

**LOOKING BEYOND THE SURFACE: AN IN-DEPTH REVIEW OF
PARENTAL BENEFITS**

FINAL REPORT

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TABLE OF CONTENTS

FORWARD.....	1
GUIDING PRINCIPLES.....	2
RECOMMENDATIONS.....	3
SHORT TERM RECOMMENDATIONS	4
I. ELIGIBILITY	5
II. FLEXIBILITY	12
III. LENGTH AND VALUE OF BENEFITS	14
IV. EMPLOYMENT PROTECTION	20
V. ACCESS TO INFORMATION	22
LONG TERM RECOMMENDATIONS	22
CONCLUSION	26

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Recommendations in this report have been created after extensive research, including focus groups, best practice reviews, and statistical analysis. Consultations were held with elected MP's from all parties represented in the House of Commons, the FPT Ministers Responsible for the Status of Women, federal NGOs and policy think tanks, Senators, the Parliamentary Standing Committee on the Status of Women, and senior policy officials. During the consultations, which took place from May to September 2005, participants had the opportunity to review an interim report and provide feedback. This collaborative effort has resulted in the final recommendations discussed/noted below.

FRAMING THE INITIATIVE

In 2002, Women's Network PEI, with assistance from an Advisory Committee made up of women representing PEI, NS, NB, and NL, began a project called "Looking Beyond the Surface: An In-depth Review of Parental Benefits." Ongoing research of the project, including literature and statistical reviews, focus groups, and best practice reviews, indicate that there are inequities in the maternity and parental benefits currently available under the Employment Insurance Act. These inequities deny much-needed support to many Atlantic Canadian children and parents, in particular, mothers.

In Canada, men are most likely to receive parental benefits. Men are more likely to qualify for EI, being more likely to work at full-time, non-seasonal jobs. Those who arguably need the benefits most are those least likely to be eligible for them, including:

- 1 women in prime child-bearing years
- 2 women having a second or subsequent children
- 3 single mothers
- 4 teenaged mothers
- 5 low income women
- 6 women with low education
- 7 immigrant women
- 8 visible minority women
- 9 Aboriginal women
- 10 women with disabilities

Due to their work histories, the groups of women listed above are less likely to be eligible for maternity and parental benefits because they are less likely to be eligible for regular EI benefits.

Women's share of unpaid work, including care-giving, has remained stable since the early 1960s; therefore, women are far more likely than men to do non-traditional work, such as seasonal, part-time and contract work and, subsequently, do not often work the requisite number of hours for eligibility.¹ Some of the groups of women are more likely to be chronically unemployed. There are some working parents who are simply not eligible at all, regardless of the hours they work, because they are self-employed. It is estimated that more than 35% of new mothers are not eligible for maternity or parental benefits.²

From Atlantic Canadian focus group participants, we heard that even those who are eligible for benefits often cannot take advantage of the wonderful opportunity to spend the first year with their newborn. Participants felt that the benefits are too low, or they felt pressure to return to work early because of non-standard work arrangements, such as seasonal work.

These inequities continue to have a negative impact on many of the stated policy objectives of the Canadian government, including healthy child development, elimination of child poverty, development of a strong economy and workforce, minimization of the negative effect of the aging population, and improvement of women's health and equality.

All of these policy objectives are interwoven and point to the need to improve the status of women in the workplace, home, and society and reduce the burden on parents (in particular mothers) in raising children. To do so within the framework of maternity and parental benefits, the following Guiding Principles, developed in Phase 1 of the project, should be used as a lens through which maternity and parental benefits in Canada will be examined to ensure they would meet the needs of women, children, and families.

GUIDING PRINCIPLES

- 1 Raising children is a critical and valuable contribution to Canadian society.
- 2 The Canadian Government has a role to play in eliminating poverty of women, children, and families and ensuring that their basic needs are met.
- 3 Policies around maternity and parental leave must recognize the traditional role that women have played, and continue to play, in raising children while encouraging fathers to take on a more active role in parenting.
- 4 Policies around maternity and parental leave must take into consideration the disadvantage that vulnerable groups of women face, including single mothers,

¹Women in Canada 2000: A gender-based statistical report, Statistics Canada, Minister of Industry, 2000, p. 97

²Statistics Canada, *The Daily*, June 22, 2004, Catalogue No. 11-001-XIE

low-income women, immigrant women, Aboriginal women, women with disabilities, visible minority women, and women with low education.

- 5 Women must not be disadvantaged in the workplace and in society by the decision to have a child or by their intrinsic role in child bearing.
- 6 Access to maternity and parental benefits should be such that families are not discouraged from having children.
- 7 Every newborn and newly adopted child has an equal right to the stable presence of a parent or primary caregiver in the early stages of life or transition to a new family.
- 8 Policies around maternity and parental leave must focus on healthy child development as well as the health of mothers and other caregivers.
- 9 Access to maternity and parental leave is not an issue connected to paid work or employment history, but to supporting families.
- 10 All parents must have access to easy-to-understand information about benefits and supports for parents and families.

RECOMMENDATIONS

Using the Guiding Principles and a study of international best practices for maternity and parental benefits as evaluative tools, short- and long-term recommendations have been formulated. Encompassing all of our identified Guiding Principles involves a long-term strategy which brings maternity and parental benefits together in a national policy focused on supporting families and children.

Before such a program could be implemented, it will be necessary to garner agreements among the provinces, territories, and the federal government regarding the administration of the program to ensure that it is universally fair and accessible across Canada.

In January 2004, the Quebec Appeal Court ruled that the EI Act regarding maternity and parental benefits fell under provincial jurisdiction, not federal. The Quebec decision considered these benefits to be social benefits rather than employment benefits, with responsibility for funding and administering social programs resting with the provinces. The recent Supreme Court of Canada ruling reverses that decision and clearly indicates that provisions allowing pregnant women and new parents to collect employment insurance are valid federal legislation which does not encroach on the jurisdiction of provinces and territories. However, it is also clear that this decision could quite easily change if the benefits were not under the auspices of

Employment Insurance as the SCC states that supporting families is a secondary effect of maternity benefits and not its “pith and substance.”³

For that reason, retaining the benefits program within the EI system, an already established program with national standards, is immediately safer for women who fear that provincial/territorial control of the benefits would jeopardize women’s hard-won economic equality and the security that is found through EI.

