Paid Health and Family Leave: The Canadian Experience in the Global Context

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ABSTRACT

Objectives: Two thirds of Canadian adults participate in the workforce. Their health and that of their families can be markedly affected by the availability of paid sick leave, paid leave to care for family members' health and paid parental leave.

Methods: We gathered data from all Canadian provinces and territories on these essential leave policies and compared Canadian policies with data collected on 186 United Nations (UN) countries.

Results: While Canada pays sickness benefits for 15 weeks for serious illnesses, globally at least 90 countries provide benefits for at least 26 weeks or until recovery. Moreover, within Canada only Saskatchewan and Quebec guarantee job protection if sick leave lasts over 12 days.

The federal government guarantees Canadian workers six weeks of paid leave to provide care or support to gravely ill family members. Only 39 countries guarantee such leave with pay. Most, but not all, provinces guarantee workers' job protection during compassionate care leave.

Eligibility for job protection during parental leave varies across the country from having no restrictions to requiring at least one year of service.

Conclusion: Compared with Canada, many countries offer a longer duration of paid sick leave for employees and replace a higher percentage of wages lost. Internationally, Canada performs well in having policies that guarantee paid leave to care for dependants with serious illnesses, but it lags behind in the provision of paid leave to address the health needs of children or family members' with non-life-threatening conditions. Finally, while paid parental leave is of adequate duration, the wage replacement rate lowers its accessibility to families with limited means.

Key words: Sick leave; family leave; parental leave; public policy; comparative study; provincial government

La traduction du résumé se trouve à la fin de l'article.

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Work shapes the lives of Canadian adults and those they care for. Two thirds of Canadian adults participate in the workforce, including over 70% of men and over 60% of women aged 25 and over.¹ Work determines Canadians' income and shapes their health by influencing where they live, framing their social environment and defining their exposures. Working conditions are one of the most important determinants of health for adults, and for the children and elderly family members they care for. In 2007, in Canada, 68% of mothers with children under age 6 were employed, as were 80% of mothers with children aged 6-15.² In addition, an estimated 2.85 million or more Canadians provide care and assistance to family members in need of support,³ and almost half of these caregivers are employed either full- or part-time.⁴

This article examines provincial and territorial policies in Canada with respect to three forms of paid leave that have the potential to substantially affect the health of workers and their families: paid sick leave for employees, paid leave to care for the health of family members and paid parental leave. Research has shown that taking the necessary time to rest and recuperate when sick encourages a faster recovery⁵ and can prevent minor health conditions from progressing into more serious illnesses that require more costly medical treatment and longer absences from work.⁶⁻⁸ Without paid sick days, working families are placed at risk economically, experiencing wage and job loss when they take time off to care for themselves or for family members.⁹⁻¹² Paid sick days make an enormous difference in adults' ability to return to work and keep their jobs

after both major and minor illnesses. In a study of US nurses, paid sick days were the only benefit that was significantly associated with an increased likelihood of returning to work: nurses with paid sick days were 2.6 times more likely to return to work after a heart attack or angina.¹³

Paid sick days can also benefit employers by limiting the spread of infectious diseases in the workplace.^{14,15} As just one example, the US Centers for Disease Control and Prevention recommended that Americans stay home when sick with influenza, a disease that leads to 200,000 hospitalizations and over 36,000 deaths in an average year.^{16,17} In fact, recent studies have documented that the costs incurred as a result of sick employees coming to work often surpass the costs of sick employees staying home.^{18,19} In health care and service settings, providing sick days also helps protect patients and customers. For instance, rates of respiratory and gastrointestinal outbreaks are lower among residents in nursing homes that provide their employees with paid sick days.²⁰

Workplace policies are also essential to adults' ability to meet their families' health needs. Studies of hospitalized children have

