

**1. We recommend that Parliament amend the *Unemployment Insurance Act* to recognize a two-tier system of benefits relating to childbirth:**

**the first tier (maternity benefits), to be available to women only, during late pregnancy and the period following birth; and**

**the second tier (parental benefits), to be available to either or both parents, during the period following maternity leave.**

The two-tier approach is consistent with the leave provisions of the *Canada Labour Code* (section 59.2) which provide 17 weeks of unpaid maternity leave to women and a further 24-week period of parental leave available to either parent. Similar provisions, with a slightly different length of leave, are available to federal public servants not covered by collective agreements.

## **Implementing a Two-tier System**

There are two ways to implement this recommendation, each with advantages and disadvantages. The first, and by far the simpler, would be to separate the present maternity provisions in section 30 of the *Unemployment Insurance Act* into distinct birth and parenting periods, the first part to be claimed by the mother, the second to be claimed by either parent, but not both, as is now the case with benefits for adoption. The major advantage to this approach is that it would meet equality arguments but involve no additional cost to the system.

We rejected this approach for several reasons, the most important being our reluctance to take away existing rights from one group (new mothers) in order to afford equality to another (fathers). Also, the 15-week benefit period does not provide enough time to accommodate both functions. This approach is also inconsistent with the present adoption leave provisions, where 15 weeks of benefits are available to either parent for child care and social adjustment. If this level of benefits is provided to adoptive parents, who do not experience any physical incapacity, it is appropriate that natural parents have the same parental benefits.

A second approach, which the Committee favours, is to grant parental benefits for at least the same period as that for which adoptive benefits are now available, and to provide for a separate period of maternity benefits. A drawback of this approach is that it would involve additional costs at a time when government and employers are attempting to cut back expenditures. We recognize these financial implications, but we nonetheless favour the second approach to implementing a two-tier benefits system because it is the most appropriate way of meeting the equality concerns that have been raised.

We considered the feasibility of relying on employer-sponsored sickness or disability insurance to provide benefits to women during the maternity period. We rejected this option for two reasons:

1. There are conceptual problems with treating pregnancy as an illness for the purposes of coverage under disability insurance.
2. Very few women have access to such plans, so that if maternity benefits were not provided in a disability plan, or if a woman were not covered by such a plan, she would not have access to benefits.