Therefore, our recommendations focus on the development of benefits under a national care giver strategy in the long-term, and improvements to benefits under the current system within EI in the short term. It is our vision that long-term changes will not reinvent maternity and parental benefits but build on the short-term recommendations suggested below.

SHORT TERM RECOMMENDATIONS

The original intent of maternity and parental benefits was to provide income security to women after the birth of a child. It has been difficult for the EI program to deliver that in a fair and equitable way because EI is a program that came out of another policy question - how to meet the needs of unemployed workers. The program has been stretched to fit circumstances it was never meant to deal with - how to meet the needs of families after the birth or adoption of a child.

Until a suitable agreement can be reached among the provinces, territories and the federal government, retaining the benefits program within the EI system is safer for women. Moving the benefits out of EI could mean a switch from federal to provincial/territorial management, should benefits be deemed a social, rather than an economic, benefit. Were that to happen, we would likely move away from a national program, such as we have through the Employment Insurance program, as each province/territory made its own decisions about how to support families after the birth or adoption of a child. “Feminists elsewhere in Canada agree that in just about all of the other provinces [but Quebec] Provincial governments will reduce the benefits currently available to working mothers by virtue of the EI Act.”⁴ The security that we have through EI and the hard-won economic equality that women have as a result would be jeopardized.

When considering the current situation, it is clear that EI can be both an economic equalizer and a vehicle for social policy. “It is clear that a complete and equitable policy of support for mothers and parents [and young children] necessarily includes both an insurance program that aims to replace the mother’s [and the other parent’s] lost income and a universal support

³Reference re: Employment Insurance Act (Can.) Ss. 22 and 23, 2005 SCC 56

⁴The Recent Quebec Appeal Court Decision on the Constitutionality of Maternity and Parental Benefits as Employment Insurance Benefits: Some Feminist Reflections, Rachel Cox, NAWL, December 2004

program aimed at all parents. As well, for low-income families, an assistance program is also necessary to provide a reasonable income during the period in which the mother or father cannot work.”⁵

While it may be less possible to meet all of our identified Guiding Principles within the current system while moving toward a national caregiver strategy, there are some measures which could be put in place within the existing framework of EI to offer more immediate fairness and equity for women across the country.

Our recommendations will ensure that more women are eligible for benefits; however, many will continue to be left out including women who are not attached to the workforce or who have been out of the workforce for more than three to five years. Most teenaged moms, disabled women, and recent immigrant women could also be left out. These women’s needs would be better addressed through other social policy. A broader, hybrid national caregiver strategy together with provincial social services would incorporate both economic policy and social policy and could be the solution.

Following are five main areas of recommendation: ***eligibility, flexibility, length and value of benefits, employment protection, and access to information.***

I. ELIGIBILITY

There is absolutely no way in the world you can get 600 hours. I worked every minute I could last year and towards the end someone else stayed home and let me get their hours but I still only had a little over 500. There were days I worked 17 and 18 hours and I was pregnant at the time. Sometimes you didn't have a day off for 2 weeks but you did it just to try to qualify.

For many years, the minimum work time needed to qualify for any UI benefit was 20 weeks based on a minimum of 15 hours per week (300 hours). In 1997, when the new EI Act was introduced, eligibility requirements changed to a minimum number of hours, ranging between 420 and 910 hours, based on unemployment rates in 58 different regions across Canada (with the higher hours requirements applying to new entrants or those returning after an extended absence).

When EI was first established, special benefits such as maternity, parental, or sickness benefits required 700 hours. This was later amended, in 2000, to 600 hours. The new eligibility criteria made it more difficult for certain groups to qualify for benefits, and in particular, women with non-standard work arrangements (part-time, seasonal, contract, or self-employed).

⁵The Recent Quebec Appeal Court Decision on the Constitutionality of Maternity and Parental Benefits as Employment Insurance Benefits: Some Feminist Reflections, Rachel Cox, NAWL, December 2004

In 1996, the Canadian Centre on Social Development expressed concern about the new eligibility criteria. They felt it would “make it harder for those who work between 15 to 35 hours per week to qualify for benefits, and reduce the duration of their benefits; and, disproportionately harm women, who dominate part-time employment (women account for 78% of all those who work between 15 and 35 hours per week) and who are the majority of claimants for maternity, parental and adoption benefits.”⁶ In 2003, 28% of all employed women worked less than 30 hours per week.⁷

Most of the women failing to qualify for maternity benefits work part-time and part-year. In 2003, eligibility for individuals who worked exclusively full-time was 97.3%, compared to 61.2% for individuals who worked exclusively part-time.⁸ With changes to EI regulations, it now takes part-time workers more weeks of work to get enough hours to qualify.

The most vulnerable and marginalized women in Canada have been particularly affected: teenaged new mothers, women with little education, low income women, single mothers, immigrant women, visible minority women, aboriginal women, and women with disabilities. Due to typically lower access to or participation in the workforce, each of these groups is less likely than other women to be eligible for maternity and parental benefits. When they do qualify, they often receive a smaller benefit.

Teenaged new mothers often do not have any work experience or lack sufficient hours to qualify for benefits. In 2003, over half (53%) of employed women aged 15 - 24 worked part-time.⁹

Women with little education are less likely than others to be in the workforce full-time, and as such are less likely to be eligible for maternity and parental benefits.¹⁰ Statistics Canada reported that [in 2003] “only 38% of women who had attended, but had not completed high school, and just 15% of those who had not gone beyond grade eight had jobs that year.”¹¹

Richard Shillington found that “low income women are least likely to qualify for EI maternity benefits.”¹² This statistical likelihood has a strong impact on certain groups of women including Aboriginal women and single mothers. Likewise, “new mothers who are not married are less likely

⁶Canadian Centre for Social Development, Response to Bill C-12: An Act Respecting Employment Insurance in Canada, (1996), p. 2

⁷Women in Canada: Work Chapter Updates, Statistics Canada (2004), p. 8

⁸Human Resources and Skills Development Canada (2004) at 47

⁹Women in Canada: Work Chapter Updates, Statistics Canada (2004), p. 8

¹⁰Phipps (2000) at 415

¹¹Women in Canada: Work Chapter Updates, Statistics Canada (2004), p. 6

¹²Shillington (2000)

than those who are married or living with a partner to be eligible for maternity/parental benefits.”¹³ Many recent immigrant women in Canada are unable to find employment and are less likely than non-immigrant women to qualify for maternity and parental benefits. “Among unemployed immigrant women, only 19% qualify for EI benefits while 30% of other unemployed women do.”¹⁴

Visible minority women have a more difficult time than many other women, as they are more likely to be single parents¹⁵ and are more likely to be unemployed and earning a low income. As a result, they also are less likely to be eligible for EI maternity and parental benefits.