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shown that sick children have shorter recovery periods, better vital signs and fewer symptoms when their parents share in their care,²¹⁻²⁴ with parents' presence reducing children's hospital stays by 31%.²⁵ Our research with families and child care providers showed that when parents lack paid leave to care for family members they are far more likely to send their sick children to child care and school,^{12,26,27} thereby exacerbating the higher rate of observed infections in day care centres, including higher rates of respiratory and gastrointestinal infections.²⁸⁻³³ Similarly, without paid leave to care for their children, resource-poor parents may have little choice but to miss crucial doctors' appointments or to have sick children stay home alone, where they may be unable to see physicians for diagnoses, medication or emergency help. Resource-poor parents with paid leave to care for their families are five times as likely to be able to care for sick children at home,²⁷ and they are more likely to provide preventive health care. Similarly, a wealth of research has shown that when sick adults receive support from family members, they have substantially better health outcomes from conditions such as heart attacks and strokes,³⁴⁻³⁶ and they live longer.^{37,38}

Parental leave plays as large a role as medical leave in promoting families' health. A study analyzing data from 16 countries over 25 years concluded that paid parental leave policies significantly decreased child mortality, even after controlling for income, health technology and other factors likely to influence child health.³⁹ Decades of research have examined the importance that time to form bonds with parents has on infants' psychosocial development⁴⁰⁻⁴³ and on children's later development.⁴⁴⁻⁴⁶

While the bulk of the literature to date has focused on the bonds between mothers and infants, there is no evidence to suggest that bonding between fathers and their children is less significant. The transformations that have occurred in women and men's work and family lives make it just as pressing for working men to receive adequate leave to care for family members as it is for women. The impact of the bond between fathers and infants has been a growing area of research in recent years.^{47,48} In the absence of paternity and family leave policies, men do not have the same opportunities as women to develop relationships with their children and aging family members, many women carry double the workload of most men through a combination of paid and unpaid work, children are unlikely to receive as much parental care, marriages are placed under greater stress,⁴⁹ and new mothers are more likely to suffer from maternal depression.⁵⁰ Paternity leave policies offer a significant advantage over parental leave in terms of promoting gender equality: it has been demonstrated that when leave is available that can only be used by the father, fathers are more likely to take leave and stay at home to care for a new child than when the leave available can be used by either or both parents.⁵¹

Parental leave also increases the probability and duration of breastfeeding, the benefits of which have long been demonstrated in the medical literature.^{52,53} Generous maternity leave benefits have given European mothers the opportunity to continue exclusively breastfeeding their infants at home for at least 6 months, as recommended by the World Health Organization, and to continue breastfeeding with appropriate complementary solid foods in the second half of the first year of life.⁵⁴ Breast milk contains the ideal mix of nutrients that are key for infant development,⁵⁵ and studies in both industrialized and developing countries have revealed that breastfed infants have a 1.5- to 5-fold lower relative risk of mortal-

ity.⁵⁶⁻⁵⁸ Breastfeeding has been shown to markedly reduce the risk of gastrointestinal infections,⁵⁹⁻⁶² respiratory tract infections,⁶²⁻⁶⁵ otitis media,^{66,67} meningitis,⁶⁸ sudden infant death syndrome⁵³ and atopic dermatitis in infancy.⁶⁹ One of the most consistent benefits reported in epidemiological studies has been the accelerated neurocognitive development of breastfed infants.^{70,71} Health benefits have also been reported for mothers, including accelerated postpartum weight loss, reduced risk of premenopausal breast cancer and possible reduced risks of ovarian cancer and osteoporosis.⁵³

Recognizing the important impact of leave policies on working families' health and well-being, we measure how Canada's provincial and territorial public policy compares with that of other countries around the world.

METHODS

Canadian data

We gathered data from all Canadian provinces and territories on three paid leave policies essential to health: paid sick leave for employees, paid parental leave and paid sick leave to care for family members. We then compared the Canadian policies with our data on 186 of 192 UN nations.

Understanding the jurisdictions

Canada is a federal state, meaning that the control or jurisdiction over policies is divided between the federal government and the provinces or territories. The division of authority over specific areas of legislation is laid out in sections 91 and 92 of the *Constitution Act*, 1867. Labour, education, childcare, human rights and discrimination generally fall within provincial or territorial jurisdiction, although there are important exceptions. By virtue of the sector in which they work, approximately 10% of the population is covered by the Federal Labour Code.^a

The federal government can provide funding to all provinces and territories, notwithstanding the provincial government's authority over the issues at stake. For example, although job protection during paid leave is legislated at the provincial or territorial level, the payments received by the employees on leave come from the federal government's Employment Insurance (EI) program. This applies for earnings associated with maternity and parental leave (except in Quebec, which has opted out of the federal program in favour of its own), compassionate care leave and long-term sick leave.

