

Canada Labour Code

seventeen weeks of maternity leave provided under the Canada Labour Code at the time.

[English]

The legislative changes passed in 1984, with the support of all Parties, were both progressive and forward-looking in keeping with the Code's reputation as a trend setter in the field of labour legislation. For instance, the amended Code permits both natural and adoptive parents to benefit from the 24 weeks of child care leave, and it is possible for a female employee to combine both child care leave and maternity leave for a total of 41 weeks of unpaid leave.

[Translation]

Employees who take advantage of these child care and sick leave provisions are entitled to return to their original position.

[English]

The amendments of 1984 also provide that the pension, health, and disability benefits of employees absent from work under the Code's child care or sick leave provisions continue to accumulate during their absence. The Code stipulates that in order to benefit from this provision employees must continue making any monetary provision normally required of them.

As I mentioned, these progressive amendments were approved on both sides of the House and came into force on March 1, 1985. Since that time, however, it has become obvious that an amendment is necessary in order to correct the following problem concerning the accumulation of pension, health, and disability benefits by employees during child care and sick leave.

The problem is that while the law requires employees to make their normal contributions in order to continue accumulating these benefits, it does not specifically require employers to continue their contributions. In the absence of such a legislated obligation some employers are requiring employees to assume more of the costs of benefits during leave than when the employees are at work.

[Translation]

Mr. Speaker, this practice is contrary to the publicly stated intent of the law and contrary to departmental policy. Although legally, it does not constitute an offence, this practice has led to many individual complaints and to pressure by unions to have the law amended.

[English]

In considering the problems that this situation can create for employees we must remember that the Code provides for unpaid child care or sick leave. Although collective agreements may provide some form of pay during this leave, and although women on maternity leave can collect unemployment insurance up to a certain number of weeks, it is obvious that most employees who avail themselves of the Code's provisions on child care and sick leave must cope with a period of more restricted income. It may also be a period of increased expense because of the birth of a child or because of medical expenses.

Yet, as the law now stands, it is precisely during such a period of budgetary restriction that an employee can be told by an employer that if he or she wishes to accumulate benefits under the company pension plan, for example, they must pay both the employee's and the employer's share to the pension fund.

The amendments of 1984 were never intended to allow such a situation which, as I said earlier, is contrary to the publicly stated intent of the law and contrary to departmental policy.

[Translation]

Mr. Speaker, the purpose of this Bill is to remedy the problem and put an end to this unfair practice. We intend to amend the Canada Labour Code so that it clearly requires an employer to continue payment of contributions to pension, health and disability plans for employees who are on child care or sick leave, such contributions being at least equal to those paid when the employees are at work. Should employees not contribute to the plans while on leave, the employer's obligation would cease.

[English]

As I mentioned earlier, this clarification of the employer's responsibility in this area can be accomplished by replacing a few subsections of the present Code with the text contained in the Bill before us. Hon. Members will note that the proposed amendment to subsections 59.52(2) and (3) would clearly require an employer to continue the payment of contributions while an employee was on leave of absence for maternity or child care purposes. On the other hand, since employees have the option not to avail themselves of the Code's provision and not to make contributions during their absence the Bill provides that in such a case the employer's obligation to contribute would cease.

[Translation]

The Bill also proposes to amend Subsections 61.4 (2.2) and (3). This amendment would have the same effect as in the case of Subsections 59.52(2) and (3), but would apply more specifically to sick leave.

As I said before, Mr. Speaker, we are justly proud of the Canada Labour Code and the progressive provisions it contains with respect to sick leave and child care leave. However, there is a flaw which the proposed amendment is intended to rectify.

[English]

Therefore, considering the importance of these amendments to so many working men and women in Canada, and considering that Hon. Members on both sides of this House share an interest in establishing and maintaining equitable labour relations, I ask for the support and co-operation of all my hon. colleagues in ensuring quick passage of this Bill.

Mr. Jacques Guilbault (Saint-Jacques): Mr. Speaker, the support and co-operation for which the Minister of Labour (Mr. Cadieux) is asking will be forthcoming. In my opinion, Bill C-97 is a worthy piece of legislation. We believe that the