Aboriginal women fit into several categories of women who are less likely to qualify for maternity and parental benefits. In 1996, one in five (21%) female Aboriginal labour force participants was unemployed.¹⁶

Lastly, “not only were women with disabilities less likely than men with disabilities to be in the labour force, more likely to be unemployed and less likely to work full-time hours when employed, they also had lower earnings when they worked full-time.”¹⁷ The implications of such compromised opportunities for work on access to maternity and parental benefits is clear.

Reach Back Over Three-to-Five Year Period Prior to the Birth of the Child

I feel I worked for nothing. I was 2 hours short to receive parental benefits. So I was getting \$260 every two weeks. This month I had to go on social assistance.

There are many women who may not have been active in the workforce in the twelve months prior to birth. Obviously, they would find it difficult, if not impossible, to garner the 600 hours within a 52-week period to qualify for benefits. However, given a longer period of time, they may qualify with enough cumulative hours.

According to the 2001 Employment Insurance Coverage Survey on eligibility of mothers for maternity and parental benefits (issued by Statistics Canada in January 2004) almost one in four women had not participated in the labour market in at least twelve months preceding the birth of a child (23%). Of these, 7% had worked sometime during the past 13 to 24 months, 9.3% had worked before but more than 24 months ago, while 7.6% had never worked before.

¹³ Phipps (2000) at 421

¹⁴ Ken Georgetti, Toronto Star 2004

¹⁵ Statistics Canada (2000) at 199

¹⁶ Statistics Canada (2000) at 258

¹⁷ Fawcett 1996

A Statistics Canada study on chronic unemployment in Canada between 1993-2001¹⁸ revealed the make-up of the "always unemployed" (individuals who were unemployed during their entire time in the labour force) and the "chronically unemployed" (people who spend between 48% - 99% of their time in the labour force in unemployment). Women were over-represented in both groups.

Allowing reach-back would increase eligibility for EI benefits for those women who have had a break in their paid work.

Even though women comprise less than half of the labour force, they made up two thirds of the always unemployed group and 55% of the chronically unemployed group. The problem was even more acute for single mothers. Other groups that were over-represented in the chronically unemployed group were those with low education levels, older workers, members of visible minority groups, people with disabilities, and residents of Quebec and the Atlantic provinces.

A precedent has been established which supports implementation of this recommendation. HRSDC currently offers the Self-Employment Benefit Program (SEB) which allows unemployed participants to "reach back" 36 months in order to qualify for a maximum of 52 weeks of EI benefits. This program provides an income while recipients develop and establish their own business.

SEB allows participants to reach back 60 months if they had been on maternity or parental leave prior to the date of requesting assistance. In this instance, individuals have remained out of the labour market in order to care for a newborn or newly adopted child and are currently seeking to re-enter the labour force.¹⁹ However, the provisions could equally apply to individuals seeking a short-term leave from the labour force for parenting.

Allowing reach-back would increase eligibility for EI benefits for those women who have had a break in their paid work. In some instances, EI-eligible mothers have become pregnant again while on maternity and parental leave, making it extremely challenging to accumulate sufficient hours to qualify for EI when they return to work, and it significantly reduces the likelihood they will be eligible for maternity and parental benefits at the time of their next child's birth.

Reach-back could be very significant even for women who are not currently in the labour force and those who experience chronic unemployment. Between 1993-2001, people who were "always unemployed" (mostly women) experienced, on average, 1.7 periods of unemployment over six years, each lasting about 77 weeks. Given this information, it appears that on average someone in this category would have worked for about 180 weeks over that six-year period even if, at some point, they left the labour force and stopped looking for work. The chronically

¹⁸Chronic Unemployment: A Statistical Profile, Bradley Brooks, Statistics Canada, 2005

¹⁹Human Resources Skills Development Canada, October 2004

unemployed experienced on average 3.4 periods of unemployment, each lasting an average of 54 weeks over six years. This suggests that on average someone in this category could have worked for about 130 weeks during that time period.

This analysis does not provide information on the number of qualifying hours accumulated (on average) during the study period. Such information would be helpful in making projections about the potential impact of reach-back and/or a reduction in qualifying hours (as previously recommended) on the availability of parental benefits for the most vulnerable groups of women. These numbers do suggest, though, that reaching back for five years, combined with a reduction in qualifying hours, could help to ensure that even those who have a very fragile attachment to the labour force become eligible for benefits. The numbers also suggest that such program modifications are warranted, given this new information about women and their state of chronic unemployment, especially single mothers.

By allowing reach-back over a three- to five-year period prior to the birth of a child, approximately 16.3% more women would gain access to maternity and parental benefits.

International best practices illustrate the level of flexibility recommended here. For example, in Iceland and Norway, parents who are unemployed at the time of the child's birth are actually eligible for maternity and parental benefits. In Iceland, full-time students are eligible for benefits. And, as mentioned before, in a number of countries, mothers with no attachment at all to the paid workforce are eligible for benefits that will support their work as their children's caregivers.

Recommendation #1

We recommend that the federal government extend eligibility for maternity and parental benefits by changing qualifying requirements to allow for parents to reach back over the three- to five-year period prior to the birth of the child.

This recommendation recognizes the following Guiding Principles:

- Every newborn and newly adopted child has an equal right to the stable presence of a parent or other primary caregiver in the early stages of life or transition to a new family.
- Policies around maternity and parental leave must recognize the traditional role that women have played, and continue to play, in raising children while encouraging fathers to take on a more active role in parenting.
- Policies around maternity and parental leave must take into consideration the disadvantage that vulnerable groups of women face, including single mothers, low income women, immigrant women, Aboriginal women, women with disabilities, visible minority women, and women with low education.

Self-Employed Women

I am a hairdresser. Health-wise, it is very hard when you are not eligible for any benefits. While pregnant, I had to continue working in that environment, standing all day long working with hair colors and perm solutions and chemicals. You have nothing at all if you are self-employed.

Women-owned businesses are the fastest-growing part of the business sector in Canada, with women creating twice as many new businesses as men.²⁰ In 2002, over 821,000 women in Canada were self-employed, totaling one-third of self-employed Canadians. The majority of these (59%) were between the ages of 20 and 45, the childbearing age.²¹

Under the current EI maternity and parental benefits program, self-employed workers, with the exception of self-employed fishers, are not eligible for EI. This stipulation excludes them from accessing maternity and parental benefits. Self-employment among women rose from 8.6% of women in 1976 to 11.5% in 2002.²² This growth in self-employment excludes an increasing number of women from accessing maternity and parental benefits.

