

Maternity/Parental Leave Provisions in Canada

We've Come a Long Way, But There's Further To Go

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Cet article examine la récente extension des clauses des congés de maternité/parentaux et ce que cette pratique signifie pour les Canadiennes. Il démontre qu'à peine un tiers des mères ont effectivement accès à ces bénéfices et on ne connaît pas l'ampleur de cette proportion de femmes, qui n'ont même pas un travail qui offre ce congé. Les auteures considèrent que cet état de fait renforce les inégalités économiques et sociales parmi les femmes, alors que les femmes autochtones, les minorités visibles et les jeunes mères seront entièrement exclues de cette extension qui devrait profiter à toutes.

Maternity leave provisions enshrined in Unemployment Insurance (UI) benefits in Canada in 1971 represented a signal victory for Canadian women's labour rights and a turning point in Canadian social policy. UI maternity benefits ushered in publicly provided and government sponsored *paid* maternity leave. For the first time, mothers had access to "first track" social insurance earnings-related wage replacement benefits in respect of their childbearing/mothering obligations. This marked a significant departure from the system in place at the time in which women's caring obligations for children were recognized in social policy through rights to unpaid leave or compensated through non-earnings related universal benefits (e.g., family allow-

ance) or "second track" and stigmatized needs-tested income support programs (e.g., "welfare").

In the intervening 30 years, set against a backdrop of welfare state retrenchments, provisions for maternity—and now parental—leave underwent considerable expansion. The majority of women who receive financial support during maternity or parental leave are collecting employment insurance (EI)¹ benefits making it the most visible and arguably the most important component of the system for many people. Yet, in Canada, a tripartite system provides maternity and parental leave. This system comprises social insurance (Employment Insurance), employment standards legislation (job protected maternity and parental leave under the jurisdiction of provincial and territorial governments), and occupational welfare (employer sponsored leave provisions and top-up benefits).

The purpose of this article is to examine the strengths and limitations of the tripartite structure of Canada's maternity/parental leave system. Despite the difficulties in obtaining comprehensive information on job protection and occupational benefits, attention will be paid to these dimensions of the system in addition to EI in order to provide a fuller understanding of the system and to assess how secure are wom-

en's maternity/parental leave labour rights and who are the primary beneficiaries.

Women's Labour Rights in Respect of Maternity: A Brief History

Job-protected maternity leave was first introduced in Canada more than 80 years ago;² more than 30 years ago paid federal maternity benefits were entrenched within the UI Act;³ and over 20 years ago paid maternity leave was first negotiated in a Canadian collective agreement.⁴ Prior to the inclusion of maternity benefits in the Unemployment Insurance (UI) Act of 1971, paid maternity benefits were extremely rare in Canada. Benefits that *were* available were provided to employees by individual employers or as provisions within collective agreements. In 1967 only 55 per cent of employers had any provision for maternity leave, and only ten per cent of the women covered by these maternity leave policies received any income during their maternity leave (Woodsworth 10).

Today social policies governing maternity and parental leave labour rights are changed considerably. Provincial/Territorial Employment Standards legislation requires all employers to provide job-protected maternity and parental leave to eligible employees. In 2003, 65 per cent

of mothers with a child 12 months of age and younger received EI maternity or parental paid leave benefits (Statistics Canada 2004b). And by the late 1990s, 36 per cent of collective agreements provided for paid leave at a level that exceeded EI provisions (HRDC 1998). These changes were brought about to accommodate women's increasing role in Canada's paid labour market and in response to women's demands for greater equality in access to the labour market and recognition of their dual responsibilities for family and paid work. The federal government's initiatives through the Unemployment (and Employment) Insurance program were especially pivotal in prompting the expansion of women's maternity/parental leave labour rights in other jurisdictions.

The Expansion of Maternity and Parental Benefits Under UI and EI

Between 1971 and 1996, maternity provisions were expanded and made more accessible.⁵ During this period, women's labour rights in respect of maternity leave were relatively privileged compared to the rights of the unemployed generally for whom regular UI benefits underwent a series of retrenchments (Pulkingham 1998). However, in 1996 the Liberal Government undertook the first major overhaul of the Unemployment Insurance program since 1971, culminating in the implementation of the *Employment Insurance Act*. The result was to expand coverage of EI to almost the entire workforce (including most part-time workers),⁶ but to severely limit eligibility for benefits among covered workers as well as benefit rates. Women, specifically women part-time workers and those in non-standard employment were disproportionately and negatively impacted by this legislation (Pulkingham).

