

Maternity and Parental Benefits

“ Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole... ”

**—Preamble to United Nations
Convention on the Elimination of
All Forms of Discrimination against
Women, 1980**

Introduction

Federal law accommodates women's childbearing functions by providing for unpaid maternity leave under the *Canada Labour Code* and in government employment policies. It also provides benefits for mothers under the *Unemployment Insurance Act* for the 15-week period surrounding childbirth. The intent of this legislation is to protect jobs and a portion of the wages of female workers who must leave the workforce to have children. It recognizes that women in the workforce have special needs relating to pregnancy and childbirth that are specific to them.

The Committee believes that there is no denial of equality to men by providing this type of protection to women during the period surrounding childbirth. However, several criticisms can be made of the Canadian system of maternity and parental protection on equality grounds. Perhaps the most obvious flaw is that men are unable to claim benefits under the *Unemployment Insurance Act* during any part of the 15-week benefit period should they wish to remain at home to participate in early child care.

Maternity Benefits

The *Unemployment Insurance Act* guarantees benefits to people meeting the entrance qualifications whose earnings have been interrupted due to job loss or layoff.