When self-employed women decide to have children, the impact can be far-reaching. They have no access to special benefits during the period they are not working. If they require a replacement worker, it becomes costly and often difficult to find someone with the creativity, expertise, and knowledge to keep the business running. Their decision to have a child has invisible costs - being away from their business can mean a loss of contact with clients resulting in lost business and revenue over the long-term.

Self-employed women are often forced to choose between motherhood and their business. Sometimes this means delaying having children until their business is on firm footing; this gap in policy may also have an impact on a woman's decision to start or expand a business.

In some instances, self-employed women are also employers. They are required to contribute to the EI program and Canada Pension Plan for their employees. As employers, they cannot access maternity and parental benefits. Their employees are often laid-off and reliant on EI while their employers close the business to have a child.

²⁰ Prime Minister's Task Force on Women Entrepreneurs, Report and Recommendations, (October 2003), p. 27

²¹ Canadian Statistics Canada, Perspectives (March 2003), Statistics Canada Catalogue no. 75-001-XIE

²² Prime Minister's Task Force on Women Entrepreneurs, p. 78

Lack of access to benefits has a profound impact on the length of time self-employed women remain at home with a child. According to the Canadian Council on Social Development, "the federal government has stated that parents and families have the primary responsibility for the

Lack of access to benefits has a profound impact on the length of time self-employed women remain at home with a child.

care of their children. Governments have a responsibility to ensure that this remains possible. In the current climate, it is difficult for self-employed women to find a way to spend the first months with their newborn children."²³ A forthcoming HRSDC study referenced in the 2004 Monitoring and Assessment Report, found that the self-employed, "returned to work much more quickly than those in paid employment. While the lack of income support was seen to be important, the need to maintain their client base and network also influenced the decision of the self employed to return to work more quickly."²⁴

The importance of this policy has been recognized by other socially conscious organizations, and support for extending maternity and parental benefits to self-employed women is echoed by the Network on Women's Social and Economic Rights (2004) and the Centre for Families, Work and Well-Being, Guelph University. Quebec's Act Respecting Parental Insurance(Bill 140) also recognizes eligibility of self-employed workers.

The Prime Minister's Task Force on Women Entrepreneurs found that "one of the greatest challenges faced by women entrepreneurs is their ineligibility for the maternity leave provisions of the EI. The federal government should extend maternity benefits to self-employed women."²⁵

According to a report issued in 2004, the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities recommended that "the government consider developing a framework for extending EI coverage, both in terms of regular and special benefits, to the self-employed workers."²⁶ Monica Townson also supported this recommendation in her 2003 Status of Women paper entitled "Women in Non-Standard Jobs: The Public Policy Challenge."²⁷

Exceptions to the policy of excluding self-employed workers do exist in Canada as evidenced by the extension of benefits to self-employed fishers. Although a good thing, this has introduced an inequity among women in the current program. Expanding access to include all self-employed women would eliminate this inequity.

²³ Canadian Council on Social Development (Spring 2000)

²⁴ HRSDC, 2004 Monitoring and Assessment Report, p. 70

²⁵ Prime Minister's Task Force on Women Entrepreneurs, p. 79

²⁶ Standing Committee on Human Resources Development and the Status of Persons with Disabilities, (2001)

²⁷ Monica Townson, *Women in Non-Standard Jobs, The Public Policy Challenge*, p. 62

A precedent also exists outside Canada for expanding access to maternity and parental benefits to self-employed women. Our research into international best practices identified several countries where self-employed women are eligible for maternity and parental benefits, including Sweden, Iceland, Italy, France, Norway, Finland, and Luxembourg.

Recommendation #2

We recommend that the federal government extend eligibility for maternity and parental benefits by changing qualifying requirements to allow self-employed individuals the option to pay into the Employment Insurance program.

This recommendation recognizes the following Guiding Principles:

- Women must not be disadvantaged in the workplace and in society by the decision to have a child or by their intrinsic role in child bearing.
- Access to maternity and parental benefits must not discourage families from having children.
- Every newborn and newly adopted child has an equal right to the stable presence of a parent or other primary care giver in the early stages of life or transition to a new family.
- Access to maternity and parental leave is not an issue connected to paid work or employment history, but to supporting families.

II. FLEXIBILITY

I will be able to collect benefits only for three months because I have to take sick benefits before my baby is born. If I am not able to return to my job, I will have to go on social assistance. I don't want to be on social assistance. I love my job. I'll adjust my work hours and shifts so I will return to work for an extra year to cover that.

Under the current system, eligible parents basically have two options: stay home full-time or not.

In today's changing work world, workers no longer work 9-5, Monday to Friday. People have the option of working a multitude of hours, days and nights. This flexibility came about to meet the demands of consumers, businesses, and families. Women and families are looking for the same flexibility from maternity and parental benefits. One-size-fits-all no longer works. Benefits need to reflect the shift in the work world. Having a menu of options to give women and families a choice of wage replacements, including an option to work part-time while drawing benefits, thus

drawing a lower rate of benefits but increasing the length of time they are received, can address this problem.

There are many examples of this practice in other jurisdictions. In Sweden, parental benefits can be pro-rated to cover 25%, 50% or 100% of time off from work. In France, parental leave can be taken as a full-time leave from work or part time (between 16 and 32 hours per week). Benefits are paid at 80% of earnings, up to a maximum, and can be pro-rated if taken only part-time. In Germany, parents can take the 3 year parental leave any time up until the child's 8th birthday and have the option of working part-time up to 30 hours during their parental leave.

Canada has begun to test more flexible options with the introduction in 2002 of a pilot project to ensure that mothers on preventative withdrawal²⁸ from work were able to access full benefits for the entire 50 weeks of EI maternity and parental benefit leave.²⁹ Under the pilot project, women in receipt of preventative withdrawal benefits have the option of either receiving partial EI benefits in addition to preventative withdrawal benefits, or postponing EI maternity and parental benefits until after their preventative withdrawal benefits have terminated. Since the start of the pilot, 59% have chosen to extend their benefit period by postponing their EI and maternity benefits. The claimants who chose to extend their benefit period received higher average weekly preventative withdrawal benefits for a longer period than the claimants who chose to receive partial EI benefits.³⁰

By introducing greater flexibility and more choice into the program, parents can have the option of spending more time with their children and women and men can be presented with options for how they combine their roles as parents and workers.