Mothers seeking maternity/parental benefits were spared some of the restrictions imposed on claimants of

regular benefits (e.g., the "intensity rule" or the additional qualifying hours required for those with "new labour force entrant" status). However, they were not shielded from the more onerous qualifying conditions applied to unemployed workers seeking regular benefits through the new EI program. Under EI, the conversion from insurable weeks to insurable hours meant claimants had

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to work at least 700 (compared to 300 under UI) hours in order to qualify. Given the severity of the impact of these changes on unemployed women seeking regular benefits, what were the effects on women seeking maternity/parental benefits? The Canadian Labour Congress (CLC) estimates that approximately 10,000 fewer women were able to access maternity benefits in 1999 than was the case under the UI Act because of the increase in labour force attachment requirements from 300 to 700 hours.

The negative effects of this were ameliorated somewhat when in December 2000 amendments to the *EI Act* reduced the required labour force attachment to 600 hours for those claiming maternity/parental leave. At the same time, parental leave was extended from 10 to 35 weeks, providing up to one year of combined maternity and parental benefits to be taken by one or both parents who meet the eligibility requirements (Statistics Canada 2003a).

Employment Standards: Job Protected Maternity and Parental Leave

EI enables eligible workers to take paid time off work. Employment Standards (ES) provide job-protected leave such that eligible workers have the right to take time off work for maternity and parental leave and to return to their previous job. The system of ES in Canada is complex because of the multiple pieces of legislation representing paid workers across Canada. Approximately 90 per cent of paid workers in Canada fall under the ES legislation in their province or territory of residence while the remaining ten per cent fall under the *Canada Labour Code*.

ES legislation in all Canadian jurisdictions (see Table 1) stipulates that after maternity and parental leave has ended, an employer must provide an employee with the same job she left or a comparable job in terms of duties, wages and benefits.⁷ Seniority is maintained in all jurisdictions although in some, seniority continues to accumulate during leave. ES legislation in Ontario, Quebec, New Brunswick, Prince Edward Island, the Yukon and Northwest Territories all provide for the *accumulation* of seniority during leave. Seniority is maintained during the leave period for employees protected by the *Canada Labour Code*.

The weeks of job-protected maternity and parental leave available under ES legislation is also fairly standard across the country and is similar in duration to EI maternity and parental leave benefits. Over time, all provinces and territorial governments have followed the federal government's lead in lengthening the amount of time eligible workers can take as job-protected maternity/parental leave. Now, all provincial and territorial ES legislation and the *Canada Labour Code* have provisions for 17 or 18 weeks of maternity leave and 35-52 weeks of parental leave. In this sense, the federal government's

initiatives in respect of maternity/parental leave through the EI program are instrumental in expanding women's labour rights generally in matters concerning their childbearing and caring responsibilities.

But the appearance of comparable provisions across federal and provincial jurisdictions is misleading and this becomes clear when assessing

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eligibility criteria for job-protected leave in different jurisdictions. ES legislation and the *Canada Labour Code* restrict eligibility for job-protected leave through labour force attachment requirements that vary considerably across jurisdictions. A close examination of these provisions reveals that depending on place of residence and labour market position, paid workers in Canada are eligible for anywhere between 0 and 70 weeks of job protected maternity and parental leave. As with EI, ES legislation restricts eligibility based on labour force attachment and in many instances, is far more restrictive than EI. In some jurisdictions, no specific employment attachment is specified, while in others, 12 consecutive months of employment *with one employer* is required.

British Columbia, Quebec, and New Brunswick stipulate no labour force attachment requirement other than engagement in paid employment prior to the commencement of leave. Alberta and Nova Scotia, on the other hand, have the *most* oner-

ous legislation requiring one full year of continuous employment with the same employer prior to the commencement of leave or job protection. To put this into some perspective, in 2002 approximately 50 per cent of women workers were employed all year (Jackson). A smaller proportion still will have been employed all year with the same employer. Women in Alberta and Nova Scotia who are employed for one full year are ineligible for job protection through ES during a maternity and parental leave if they start a new job during this year. But these women would have accumulated enough hours of work to qualify for EI maternity and parental benefits. Thus, while they can take the EI extended parental benefits they would have no guarantee of a job to return to at the end of it.

