

# PAID PARENTING WINNING MATERNITY AND PARENTAL LEAVE BENEFITS

Where did paid parental leave come from, and what role did unions and organized working people play in bringing this benefit about?

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Today, professionals and many working parents across BC and Canada enjoy the benefit of leave with pay after the birth or adoption of a child.

This benefit has not always existed, and it continues to evolve, reflecting the aspirations of parents for financial security and changes in public policy and collective agreements.

Parental leave benefits are relatively generous for some workers and meagre or non-existent for others. In Canada, the current system combines a state-supported entitlement through the Employment Insurance (EI) system with an employer-paid entitlement for workers covered by workplace agreements.

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## FEDERAL ACTION FOR PARENTAL RIGHTS

Until the 1970s, few workers in Canada enjoyed entitlements to paid parental leave. Provisions in workplace agreements were often confined to granting a mother the right to take leave without pay for a period following the birth of a child; this provision was enacted into British Columbia law in 1966 and federally in 1971. Few provisions existed for leave for fathers or workers who became parents through adoption.

For working mothers, the lack of paid parental leave presented serious challenges and skewed access to unpaid leave along socio-economic lines. Higher-paid women or those with partners earning high incomes were best positioned to make use of the entitlement to unpaid leave.

Clearly, a change in policy was needed.

Women's groups and unions had advocated for decades for social welfare programs geared toward women, beginning with the introduction of "mother's pensions" and family allowances after the first and second world wars. These programs provided a measure of financial independence and security for women, while reflecting a gendered conception of women's role in society and the workforce.

As the proportion of women working outside the home increased, from less than one-fifth of the paid labour force in the 1940s to nearly half by the 1970s, pressure mounted to expand Canada's social welfare system to include paid parental leave. Grace MacInnis, the NDP member of parliament for Vancouver South, and the only woman in Canada's House of Commons in 1968, introduced private



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members' bills to extend paid maternity benefits to women employed in the federal civil service. While the bills were not passed, they helped raise the profile of the economic plight of working women.

The 1970 report of the Royal Commission on the Status of Women increased pressure on the federal government to act, acknowledging that "special treatment related to maternity will always be necessary."

In 1971, the government of Canada responded, introducing changes to the Canada Unemployment Insurance Act that provided 15 weeks of paid maternity leave to birth mothers. Over time, this benefit would expand to include adoptive parents (in 1983) and birth fathers (in 1990). In 2001, the benefit period was extended to support up to 50 weeks of paid leave for birth mothers and 35 weeks for birth fathers and adoptive parents.

At the same time, changes to EI eligibility rules negatively impacted the ability of part-time and casual workers, many of whom are women, to access to parental benefits. Since the 1990s, successive federal governments have retreated from their commitments to deliver strong, universally accessible social programs, leaving a growing number of working people without access to benefits such as paid parental leave.

According to a 2010 study, only two-thirds of mothers in Canada were eligible for EI-paid maternity leave, and fewer than one-fifth received top-up pay through employers. As well, EI benefits are capped at 55 per cent of normal earnings to a maximum of \$537 per week, and are subject to a two-week unpaid waiting period, imposing financial hardship on many new parents.

In contrast, Quebec has administered its own parental insurance program since 2006, with more generous benefit provisions of up to 75 per cent of normal earnings, no waiting period, a specific benefit for fathers and a much lower threshold on eligibility. This has fuelled demands for reform of the system in English Canada into a federal social program funded by general revenue, rather than through the EI system.

## PAID PARENTING IN COLLECTIVE BARGAINING

Limitations in the paid parental leave provisions available through Canada's Employment Insurance system have also inspired workers and unions to demand top-up benefits, or "supplemental unemployment benefits" (SUBs), through the collective bargaining process.



The “common front” mobilization of Quebec public sector unions in the 1970s won the first “top-up” parental-leave language in collective agreements in Canadian history.

A watershed moment for occupational parental rights arrived in 1979, when Quebec workers in the “common front” public sector unions won 20 weeks of paid maternity leave, alongside 10 weeks of paid leave for parents who adopted a child and 5 days’ paid leave for birth fathers. This entitlement covered one-fifth of working women in Quebec.

Two years later, in 1981, the Canadian Union of Postal Workers waged a 42-day strike to win, among other gains, 17 weeks of paid maternity leave, becoming the first major union in English Canada to secure employer-paid parental leave in a collective agreement.