Recommendation #3

We recommend the federal government create a menu of options which offer the flexibility required to meet the changing needs of consumers, businesses, and families.

This recommendation recognizes the following Guiding Principles:

- Women must not be disadvantaged in the workplace and in society by the decision to have a child or by their intrinsic role in child bearing.
- Policies around maternity and parental benefits must focus on healthy child development as well as on the health of mothers and other care givers.

²⁸ Pregnant and nursing women in the province of Quebec receive income replacement for preventative withdrawal if they are employed in a job that may pose a threat to their health or to the health of the fetus or the baby.

²⁹ Forthcoming paper – *Update Report of the Preventative Withdrawal Pilot Project*, Audit and Evaluation Directorate, HRSDC

³⁰ HRSDC, 2004 *Monitoring and Assessment Report*, p. 63

III. LENGTH AND VALUE OF BENEFITS

Two-Week Waiting Period

In order to understand the rationale for implementing a waiting period for unemployment insurance benefits, one must look at the history of the system in Canada. In the 1940 Unemployment Act, no benefits were paid in the first nine days of unemployment in a benefit year, based “partly on both administrative convenience and partly on cost,” considering a national pooling of the risks and costs of unemployment for people with reasonably stable, permanent, full-time jobs. It was assumed that most people would be unemployed at some point and, as such, the waiting period would act as a safeguard, rather like the deductible in automobile insurance.

Over the next few decades, changes to the EI waiting period changed from eight days down to five days in the 1950s. At that time, the UI Commission could defer the waiting period in order to prevent hardship for a claimant; in fact, they could waive the waiting period entirely instead of it being postponed. With the adoption of supplementary benefits and the special program of benefits for self-employed fishermen in 1956, we see an increase in the non-insurance aspect of the program.

The 1981 Task Force on Unemployment Insurance recommended “the retention of the two-week waiting period...as it accomplishes three functions: It forces claimants to share the risk, it prevents small claims of less than two weeks unemployment and it saves money.”³¹ Employment insurance is insurance, and the two-week waiting period is the deductible.

The waiting period is based on history rather than any currently compelling arguments. When the maternity and parental benefits were first extended, there were two waiting periods - now there’s only one, but the problem with the new system is the gender discrimination. At the present time, the two-week waiting period most often results in a loss of income only for the mother. Numbers of claimants and their genders released in the 2004 Monitoring and Assessment Report indicate that over 90% of parents who serve the two-week waiting period are women.³²

According to a Forthcoming study by Shelley Phipps and Lynn Lethbridge, “International Comparison of Maternity/Parental Benefits,” referenced in the 2004 Monitoring and Assessment Report, “Canada is ... one of the only countries that has a two-week waiting period.”³³ It should be noted that none of the eight countries examined for the best practices research reported having any waiting periods for the benefits that they offer.

³¹Leslie Al Pal, Maternity Benefits and Unemployment Insurance: A Question of Policy Design, p. 557

³²HRSDC, 2004 Monitoring and Assessment Report, p. 64

³³HRSDC, 2004 Monitoring and Assessment Report, p. 70

As stated in our Guiding Principles, the Advisory Committee believes that “policies around maternity and parental leave must take into consideration the disadvantage vulnerable groups of women face - including single mothers, low-income women, immigrant women, Aboriginal women, women with disabilities, visible minority women, and women with low education.” While the monetary penalty of the two-week waiting period for women has a detrimental effect on the income of *all* women, it particularly affects those most vulnerable and marginalized.

Both the Network on Women’s Social and Economic Rights (2004) and the 2001 Quebec Parental Insurance Act recommend the elimination of the two-week waiting period.

Recommendation #4

We recommend the federal government eliminate the unpaid two-week waiting period, and add an additional two weeks of paid maternity leave.

This recommendation recognizes the following Guiding Principles:

- The Canadian Government has a role to play in eliminating poverty of women, children and families and ensuring that their basic needs are met.
- Policies around maternity and parental leave must take into consideration the disadvantage that vulnerable groups of women face, including single mothers, low income women, immigrant women, Aboriginal women, women with disabilities, visible minority women and women with low education.

Weekly Payable Benefits

Not receiving benefits and having the added expense of a child put me under a great deal of pressure to concentrate on work when I should have been concentrating on the new baby. I wanted to spend more time with my new baby, but at the same time I knew I needed to work in order to provide the necessities of life for the baby.

Low-wage replacement makes it difficult for many women and families to take advantage of the full year of leave and benefits. In some cases, low-wage replacement leaves low-income workers with a benefit level that does not enable them to take any leave at all.

Currently, EI replaces 55% of weekly income for eligible parents to a maximum of \$413 or approximately \$350 after taxes. This is one of the lowest wage replacement levels in both developed and developing countries, placing a hardship on Canadian women in both high-

and low-income brackets. Although the length of benefits has increased, the dollar value has decreased by 20% over the past 40 years, from a high of 67% in 1971.³⁴

Benefits are currently calculated based on the average weekly earnings during the last 26 continuous weeks and the regional unemployment rate. This is problematic for people with a combination of weeks (irregular hours, irregular earnings), often resulting in lower benefits. Pregnant women can be adversely affected as they sometimes find it necessary to work fewer hours in the later stages of pregnancy, potentially resulting in reduced benefits.

Although there is no official "poverty line" in Canada, there are at least two ways to measure poverty. One method is called the Low Income Cutoff (LICO). A LICO is an income threshold below which a family will likely devote a larger share of its income to the necessities of food, shelter, and clothing than an average family would. That threshold varies, depending upon the family size and community size. For example, in 2004, the after-tax LICO for a family of four in a small community was \$23,856, while the after-tax LICO for the same family size in a large, urban community was \$31,865. Such families would be using more than 60% of their after-tax income for necessities. This indicates a state of poverty.

Another method is called the Market Basket Measure (MBM). It is a research tool that attempts to measure the amount of income needed by a given household to meet its "basic needs" such as food, clothing, and transportation. Like the LICO, this measure depends upon family size and community size; therefore the exact dollar amounts are determined through a formula. Comparing these poverty measures to the amounts that low-income families could potentially receive through EI benefits helps to illustrate the inadequacy of these benefits and the further marginalization of certain types of workers.