Overall, in seven of 14 jurisdictions, and under the *Canada Labour Code*, qualifying conditions for job-protection are more onerous than qualifying conditions for EI. This is the case in Alberta, Manitoba, Nova Scotia, Newfoundland, Prince Edward Island, Northwest Territories, Nunavut, and Yukon. In some cases this is due to the weeks of work needed to qualify for protection and in other cases, this is due to the stipulation that this work be continuous or with one employer only.

Occupational Maternity and Parental Provisions

Occupational welfare is a term used here to describe benefits provided to an employee, by an employer, as a condition of the employment arrangement. These benefits may be negotiated through collective agreements and/or be available to those covered by an employer benefits package. In Canada, occupational arrangements in support of maternity and parental leave almost exclusively enhance paid protection that is available through ES and EI. These arrangements typically provide extended job-protected leave, additional financial compensation during part

or all of the leave period, and maintenance of other fringe benefits such as extended health benefits, dental plans and/or pension plans during the absence from work, as well as provisions for flexible work arrangements in order to ease the transition from home to work. Occupational benefits tend to be received by a small proportion of relatively privileged workers. Maternity/parental occupational benefits are no exception in this regard.

There is a dearth of up-to-date information about occupational provisions for maternity and parental leave in Canada, especially at the level of the individual worker. The most recent comprehensive analysis of occupational maternity leave provisions is now almost 20 years old and comes from Jan Moloney's 1989 report on the federal government's 1985 Maternity Leave Survey. According to Moloney in the early 1980s only one-half (49 per cent) of collective agreements in Canada made mention of maternity leave and in 1980 and 1988 respectively, 5.8 per cent and 26 per cent of collective agreements had some provision for paid maternity benefits beyond the level provided by the unemployment insurance system (6).

More recently, Human Resources Development Canada (1998) compiled data on maternity and parental leave provisions found in major collective agreements in Canada. According to this study, in 1998, approximately 36 per cent of collective agreements in Canada had some provision for paid maternity benefits beyond the level provided by the federal government through EI (HRDC 1998). While collectively bargained provisions are expanding for workers covered by such agreements it is only a small proportion of mothers who appear to be able to access these benefits. In 2001, only 20 per cent of mothers who received employment insurance birth benefits received a top-up to this benefit from their employer or another source (Marshall 16).

Women, the Labour Market and Maternity/Parental Provisions in Canada:

Who Are the Beneficiaries?

Rates of female labour force participation in the early 1970s meant that only a minority of new mothers were potentially eligible for UI maternity provisions implemented at that time. Despite this, these provisions promised to revolutionize women's economic and social citizenship rights given actual and anticipated rising rates of labour force participation and full-time work among women at the time. Indeed women's labour market participation did change considerably over the course of the ensuing 30 years such that the labour force participation rate of women in Canada is now one of the highest among OECD countries (Jackson 6) surpassed only by Scandinavian countries where almost 75 per cent of women are employed (Jackson 6). In Canada, the trend in women's employment, in particular the employment of mothers with children under 16 years of age, is substantially changed. In 1976, only 39.2 per cent of women with children under age 16 were employed compared to 71.7 per cent in 2003, while 79 per cent of all women under 55 years of age, without children, are labour force participants today (Statistics Canada 2003b: 14).

Despite an initial reduction in the number of mothers claiming birth benefits in the immediate period following the implementation of EI (CLC), results of the Employment Insurance Coverage Survey⁸ suggest that since 2000, the proportion of new mothers receiving paid birth benefits is rising at a notable pace (see Table 2). Between 2000 and 2003, the proportion of new mothers receiving paid birth benefits through EI increased eleven percentage points, from 54 per cent to 65 per cent (Marshall, 2003; Statistics Canada, 2004a). The extension of EI parental leave is also associated with a significant increase in the median time

mothers take off work (see Table 2). Between 2000 and 2003, this increased from six to eleven months among mothers planning to return to work within two years of the birth and who were not self-employed. Thus more mothers appear to be gaining access to EI birth benefits and more mothers are able to increase considerably the amount of paid leave time they take.

