

### *Maternity Leave Act*

We were not taken completely by surprise when the Minister of Labour (Mr. Mackasey) in his white paper entitled, "Unemployment insurance in the 70's" saw fit to suggest that payments be made to those whose income has been interrupted due to sickness or pregnancy. Although it is not surprising that such a provision is contained in the white paper of the Department of Labour, those of us who sit as members of the Standing Committee on Labour, Manpower and Immigration have found that there is a considerable amount of opposition to have included in the unemployment insurance plan such a benefit for pregnant women. The mover of this bill indicated that she is concerned about what is going on and made reference to other white papers. I suggest with respect that she should also consider the white paper on veterans' legislation that was studied by the Standing Committee on Veterans Affairs to see how much stronger that particular white paper was when the committee was finished their study of it. I do not think very many members of that committee were sidetracked from this very good recommended legislation. Paragraph 4 on page 10 of the White Paper "Unemployment insurance in the 70's" reads:

In order to fill the gaps in the present system, payments will be made to those whose income has been interrupted due to sickness or pregnancy. In both cases benefits will cover a fifteen week period and will be available to anyone whose earnings cease due to pregnancy or sickness and who has been in the labour force twenty weeks or more during the previous 52 weeks.

As all members are aware, under the present act pregnant women are presently disqualified for benefits six weeks prior and after confinement. The plan to cover income lost due to pregnancy recognizes the particular status of women in the labour force. It is a step toward eliminating some of the hardships they experience, as outlined by the mover of this bill.

I believe it was two days ago when all members received a copy of the news bulletin from the Canada Department of Labour. The bulletin indicates that the Women's Bureau of the Canada Department of Labour has released a new publication entitled, "Facts and Figures: Women in the Labour Force 1969". It then states:

Data contained in the publication shows that 35.2 per cent of Canadian women were in the labour force in 1969 compared with 26.7 per cent in 1959. During 1969, of the total labour force, 32.2 per cent consisted of women, compared with 25.7 per cent in 1959.

It is also stressed in the white paper on unemployment insurance that in the case of both pregnancy and sickness the proposed scheme will not replace existing public or private programs in this field, but will complement them within specific limits. I mentioned to the Minister of Labour this morning that if we cannot have an over-all guaranteed income for the most significant portion of the Canadian population, the work force, that maybe here at least we can look toward a guaranteed annual income. We must walk before we run. I think this is a move in the right direction.

The government has of course recognized that there are many women who are covered under private and public programs and in fact are probably well covered,

[Mr. Cullen.]

but I venture to say that the vast majority of women in the work force who become pregnant are not covered under any present federal legislation. This is certainly true of the over-all work force. I suggest it is particularly true of women in the work force.

As the hon. member indicated, steps along this line have been taken by various provinces. Unfortunately, time does not permit me to go into the statutes of each province, but I have noted that under the Minimum Employment Standards Act of New Brunswick there is a clause which reads:

An employer shall not employ or keep in employ a female employee during a period of six weeks from the time of being delivered of a child or a longer period on production of a medical certificate.

Section 12 reads:

An employer shall permit a pregnant female employee to be absent from her work for a period of up to six weeks before her time of delivery on production of a medical certificate stating her delivery will probably take place within six weeks.

● (5:20 p.m.)

And in clause 13, it is provided that—

Where a female is absent from her work in accordance with sections 11 and 12, her employer shall not give notice of dismissal for reasons arising from her absence until the employee has been absent for a maximum period of 16 weeks.

The enlightened province of British Columbia has passed a bill entitled "An Act Respecting the Employment of Women before and after Childbirth". This bill became law on April 1, 1966. The wording of the British Columbia statute is very close to the wording used in Bill C-6, and no doubt the hon. member has used these forms as her precedent. In my own province, the Province of Ontario, there exists an act entitled "An Act to Prevent Discrimination in Employment because of Sex or Marital Status". Although the bill received Royal Assent on June 26, 1970 it is not yet in force, although it will be in force on the day proclaimed by the Lieutenant Governor. This statute, in section 9, advises that:

An employer shall not terminate the employment of an employee because of her pregnancy but the employer, before or after the commencement of the period referred to in subsection 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

I would hate to be the civil servant who had to make that particular determination.

The statute of the Province of Ontario has one further section to give some protection to the employer in that it advises that the section does not apply in respect of an employer unless he employs 25 or more employees. To this extent, it seems to me there is a measure of discrimination involved.

Hon. members may wonder why I am interested in this particular area. First, I would say my interest was aroused by the government's white paper entitled "Unemployment Insurance in the 70's." I noted that it is the intention of this government that since under the