Description of data sources

Information was collected between the months of June 2007 and July 2008 on paid leave policies across the relevant Canadian jurisdictions. Information sources included provincial, territorial and federal labour codes, as well as other universally applicable legislation and policies addressing the needs of working families. Programs that were not guaranteed by law were not included.

Data checking and verification

To minimize omissions and assure accuracy, the collected information was confirmed with experts within the relevant departments in the provinces, territories and federal government. Labour,

^a This includes individuals working for the Government of Canada and those working in an industry regulated by the federal government according to the *Constitution Act*, 1867.

Figure 1. Sick leave in full-time equivalent weeks

education, health and social services departments were contacted, as well as human rights bodies and disability offices.^b

Global data

In order to assess how Canadian provinces and territories are performing relative to countries around the world, we compared them with data collected by the Project on Global Working Families.

We analyzed labour codes and other relevant legislation, including acts and decrees governing working time, holidays and leave, and those protecting the rights of families. The International Labour Organization is the world's single most comprehensive source of labour legislation, and the vast majority of legislation used in our analysis is from its NATLEX database, which contains legislation related to labour, social security and human rights. The research team was able to read labour codes and legislation available in French, Spanish, English, Chinese, Portuguese and Arabic, and we examined every labour code and piece of legislation that relates to Index items. Our final review of the NATLEX database was completed in 2008. We conducted additional Internet searches for the government websites of specific countries, which we reviewed for the most current versions of legislation referred to elsewhere.

We used the *Social Security Programs throughout the World* database, the most comprehensive source of global data on social security policies, to analyze the availability of paid sick and parental leave through social insurance.

Further information on the global data is available online,⁷² and detailed methods of the global research have been previously published along with global findings.⁷³

RESULTS

Sick leave

In Canada, sickness benefits are available through the federal government for individuals who are unable to work because of illness, injury or quarantine. To receive EI benefits, employees must have experienced a decline in income of at least 40% as a result of time taken off work for an illness and must have worked a minimum of 600 insurable hours within the qualifying period, usually defined as the past year (52 weeks). Payments are usually based on the last

^b When targeted departments did not exist, we contacted the departments responsible for these topics.

Figure 2. Maximum job protection for personal health needs

* In Ontario, leave for personal health needs is only available to those working in companies with 50 or more employees.

† In Saskatchewan, up to 12 days of leave is provided for illnesses or injuries that are not serious.

six months (26 weeks) of insurable earnings, up to a yearly maximum in 2008 of \$41,100. If workers have reduced their hours before their claim (for instance, because of sickness), the reduced weekly earnings are used as a reference for the calculation and affect benefit levels.

Many countries provide social insurance or paid sick leave for personal health needs,^c but there is a marked difference in the level of benefits among nations. While Canada typically pays sickness benefits from the 3rd to the 17th week of illness, globally at least 90 countries provide benefits for at least 26 weeks or until recovery. Canada replaces 55% of an employee's weekly insurable income, whereas at least 127 countries provide a higher wage replacement rate, 81 countries replacing 100% of lost wages for at least part of the leave. Canada provides only 8.25 full-time equivalent (FTE) weeks (wage replacement rate multiplied by duration of coverage), placing it below the majority of the world (see Figure 1). Canada also lags behind when compared with the majority of its OECD (Organisation for Economic Co-operation and Development) counterparts. Indeed, 22 countries out of the organization's 30 members offer a longer paid sick leave, including, among others, Austria, Denmark, France, Germany, Japan, the Netherlands, Norway and Sweden.

While paid sickness benefits are received through the Canadian federal EI plan, the right to job protection during sickness is legislated within each province or territory. Federal sickness benefits are provided for 15 weeks, but most jurisdictions do not offer job protection for this period. In fact, only Saskatchewan, Quebec and federally regulated industries guarantee workers job protection if sick leave lasts over 12 days.^d The others offer no job protection or only protect workers' jobs for a short period (see Figure 2). As there is typically a waiting period of 10 working days before any federal benefits can be paid, this short-term job protection effectively acts as unpaid sick leave for short-term illnesses. Globally, Canada lags behind: at least 106 countries guarantee *paid* short-term leave for personal health needs. Eighteen OECD countries also guarantee

^c 156 countries provide paid sick days for personal health needs.