Women's eligibility for EI birth benefits is considerably higher than unemployed women's eligibility for regular EI benefits. While almost two-thirds (63 per cent) of mothers with infants (12 months and younger) received EI birth benefits in 2003, only one-half (52 per cent) of unemployed women were eligible for EI benefits (Table 2). And the rate of receipt of EI birth benefits among mothers is rising almost twice as fast as is eligibility for regular EI benefits among unemployed women. In 2000, 46 per cent of unemployed women were eligible for EI benefits while 54 per cent of mothers of infants received EI birth benefits (Table 2). What explains this difference?

The relatively high rate of receipt of benefits observed for mothers with infants reflects the particular socio-demographic location of an increasing proportion of mothers with infants in Canada today which itself is a reflection of changing fertility patterns, timing of family formation and mother's work histories. As a group, mothers of infants are typically very differently situated to unemployed women more generally. While fertility rates are dropping (in 1970 the average number of live births per woman was 2.3 compared to 1.5 in 2003), and Canada's crude birth rate is at an all time low (Statistics Canada 2004b), the average age of first time mothers is rising. The largest proportion of births is still to mothers in the 25-29 year age range. However, the number of live births in this age group is dropping while the number is rising among mothers aged 30-34 years. More dramatically, the biggest downward shift in age-specific fertil-

ity rates is among women aged 20-24 (Statistics Canada, 2003c). During the past 30 years, the fertility rate among women aged 20-24 fell by more than one-half (Statistics Canada, 2003d). Now almost one-half (45 per cent) of all births are to mothers in their 30s whereas less than one-quarter were to mothers in this age group in 1982 (Statistics 2004b). As a result, the average age of mothers is now 29.5 years (Statistics 2004b).

Also rising is the amount of time mothers spend working full-time full-year prior to family formation (Drolet). Importantly, the work experiences and wages of women who delay motherhood (have their first child at least one year later than do mothers on average) compared to those who have children early (have their first child at least one year earlier than do mothers on average) are significantly different (Drolet). In 1998, the average hourly wages of women who delayed having children were 17 per cent higher than those who had children early while those who delayed childbirth spent significantly more time working full-

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time full-year (77 per cent compared to 66 per cent of the potentially available time) prior to the birth of their first child (20). As a consequence, mother's are increasingly taking their first maternity/parental leave from a full-time job in which they are more established (have a longer employ-

ment history) and have higher hourly wages.

Labour Market Inequality and Differential Access

In spite of the fact that a sizeable majority (65 per cent) of mothers with infants received EI birth benefits in 2003 (and this appears to be part of an upward trend), this still leaves a declining, but large minority

cussions of this on their labour market position.¹¹

Based on the Employment Insurance Coverage Survey, Katherine Marshall finds that mothers did not receive paid birth benefits for three main reasons: they were not in the labour force prior to the birth (23 per cent);¹² they were not eligible or did not apply for benefits (12 per cent); or they were self-employed (five per

cent) present information about other bases of inequality in relation to access to EI birth benefits. To a large degree this is a limitation of the survey data itself. In order to provide a more comprehensive understanding of differential access to these benefits, labour market activity and fertility patterns must be considered. Regional fertility patterns within Canada show that the total fertility rate is consider-

The pattern of these provisions reinforces social and economic inequalities among women, with Aboriginal, visible minority and young mothers most likely to be excluded from the expanding provisions enjoyed by the majority.

(more than one-third, or 35 per cent) of new mothers without paid birth benefits. Who are these mothers? Given that women's access to maternity/parental leave provisions is predicated on the nature of their labour force attachment (as delineated in the preceding analysis), understanding women's labour market position is key to assessing who are/are not the beneficiaries of the current tripartite system. As there are no comprehensive surveys that enable this question to be answered in any direct and detailed way,⁹ only a limited number of direct findings can be reported. For the most part, conclusions must be extrapolated from a variety of labour market and fertility rate indicators.