In 2003, the LICO rate in Atlantic Canada was \$24,390 while the Market Basket Measure for Atlantic Canadian communities ranged from \$22,940 to \$25,434.³⁵ At the same time, if a single mother with two children received the maximum benefit, her income for the year would total \$20,650, a figure that is well below both measures. If she received the average weekly benefit for Atlantic Canadian parents, she would receive approximately \$292 per week, \$14,600 for the year - almost \$10,000 less than the low income cut-off and anywhere from \$8000 - \$10,000 less than their local Market Basket Measure.³⁶

In 2000, in Canada, average employment income for full-time, full-year female workers was equal to 70.8% of average employment income for men.³⁷

³⁴ Marcelle M. Marion, Employment Insurance: Maternity and Parental Leave, Canadian Bar Association Standing Committee on Equality, February 2004

³⁵ Statistics Canada 2000

³⁶ Human Resources and Skills Development Canada (2000) at 10

³⁷ Pay Equity: A New Approach to a Fundamental Right, Pay Equity Task Force, Final Report, Department of Justice Canada (2004), <http://www.justice.gc.ca/en/payeqsal/6000.html>

Wage replacement for women on maternity and parental leave will be substantially lower, with most women receiving less than the maximum benefit available. In Atlantic Canada, the average weekly sum for parental benefits is \$292 while the average for maternity benefits is \$272.³⁸

The low-wage replacement is particularly hard on the most vulnerable and marginalized women: young women who are employed are also likely to have lower incomes than older women,³⁹ leading to low benefits. When recent immigrant women do find employment, they earn less at their jobs than other women in Canada.⁴⁰ With the low-income level, immigrant women who do qualify for benefits often find it difficult to take advantage of the benefits. Of the Aboriginal women who are employed, a large percentage have incomes below Statistics Canada (2000) Low-Income Cut-offs.⁴¹

Government is moving in the right direction. In February 2005, the Honourable Lucienne Robillard, Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development Canada announced more enhancements to EI. Three pilot projects are to be implemented in regions where unemployment is 10% or more and will feature:

- a calculation of benefits based on the “best 14 weeks” of earnings over 52 weeks preceding a claim, and
- an increase in working-while-on-claim to allow individuals to earn the greater of \$75 or 40% of benefits.

These enhancements would also apply to those on maternity and parental leave. By basing benefits on the best 14 weeks, women with irregular work patterns will be able to pick weeks with the most hours, improving their level of benefits. This will improve the wage replacement levels for 200,000 Canadians.

Increasing the working-while-on-claim threshold for all Canadians will provide an opportunity for women on parental leave to increase their part-time income level without a reduction in benefits. This will help more than 220,000 claimants.

Researchers at The Centre for Families, Work and Well-Being, Guelph University also recommended that government “increase the payable benefits from 55 percent of insurable

³⁸ Human Resources and Skills Development Canada (2004) Chart 2.8 and 2.9

³⁹ Statistics Canada (2000) at 136

⁴⁰ Statistics Canada (2000) at 203

⁴¹ Statistics Canada (2000) at 259

earnings to at least 70 to 75% of earnings."⁴² One option under the Quebec model offers 43 weeks of benefits at 75% of salary.⁴³ A precedent also exists outside Canada to support this recommendation. Our research into international best practices found that Sweden, Iceland, Norway, and Finland each offer a minimum of 70% wage replacement rate.

Recommendation #5

We recommend the federal government improve the wage replacement for maternity and parental benefits by increasing the weekly payable benefits from 55% of insurable earnings to at least 65% of earnings, based on the best twelve weeks of earnings in the last five years.

Maximum Insurable Earnings

In 1996, maximum insurable earnings (as a ceiling on gross income) were reduced from \$42,380 to \$39,000. At the time, the Canadian Centre for Social Development estimated that this would "reduce security for millions of workers and reduce benefits for those claiming maternity, parental and adoption benefits (the majority of whom are women), who earn more than \$39,000"⁴⁴ which is just what happened.

As there is no indexation policy, the ceiling has remained at \$39,000, while inflation continues to erode real income levels. Other social programs such as the Canada Pension Plan, the guaranteed income supplement, and the child tax credit are all indexed to the cost of living. Indexing is one measure to improve income and economic security for Canadians.

Recommendation #6

We recommend the federal government improve the wage replacement for maternity and parental benefits by increasing the maximum insurable earnings to \$57,000, indexed annually.

⁴²Status of Women Canada, Self-Employment for Women: Policy Options That Promote Equality and Economic Opportunities, (2003).

⁴³Rachel Cox, The Recent Quebec Court of Appeal Court Decision on the Constitutionality of Maternity and Parental Benefits, (2004).

⁴⁴Human Resources and Skills Development Canada, 2003 Monitoring and Assessment Report, p. 512

Family Supplement Rate

The EI Act allows for a “Family Supplement” which raises benefits from 55% to 80% wage replacement rate for families with children with an income of \$25,921 or lower. “Women continue to be the primary recipients of the Family Supplement. In fact, women represented 88% of all Family Supplement top-ups paid to claimants of special benefits.”⁴⁵

Even at the present replacement rate of 80%, the threshold keeps most of the eligible families below the poverty line. The 2004 Monitoring and Assessment Report [pg. 67] indicates that the percentage of EI claims that involve the Family Supplement has decreased each year since 1999. This decline can be traced to family income increasing while the Family Supplement threshold remains fixed at \$25,921. A recent study confirmed that the fixed threshold has led to a decreased share of Family Supplement claims relative to all EI claims.⁴⁶

To ensure that families are able to meet basic needs and to meet the added costs associated with having an additional child, the threshold should be above the LICO and Market Basket Measures for Atlantic Canada. Indexing will ensure that this amount continues to be adequate for current costs. Raising the wage replacement will assist the already low income parents, the vast majority of whom are mothers, who use the supplement to maintain their level of income and stay home longer with newborn children.

Recommendation #7

We recommend the federal government improve the wage replacement for maternity and parental benefits by increasing the current Family Supplement rate to 100%.

Recommendation #8

We recommend the federal government improve the wage replacement for maternity and parental benefits by increasing the low income threshold to \$30,000, indexed annually.

These recommendations recognize the following Guiding Principles:

- Policies around maternity and parental leave must take into consideration the disadvantages vulnerable groups of women face - including single mothers, low-income women, immigrant women, Aboriginal women, women with disabilities, visible minority women, and women with low education.
- The Canadian government has a role to play in eliminating poverty of women, children, and families and ensuring that their basic needs are met.