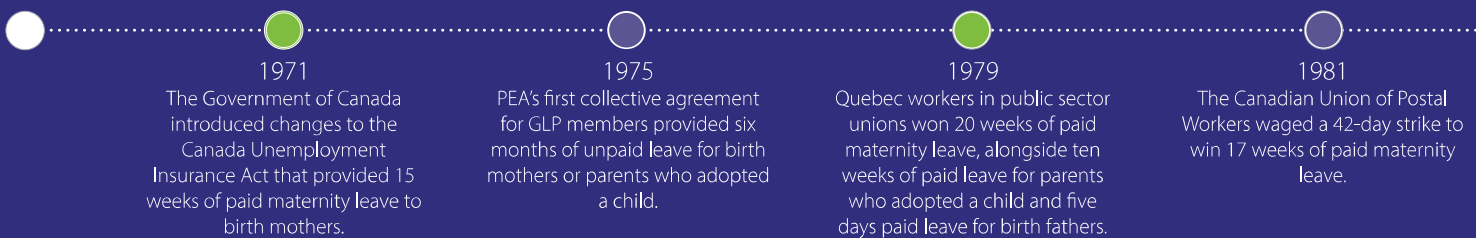
These gains by the Quebec public sector workers and Canadian postal workers encouraged other workers to seek paid parental benefits in their collective agreements.

Most employers strongly resisted efforts to provide top-up parental pay. By the end of the 1980s, these benefits were the

norm in only Quebec, Manitoba and Ontario. In BC, Workers’ Compensation Board employees were one of the few groups of workers with employer-paid parental leave, reflecting the anti-labour climate of the Social Credit “restraint” period in the 1980s.

## PAID PARENTING FOR PEA MEMBERS

The PEA’s first collective agreement—applying to professionals in the BC public service beginning in 1975—provided six months of unpaid leave for birth mothers or parents who adopted a child. The contract also stipulated that professionals could return to work with no loss of accumulated seniority, and that the employer would continue to cover their portion of extended health and other benefits during the leave period.



After the postal workers' victory in 1981, the PEA distributed a questionnaire asking professionals in the public service whether the current contract provisions were adequate or whether the PEA should "press for improvements in the length of time available and/or the payment of salary during maternity leave."

Efforts by professionals to secure top-up pay in the 1980s were frustrated by a downturn in the provincial and global economies and a Social Credit provincial government that sought to roll back rather than extend the benefits of working people.

It was not until 1992, after the New Democratic Party returned to power, that professionals in the BC public service won paid parental leave from the employer. This benefit was incorporated into the PEA's first contract at the University of Victoria in 1995. After federal EI changes in 2000, PEA agreements were revised to reflect the extended benefit period.

Legislative changes around this time also ensured access to parental rights for same-sex couples, including the spouses of birth parents and adoptive parents.

Today, all PEA agreements provide language around parental leave. Where both parents are PEA members entitled to benefits, these can often be apportioned between the two employees, mirroring the federal system.

However, there is wide variation in professionals' entitlement to top-up pay in different bargaining units. PEA members in the Government Licensed Professionals', Oil and Gas Commission and St. Margaret's School chapters receive the most generous top-up pay, with birth mothers receiving a top up to 85 per cent of basic pay for the first 17 weeks of leave, and all parents, including adoptive parents, entitled to 37 weeks at 75 per cent of normal pay (to a total of 52 weeks for birth mothers).

At the University of Victoria, parents are entitled to 18 weeks at 95 per cent of normal pay. Birth mothers are entitled to an additional 34 weeks of unpaid leave, while birth fathers and adoptive parents are entitled to an additional 17 weeks of unpaid leave.

In some bargaining units, there is no provision for top-up pay, with professionals relying exclusively on EI benefits. Variations

in paid parental leave reflect the history and pattern of collective bargaining in various sectors.

## THE FUTURE OF PARENTAL RIGHTS

Compared to the situation facing working parents prior to the 1970s, the current combination of federal EI- and employer-paid parental leave provides a measure of financial security for many parents, encouraging a nurturing environment following the birth or adoption of a child.

However, compared to jurisdictions such as Sweden, where parents are entitled to up to two years of publically funded paid leave (with 60 days reserved for each parent and the remainder apportioned between the parents), and Quebec, with its more generous parental insurance program and specific paternity-leave provisions, working parents in BC have a long way to go.

There is also a need for broader equality in access to paid parenting by casual, part-time and unemployed workers, many of whom have no access to either EI or employer-paid benefits. This has the effect of amplifying economic and social inequalities, since it disproportionately impacts the lowest-paid workers, many of whom are women, workers of colour and young workers.

The continuing evolution of parental rights in Canada—including serious consideration of a universal federal social program to replace the current EI-administered system—would help make the advantages of paid parenting accessible to all new parents.

Access to generous parental rights has clear benefits to individual families and society as a whole. Provisions such as dedicated paternity leave help create greater equality within households, encouraging fathers to assume a larger role in the burdens and joys of parenting and other domestic labour.

Longer paid-leave provisions for both parents, with adequate replacement of earnings, help strengthen the connection between parents and children during their formative years. This has far-reaching benefits to the long-term development and wellbeing of children and the citizens they will become. •



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