What these indicators suggest is that mothers who are least likely to be beneficiaries of paid benefits (EI and occupational) are mothers in part-time work, self-employment, non-permanent jobs, lower paying jobs and young (early) mothers. In addition, using fertility rates, it can be suggested that mothers who live in certain regions of the country, recent immigrants,¹⁰ visible minority women and Aboriginal mothers, are more likely to not be able to access EI paid birth benefits (and therefore occupational birth benefits) due to higher fertility rates and the reper-

cent) (16). Notably, access to paid benefits is a strong predictor of leave length, as is a mother's personal income prior to taking a leave and whether her job is permanent or not. Certain workers, specifically the self-employed and paid workers without EI benefits, did not take longer maternity/parental leaves when EI paternity benefits were extended, unlike mothers who qualified for EI. In the two years compared, the median time off work among the self-employed who planned to return to work within two years of the birth, was one month in both years while it was five and four months respectively for employees without benefits (see Table 2). Mothers who returned to work within 4 months of the birth of their child had median annual earnings of \$16,000 compared to annual earnings in the \$27,000 range among mothers who returned to work between 9 and 12 months after the child's birth (19). Women in non-permanent or otherwise non-standard employment are also much less likely to take a longer leave: almost 98 per cent of mothers on leave for one year had a permanent job compared to only 75 per cent of those who returned in four months or less (Marshall 20).

But Marshall's analysis does not

ably higher than the Canadian average (1.5) in certain provinces/territories: Nunavut (3.04); Northwest Territories (1.89); Saskatchewan (1.82); Manitoba (1.8) and Alberta (1.69). (Statistics Canada 2004). Importantly, in all of these jurisdictions except Saskatchewan, provincial/territorial ES legislation is more restrictive than EI eligibility requirements. It would appear that women in these jurisdictions not only have more children but when/if they are labour force participants, they face a much higher eligibility threshold in relation to obtaining job-protected leave. The fertility rate also is higher among Aboriginal than non-Aboriginal women (Government of Canada 1995). And Aboriginal women are less likely to participate in the paid labour force than are non-Aboriginal women (White, Maxim and Gyimah). The Saskatchewan Women's Secretariat finds this to be a pattern that is more pronounced when family structure is taken into consideration: only 25 per cent of Aboriginal women with one or more children under the age of six are labour force participants compared to 74 per cent of their non-Aboriginal counterparts. Research by White, Maxim and Gyimah corroborates this and suggests that Aboriginal women (both

Registered Indians and others) are less likely to be employed (not in the labour force) and when they are labour force participants, they are more likely to be unemployed than non-Aboriginal women. This is a pattern that is especially pronounced among those with minor children.

Alain Bélanger and Stéphane Gilbert argue that while the fertility of immigrant women tends to converge with native-born Canadian women over time, the fertility of newcomers suggests a pattern of segmented integration. Specifically, they find that the overall higher rate of fertility of immigrant women is due to the

greater fertility of women originating from South Asia, Central-Western Asia, the Middle East (which largely exceeds the level of 2 children per woman) and to a lesser degree women born in Central or South America (which approaches two children per woman). Multivariate analysis also suggests that all other things being equal, women in a visible minority have a much higher fertility level than others (149).

Young mothers also are more likely to not have access to paid benefits and job-protection given the employment patterns of young women. Young women (aged 15-24) are

much less likely to be employed than older women (aged 25-44) in their child bearing years (58 per cent compared to 76 per cent), and are more likely to work part-time (53 per cent compared to 21 per cent) (Statistics Canada 2003b: 6-7).

While the majority (almost three-quarters) of women work full-time, the rate of part-time employment among women is rising, albeit at a much slower pace than that observed for the employment rate more generally. In 1976, 23.7 per cent of women were employed part-time, compared to 27.8 per cent of women in 2003 (Statistics Canada 2003b: 16). Im-

Table 1. Job-Protected Maternity and Parental Leave Provisions and Eligibility Requirements by Jurisdiction

Jurisdiction	Maternity Leave	Parental Leave	Seniority	Labour Force Attachment
Federal Government	17 weeks	35-37 weeks	Accumulates	6 months—continuous with same employer
British Columbia	18 weeks	35 weeks	Accumulates	None
Alberta	15 weeks	37 weeks	Maintained	52 consecutive weeks—one employer
Saskatchewan	18 weeks	35-37 weeks	Accumulates	20 weeks—one employer during last 52 weeks
Manitoba	17 weeks	37 weeks	Maintained	7 consecutive months—one employer
Ontario	17 weeks	35 weeks	Accumulates	13 weeks—one employer
Quebec	18 weeks	52 weeks	Accumulates	No requirement
New Brunswick	17 weeks	37 weeks	Accumulates	No requirement
Nova Scotia	17 weeks	35 weeks	Maintained	One year—one employer
Newfoundland	17 weeks	35 weeks	Maintained	20 weeks—continuous
Prince Edward Island	17 weeks	35 weeks	Accumulates	20 weeks continuous—one employer
Northwest Territories	17 weeks	37 weeks	Accumulates	12 months—continuous
Nunavut	17 weeks	12 weeks	Maintained	12 months—continuous
Yukon	17 weeks	37 weeks	Accumulates	12 months—continuous

