

However, we do not wish to suggest that women covered by such plans should not be able to claim benefits to cover loss of salary due to pregnancy or childbirth.

Maternity benefits for women should be provided under new provisions of the *Unemployment Insurance Act* specific to this purpose. Maternity leave — that is, the period of leave immediately before and/or after birth — should not be equated with adoptive leave, sickness leave, or parental leave. We see the maternity period encompassing a period of time sufficient for a woman to recover from the physical aspects of giving birth. Periods ranging from four to eight weeks were suggested to us, but we are not prepared to recommend any specific period. Our concern is that benefits be flexible enough and last long enough to accommodate the needs of the majority of pregnant women and new mothers.

## The Sharing of Benefits

Adoption leave under federal law is generally granted on the same basis as parental leave. The *Canada Labour Code* (section 59.2(1)(c)) provides that an employee who has worked continuously for six months with an employer is entitled to 24 weeks of leave beginning on the day an adopted child is placed in the employee's home. Either parent or both may claim the leave, but the total amount of leave cannot exceed 24 weeks. Federal public servants who are not covered by collective agreements are entitled to 26 weeks of unpaid leave under similar circumstances. Neither the Code nor the public service policy permits both parents to take leave at the same time.

While these provisions are available to either or both parents, the *Unemployment Insurance Act* affords adoption benefits for 15 weeks to either parent but does not permit parents to split the benefits (section 32). We recommended earlier that all parents be entitled to parental benefits, not just those who have adopted a child. We also believe that these general parental benefits, which would include adoptive benefits, should be available to either parent, or both, with the option to split. Parents should be able to choose to take parental leave at the same time or consecutively, to overlap a portion of their leave, or indeed to have only one parent take the leave. This is consistent with the Canadian Human Rights Commission policy stating that leave and benefit provisions should be equal for all parents, male or female, adoptive or natural.

- 2. We recommend that parental benefits (for both natural and adoptive parents) under the *Unemployment Insurance Act* be available to either or both parents, the total amount of benefits provided not to exceed the maximum available to one parent.**

## Eligibility for Benefits

Maternity and adoptive benefits under the *Unemployment Insurance Act* are now available only to “major attachment claimants” — that is, those who have been employed in insurable employment for 20 or more weeks in the qualifying period. New entrants and re-entrants to the workforce are also subject to the 20-week requirement. Regular benefits are available to those who have worked 10 to 14 weeks, depending on the local unemployment rate. The justification for a more stringent requirement for special benefits is apparently that a stronger attachment to the workforce should be required for special than for regular benefits. The fear of abuse of the system and the cost of benefits were also factors bearing on the longer eligibility requirement.