⁴⁵ HRSDC, 2004 Monitoring and Assessment Report, p. 67

⁴⁶ Forthcoming study - “Family Supplement”, Audit and Evaluation Directorate, HRSDC, p. 67

IV. EMPLOYMENT PROTECTION

[As seasonal workers], we don't have long term job security - if they call and we don't go they'll just get somebody else. And then when your benefits run out you have no money. So really, even if you have a new baby you have to go back in or you won't have any money down the road. It's not like we have other options.

Currently, jurisdiction for job-protected maternity and parental leave falls under the federal, provincial, and territorial governments. Ninety-percent of paid workers in Canada fall under employment standards legislation, with the other ten-percent covered under the Canada Labour Code.

The Canada Labour Code provides job protection for employees under federal jurisdiction. Maternity leave is currently 17 weeks, which can be combined with a parental or adoption leave of 37 weeks. In federal jurisdiction in New Brunswick, Nunavut, and the Northwest Territories, the combined duration of leave may not exceed 52 weeks. Eligibility is based on six months continuous employment with the same employer.

An inequitable situation for some women and families has arisen due to inconsistencies among provincial and territorial jurisdictions.

Every province and territory provides job protection for employees based on their own labour standards legislation. Protection can vary from province to province. In some areas, eligibility for maternity and parental benefits is dependent on a defined amount of continuous employment with an employer, which can vary from zero (in British Columbia, New Brunswick, and Quebec) to 20 continuous weeks (in Newfoundland and Labrador and Prince Edward Island) to 52 continuous weeks (in Alberta, Nova Scotia, and the three territories). Ironically, in some provinces a woman can be eligible for maternity leave under the EI Act but is denied the associated job-protection under the applicable labour legislation. Similar circumstances apply to parental/adoption leave.

Job protection should not be based on geographical location, nor should it be based on a parent's employment history or continuous attachment to one employer.

An inequitable situation for some women and families has arisen due to inconsistencies among provincial and territorial jurisdictions. People should be free to live where they choose and enjoy the benefits afforded most Canadians. Inequity in employment protection puts women who

work seasonally in the Atlantic provinces at particular risk because continuity in employment is challenging in the context of seasonal work.

The Forum of Labour Market Ministers comes together to promote inter-jurisdictional cooperation on labour market issues and to provide a forum to establish and meet common goals. It may be appropriate that this body, which is co-chaired by the federal government and includes representations from all provinces and territories, could work to address the issue of harmonizing standards across the thirteen provinces and territories, and with the Canada Labour Code.

Recommendation #9

We recommend the federal government, as co-chair of the Forum of Labour Market Ministers, undertake consultation with the provinces and territories to establish national standards for employment protection as it relates to maternity and parental leave, based on best practices and gender-based analysis.

This recommendation recognizes the following Guiding Principles:

- Raising children is a critical and valuable contribution to Canadian society.
- Policies around maternity and parental leave must recognize the traditional role that women have played, and continue to play, in raising children while encouraging fathers to take on a more active role in parenting.
- Women must not be disadvantaged in the workplace and in society by the decision to have a child or by their intrinsic role in child bearing.
- Access to maternity and parental benefits should be such that families are not discouraged from having children.
- Every newborn and newly adopted child has an equal right to the stable presence of a parent or primary caregiver in the early stages of life or transition to a new family.
- Policies around maternity and parental leave must focus on healthy child development as well as the health of mothers and other caregivers.

Every province and territory provides job protection for employees based on their own labour standards legislation. Protection can vary from province to province. In some areas, eligibility for maternity and parental benefits is dependent on a defined amount of continuous employment with an employer, which can vary from 0 to 52 continuous weeks.

V. ACCESS TO INFORMATION

I had to do a lot of research around these benefits also because the information I was receiving was just so scattered and inconsistent.

Many women who participated in our focus groups from Phase I identified access to accurate, up-to-date information as lacking when they were making decisions about parental leave. Lack of knowledge often hinders women from taking full advantage of the benefits available to them.

Recommendation #10

We recommend that the federal government ensure claimant advocates with an expertise in maternity and parental benefits be available through designated federal government offices.

This recommendation recognizes the following Guiding Principles:

- All parents must have access to easy-to-understand information about benefits and supports for parents and families.

LONG TERM RECOMMENDATIONS

Paid, protected maternity and parental benefits and leave alone will not fully meet the stated policy objectives of both this project and of the Government of Canada. Social and economic issues such as women's health, workplace equity, and employment security are complex and cannot be guaranteed by any single action. Instead, paid, protected maternity and parental benefits and leave should be seen as one of a range of measures that could be used to meet these objectives.

A new, more universal, program, removed from the structures and eligibility requirements of the Employment Insurance program, would address the key point that was raised in the Phase 1 focus groups when women asked, "What does my employment history have to do with having a baby?" Many women, quite rightly, pointed out that, if the purpose of extending benefits to new parents is to ensure the care of the child, there should be no need to examine employment histories in order to establish eligibility. Such an approach would put the emphasis where it belongs - on the well-being of the child and family and on ensuring women's economic equality and encouraging women's attachment to the workforce. It would protect women's equality rights, working to reduce or eliminate the economic disadvantage they experience because

they are the only ones who are able to bear the children who are required for the future of Canadian society. There is a danger in having social policy disconnected from economic policy for women. Canada needs a broad, hybrid national caregiver strategy incorporating both economic policy and social policy.

The Canadian Government has begun moving in this direction. In 1999, the Speech from the Throne committed to a family-oriented agenda. In the *Red Book, Opportunity for All*, the government declared, "a good start for young children is dependent on adequate family incomes, strong relationships, and other caregivers and community supports." This was echoed in the 2001 Speech from the Throne.

In October 2004, the Speech from the Throne recognized that more could be done to help families, such as establishing a national system of early learning and childcare based on quality, universality, accessibility, and development. There was recognition that Canadian families are caring for our children but also increasing numbers of senior spouses and grandparents. Also mentioned was recognition of the role of Canadians in caring for our aged or infirm, or those with disabilities.

The Honourable Tony Ianno, Minister of State for Families and Caregivers, in a speech to the United Nations in New York City on February 10, 2005, stated, "Our government is now able to further invest in families with children."

With the government's focus on children, seniors, and persons with disabilities, it is an opportune time to develop a national strategy on care giving and caregivers. This will provide a unique opportunity for governments to work together to ensure that all Canadians have a full range of support over the whole life span, from birth to death.