Sources: Derived from, Alberta *Employment Standards Code*, <http://www.qp.gov.ab.ca/documents/acts/E09.cfm>; British Columbia *Employment Standards Act*, http://www.qp.gov.bc.ca/statreg/stat/E/96113_01.htm; Canada Labour Code, <http://laws.justice.gc.ca/en/L-2/text.html>; Manitoba *Employment Standards Code*, <http://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php>; New Brunswick *Employment Standards Act*, <http://www.gnb.ca/acts/acts/e-07-2.htm>; Newfoundland *Labour Standards Act*, <http://www.gov.nf.ca/hoa/statutes/l02.htm>; Northwest Territories *Labour Standards Act*, <http://bsa.cbcs.org/gol/bsa/interface.nsf/engdoc/6.11.4.html#a3>; Nova Scotia *Labour Standards Code*, <http://www.gov.ns.ca/legislature/legc/statutes/labourst.htm>; *Consolidation of Labour Standards Act (Nunavut)*, http://www.nunavutcourtofjustice.ca/library/consol-stat/1999_CSNu_106_Labour_Standards.pdf; *Ontario Employment Standards Act, 2000*, http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/00e41_e.htm; Prince Edward Island *Employment Standards Act*, http://www.gov.pe.ca/law/statutes/pdf/e-06_2.pdf; Quebec: *Act Respecting Employment Standards*, http://www.ent.gouv.qc.ca/en/lois/normes/table_matiere.asp; Saskatchewan *Labour Standards Act*, <http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L1.pdf>; Yukon *Employment Standards Act*, <http://www.canlii.org/yk/sta/pdf/ch72.pdf>.

	2000	2001	2002	2003
Coverage and eligibility of the unemployed for Employment Insurance Benefits				
All unemployed	'000 1,051 %	'000 1,159 %	'000 1,228 %	'000 1,235 %
Potentially eligible: All ²	49.9	51.6	55.4	57.3
Eligible: All ³	41.5	42.7	46.5	50
Adult Men (25 yrs +)	56	59	64	63
Adult Women (25 yrs +)	46	46	52	52
Youth (15-24 yrs)	17	18	19	21
Eligibility of mothers for maternity and parental benefits⁴				
Mothers with child aged 12 months or less	'000 314 %	'000 203 ⁴ %	'000 329 %	'000 332 %
Received maternity or parental leave	54	61	63	65
Mothers with spouse claiming/intending to claim benefit	3	10	11	11
Mothers: Median time off work (in months)				
Self-employed	1	1	<2	<2
Employees without benefits	5	4	NA	NA
Employees with benefits	6	10	11	11
¹ Sources: calculated and/or derived from <i>Employment Insurance Coverage Survey 2000-2003</i> , EI Eligibility Tables prepared for Jane Pulkingham, by Helene Lavoie, Special Surveys Division, Statistics Canada, July 12, 2004; Statistics Canada, <i>The Daily</i> , June 22, 2004. <i>Employment Insurance Coverage Survey 2003</i> . Cat. No. 11-001-XIE; Statistics Canada, 2004. <i>The Daily</i> , Wednesday January 14, 2004. <i>Employment Insurance Coverage Survey 2002</i> , www.statca.ca/Daily/English/040114/d040114b.htm; Statistics Canada, 2003. <i>The Daily</i> , Friday March 21, 2003. <i>Benefiting from extended parental leave</i> , www.statcan.ca/Daily/English/030321/d030321b.htm; Statistics Canada <i>The Daily</i> , Monday November 25, 2002. <i>Employment Insurance coverage 2001</i> , www.statcan.ca/Daily/English/021125/d021125c.htm]				
² Potentially eligible: unemployed people who during the reference week of the survey were receiving EI benefits or were in a position to receive benefits because of recent insurable earnings and job loss.				
³ Eligible: Proportion of unemployed who are actually eligible (had they claimed they would have qualified for benefits).				
⁴ The mothers included in this transition year (in which parental leave benefits were extended) are only those who were potentially able to take the longer parental leave, given the birth date of their child.				