^d Federal. Employment Insurance Act, S.C. 1996, c. 23: 12, 14.; Federal. Canada Labour Code, R.S.C. 1985, c. L-2: 239. Québec. Labour standards, An Act respecting, R.S.Q. c. N-1.1: 79.1-79.6.; and Saskatchewan. Labour Standards Act, R.S.S. 1978, c. L-1: 44.2.

Figure 3. Maternal leave (maternity and parental) in full-time equivalent weeks

this leave, including, among others, Australia, Austria, Denmark, Finland, Germany, the Netherlands, New Zealand, Norway and Switzerland.

Family medical leave

Internationally, Canada performs well in having policies that guarantee paid leave to care for dependants with serious illnesses. The federal government guarantees six weeks of paid leave over a period of 26 weeks to provide care or support to gravely ill family members at risk of dying within six months.^e Only 39 countries guarantee such leave with pay, among them 16 out of 30 OECD members. Notably, Canada's definition of "family member" is very expansive, covering a broad range of relationships, and compas-

Figure 4. Eligibility for parental leave benefits

* Full time is defined here as 35 hours/week, following the model provided in the 1996 remodeling of EI.

sionate care leave can be split among family members.^f As with sick leave, job protection is determined on the provincial/territorial level. Most jurisdictions guarantee workers their jobs during compassionate care leave,^g with the exception of Alberta.

Canada lags behind in the provision of paid leave to address children or family members' health needs for non-life-threatening conditions. Globally, at least 56 countries provide leave explicitly to address children's health needs, and of these at least 39 provide pay. Among the OECD countries, 15 provide paid leave without limiting this to severe or life-threatening illness of children.

Many provinces offer *unpaid*, job-protected leave that can be used for children's non-life threatening health needs, ranging in length from 2 to 10 days per year.^h Alberta, the territories and the federal jurisdiction do not make this guarantee, and Ontario only provides comparable leave for employees in large companies (excluding roughly 29% of the work force).ⁱ In some cases, other protections exist, such as human rights legislation or collective bargaining agreements.

^e The benefits are renewable if the family member survives the 26-week period but remains at immediate risk of dying. Like sickness benefits, these "compassionate care" benefits are paid at 55% of workers' regular insurable earnings. Federal: Employment Insurance Act, S.C. 1996, c. 23: 5-6, 12-14, 23.1; Service Canada (2008) "Employment Insurance (EI) and maternity, parental and sickness benefits." <http://www1.servicecanada.gc.ca/en/ei/types/special.shtml>

^f See: http://www1.servicecanada.gc.ca/en/ei/types/compassionate_care.shtml#family.

^g All provinces and territories that offer job protection during compassionate care leave explicitly or functionally include an employee's spouse or partner, children, and parents in the definition of a family member. Most provinces and territories also include extended family, step-relations, foster-relations and in-laws. PEI and Quebec have the most limited definition of family, as they do not explicitly include aunts and uncles, foster children, and foster parents in their definitions, nor do they have a general caveat for their functional inclusion. Alberta (2006). "Employment Standards Fact Sheet: Compassionate Care." http://employment.alberta.ca/documents/WRR/WRR-ES-FI_esfs28.pdf; British Columbia. Employment Standards Act, R.S.B.C. 1996, c. 113: 1, 52.1; Federal. Canada Labour Code, R.S.C. 1985, c. L-2: 206.3.; Federal. Employment Insurance Act 1996, c. 23: 23.1; Federal. Employment Insurance Regulations, S.O.R./96-332: 41.11; Manitoba. Employment Standards Code, C.C.S.M. c. E110: 59.2; Manitoba. Employment Standards Regulation, Man. Reg. 6/2007: 22; New Brunswick. Employment Standards Act, S.N.B. 1982, c. E-7.2: 1, 44.024; Newfoundland and Labrador. Labour Standards Act, R.S.N.L. 1990, c. L-2: 43.13- 43.16; Newfoundland and Labrador. