not just mothers with insurable employment, and also includes self-employed mothers (who became eligible for QPIP in 2006 and in 2011 in the rest of Canada).

Source: Statistics Canada EICS 2002, 2005, 2009, 2013 and 2017, custom tabulation. (Mathieu et al. 2020).