portantly, part-time work in Canada remains predominantly a female form of employment. Approximately seven in ten part-time workers are women.¹³ This is a figure that remained largely unchanged over the past three decades.¹⁴ Thus it can be argued that part-time work is becoming slightly more rather than less feminized over time.

But more striking is that this trend

is driven to a large extent by the employment pattern of young women (aged 15-24) for whom part-time employment more than doubled between 1976 and 2003 (Statistics Canada, 2003b: Table 8). Young women are increasingly likely to engage in a variety of non-standard or "precarious" jobs for low wages, with limited access to benefits and limited prospects for advancement (Jackson

8). And more women are engaging in self-employment. For example, eleven per cent of all women with jobs were self employed in 2003 (compared to nine per cent in 1976) and women now constitute more than one-third (34 per cent) as compared to just one-quarter (26 per cent) of the self-employed in 1976 (Statistics Canada 2003b: 8).

Unions play a major role in se-

curing higher levels of pay and better access to employment benefits for workers. And in this regard, women also are beneficiaries. Even so, Marshall's examination of the Employment Insurance Coverage Survey for the years 2000 and 2001 suggests that only a small proportion of mothers actually have access to occupational maternity or parental paid benefits that supplement (exceed) EI. In 2001 only 20 per cent of mothers who received EI received a financial top-up from either their employer or another source (16). This finding is down from 23 per cent in 2000. Thus in 2001, approximately 12 per cent of mothers with children in this age range received EI top-ups.

It is difficult to say whether this finding represents the beginning of a downward trend in collectively bargained provisions (due to declining rates of unionization perhaps), or a lag in the ability of unions and/or employee associations to renegotiate provisions contained in collective agreements to meet or exceed those provided in EI. Whatever the reason, it is the case that labour market restructuring is undermining unionization among women¹⁵ and that a very small proportion of mothers (approximately 12 per cent) are able to enjoy maternity/parental leave provisions that exceed those provided through EI.

Conclusion

The evolution of maternity/parental leave provisions in the past thirty years presents a contradictory story. On the one hand, federal UI/EI birth benefit initiatives are a victory for Canadian women's labour rights. Almost two-thirds of mothers with infants in their first year now access paid benefits for a median of eleven months duration and the trend is up. A small proportion (approximately 12 per cent) of mothers have access to occupational paid benefits that exceed the remuneration and leave provisions within EI and the proportion

of collective agreements with birth benefits that supplement EI provisions is growing even while the proportion of mothers with access to these benefits is likely in decline. Equally important, if not remarkable, is the fact that UI/EI birth benefits *expanded* during a period of welfare state restructuring in which universal income security benefits were eliminated entirely and replaced with less generous income-tested programs and where needs-tested programs became even more punitive and stigmatizing.

But the news is not all good. In the current tripartite system, just over one-third of mothers do not access paid benefits and an unknown but potentially large proportion of these women do not even have job-protected maternity/parental leave. Thus the current system provides some new mothers with 100 per cent wage replacement of a high income for a full year, while others get only 55 per cent of a much lower income or worse yet, get nothing at all. The pattern of these provisions reinforces social and economic inequalities among women, with Aboriginal, visible minority and young mothers most likely to be excluded from the expanding provisions enjoyed by the majority.

It is not entirely clear how to address this situation: given the history, the income replacement social insurance program is clearly more robust than other programs in the face of welfare state restructuring. Earnings-related benefits are key to enabling women to take a period of leave by ensuring an income level that bears some continuity with previous earnings. But wage replacement assumes labour force participation and earnings related benefits reproduce market income inequalities leaving poorer women with a benefit level that often does not enable them to take a period of leave. In this way, these benefits replicate economic inequality in terms of women's differential access to employment and income. Even if EI were

reformed to include self-employed workers, to raise the income replacement ratio and to lower the eligibility requirements, this would still leave approximately one-quarter of all mothers with children in their first year without access to paid benefits. Is this good enough?