In Canada, caregivers are traditionally thought of as support for elders who experience limitations in the task of daily living, from meal preparation to respite care through to palliative care at the end of life. Caregivers may provide support to children and adults with disabilities. However, caregivers can also be found at the beginning of life, ensuring our children are safe and nourished in our homes and childcare centres across the country.

The Advisory Committee proposes a much broader interpretation of caregiver. At one end of the caregiver continuum, care may involve a family member providing support to an aged parent with transportation to a doctor's appointment. In the middle of the continuum is the daughter who is caring for a dying parent, supported by her employer and the government through compassionate care leave. At the other end, a mother is at home caring for her four-month old child, also supported by her employer and the government through maternity and parental/adoption benefits and leave.

Values are at the foundation of our public policy. It is up to Canadians to decide what kind of society we want to build and to implement effective policies that will meet our vision. As the Honourable Tony Ianno, Minister of State for Families and Caregivers, stated, "Success in life is

established in childhood.” A national strategy utilizing a continuum-of-care model would support this vision.

We all want the best for our children and recognize the need to invest early in order to provide them with a good start in life. The federal government’s renewed commitment to a family-oriented agenda is moving us in the right direction, as evidenced by recent changes to maternity and parental benefits. Improved access to benefits provides more mothers and fathers with the opportunity to provide a safe, more nourishing environment for their children, which is so vital in the early years.

Even with these improvements, however, there are many parents who either do not have access to the benefits or cannot afford to take full advantage of the benefits and leave. Our research identifies a number of issues that are not dealt with within the current benefits system. Finding a way to address these issues will assist in finding a solution that will better serve Canadian families.

Qualifying for Benefits

Even though women do the bulk of unpaid work in the home, including at-home care giving, eligibility requirements for benefits currently do not recognize the value of this work. Hours spent attending education or training programs to qualify for employment or obtain a better job are also not recognized as insurable hours, resulting in a disincentive to participate in these programs. *International Best Practices for Maternity and Parental Benefits* research found that women attending full-time educational programs in Iceland were eligible for benefits. Exploring options for accepting unpaid work hours and hours spent attending education or training programs toward qualification for benefits would be helpful.

Multiple Births

Under the current benefit program, there is no recognition for women who give birth to more than one child (multiple births) or to women who give birth to subsequent children. Here in Atlantic Canada, if a single mother with two children is accessing the average maternity and parental benefits, her income would be well below the poverty line. These situations can cause financial hardship for the majority of Canadian women. We would, therefore, urge the federal government to explore the possibility of implementing a replacement wage for women who have multiple births or subsequent children. This recommendation is supported through our best practices research, during which we found that, in Iceland, leave can be extended by an additional three months for multiple births. In France, maternity benefits are extended with the birth of each subsequent child and are payable for 21 days in the case of multiple births, instead of 14 days for one. In Luxembourg, a four-week supplement is available for multiple childbirths.

Paternity/Partner Benefits

The first few weeks after the birth of a child are often the most difficult for a parent. This period is a crucial time for the mother and partner to establish a bond with the child - one that will last a lifetime. Many fathers or partners miss out on this time with their children. In some jurisdictions,

current union agreements include arrangements for this period in their family-leave provisions. We urge the federal government to explore options for a paid, non-transferable paternity/partner leave available when the baby is born, in addition to maternity and parental leave benefits, such as is available in Sweden (two weeks) and Norway (four weeks).

Top-Ups

Large corporations are in a good position to assist their employees and families and pave the way for the future. We urge the exploration of implementing a Family Benefits Tax, resulting in a more consistent top-up for all new mother employees. Families would benefit from the additional income. Companies would also be winners by investing now in their future workforce. Alongside governments, the private sector should also be involved in providing families support.

Initial One-Time Costs

With the current wage replacement rate at 55% for maternity and parental benefits, many women and families find it difficult to manage financially. This is especially true of low-income women. Implementing a lump-sum maternity grant to cover the cost of initial equipment for the baby would assist in relieving that burden. Our research identified that women in Luxembourg receive a lump-sum payment to purchase drugs and baby food.

Children with Disabilities or Special Needs

Parents of children with physical disabilities and/or special needs often experience additional mental, emotional, and physical stress associated with raising a child requiring additional resources and support. In Iceland, leave for parents is extended based on the needs of the child, while in France, parental leave can be extended an additional year. We urge the federal government to explore options for special provisions for parents of children with permanent physical disabilities and/or special needs that require parental care.

Adoption

Although adoptive parents are eligible for parental benefits under the EI Act, they are excluded from accessing maternity benefits. In many cases, this is experienced as a penalty for those parents who choose to adopt as they are not afforded the same benefits as others. We urge the federal government to explore options to increase parental benefits for adoptive parents who are not currently eligible for maternity benefits. In Italy, adoptive and foster parents of children under age six have the same right to the three-month maternity leave following adoption as well as the ten-month leave after, for children under age three.

Parents Not Attached to the Workforce

Attachment to the workforce as an eligibility requirement for maternity and parental benefits makes it very difficult for certain groups of women to manage parenthood; in particular,

teenaged mothers, recent immigrant women, and stay-at-home moms. Yet, they are mothers doing the best they can for their children in an atmosphere that is not always family-friendly. Canada must do better for these women and their children. We urge the exploration of options for implementing a lump-sum payment or ongoing weekly benefit for those mothers not attached to the workforce, such as is afforded in Iceland and Norway, where parents not attached to the workforce are provided with a cash benefit.

Recommendation #11

We recommend that the federal government immediately undertake research and gender analysis into a continuum-of-care model for a national caregiver strategy which meets the needs of all Canadian families.

CONCLUSION

Looking Beyond the Surface: An In-Depth Review of Parental Benefits has identified genuine concerns voiced by our friends, relatives, neighbours, and co-workers in Atlantic Canada. They are mothers who care deeply about their children and families. They are hard-working women trying to balance life at work and at home in a program that is rigid, inequitable, and out of touch with their realities. They are also the vulnerable and marginalized women who either are on the fringes of the labour force or don't participate. Maternity and parental benefits have improved over the past few years, and government can make even more changes to ensure the program works better for more women and their families.

Our recommendations are realistic, flexible, engendered, equitable, and focus on the health and well-being of the mother and child. If Canadian society values the role of women as caregivers and workers, our social and economic policies will reflect that.