This paper is the product of two endeavours. One is Tanya van der Gaag's MA project, completed in 2003, under the supervision of Jane Pulkingham. One section of the paper (Women's Labour Rights in Respect of Maternity: A Brief History) is a substantially revised and shortened version of Tanya's MA work. Jane is responsible for this revision, for the remaining sections of the paper and for the central argument developed regarding the importance and limitations of federal initiatives in expanding Canadian women's labour rights in respect of maternity/parental leave in the past 30 years.

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¹In 1996, the Liberal Government implemented far reaching changes to the Unemployment Insurance (UI) system including giving it a new name: Employment Insurance.

²In 1921, British Columbia passed Canada's first maternity leave legislation granting women six weeks of leave (Morris).

³In 1970, Grace MacInnis, federal MP for Vancouver-Kingsway, intro-

duced a private bill in the House to provide maternity leave (Carter and Daoust) and the federal government subsequently introduced 15 weeks of paid maternity benefits in the UI Act 1971.

⁴The "Common Front" of public sector workers in Quebec negotiated paid maternity leave in the late 1970's under the René Lévesque government (Canadian Union of Postal Workers 2001). In 1981 the Canadian Union of Postal Workers successfully fought for the first negotiated paid maternity leave in English Canada (Canadian Union of Postal Workers 2001).

⁵Notably, in 1989 amendments to UI expanded benefits for birth parents and, for the first time, made benefits available to birth fathers. A same-sex partner of a woman collecting EI maternity leave still does not qualify to receive EI parental benefits.

⁶Ninety-seven per cent of paid workers are covered (see HRDC 1996a: Part A, Section 2, page 6).

⁷The exception to this are those cases in which the employee would have lost the job or been moved to a lower level or lower paid job even if the leave had not occurred.

⁸In 2000, the federal government's Employment Insurance Coverage Survey (a supplement to the Labour Force Survey) was expanded to monitor the effect of the extended parental benefit program (Statistics Canada 2004b). The survey is not yet released as a public use micro-data file. Nor are the results that are made publicly available in various reports weighted (this is work in progress). Thus the reliability of the estimates produced is not yet confirmed (Personal communication between Jane Pulkingham and H  l  ne Lavoie, Special Surveys Division, Statistics Canada; June 28, 2004).

⁹Some information about maternity and parental leave provisions for mothers with a child 12 months of age and younger is being gathered through the Employment Insurance Coverage Survey, but this informa-

tion has limitations in terms of the measurement of mother/worker characteristics and a possible under-representation of younger mothers in the survey. Importantly, the survey is not yet available for public use and so fuller analysis awaits its public release.

¹⁰The Employment Insurance Coverage Survey does collect a limited amount of information about immigrant status but this information is not reported in publicly released reports to date.

¹¹Past research demonstrates that the presence of children, especially preschool age children, does affect (negatively) labour force participation (White, Maxim and Gyimah).

¹²Mothers were classified as not in the labour force if they did not engage in paid work during the year before the birth.

¹³In 2003, 68.9 per cent of part-time employees were women (Statistics Canada 2003b: 16).

¹⁴Since 1976, when women represented 70.2 per cent of part-time employees, the rate has fluctuated little (Statistics Canada 2003b: 16).

¹⁵In 1984, 36.6 per cent of women were unionized compared to 32.0 per cent in 2002 (Jackson and Schetagne 10-11).

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RENEE NORMAN

Pandora's Boxes

you seem fixed on marriage
kids & writing
comments a young man
in the margin of my essay

what else is there?
i automatically think

why don't you try writing
about Australian kick boxing
he jokes
& i (fixed)
free-associate to the boxes in my basement
pushed against the cold concrete
full of flokartie rugs guitar chords
a laminated poster from San Francisco:
a willowy woman holds a broom as if it were a man
the caption reads FUCK HOUSEWORK

how easy it is to pin women
like old posters on household walls
life's graffiti scrawled upon
the lines that deepen with every laugh
every kick at those boxes

as if they do not hold
all we once were & have become
as if the lids are not worth opening

no curiosity about our contents
who will know
Pandora lies naked
preserved in plastic
hidden in the folds of plush white rugs
plucking F strings
that strain male melodies

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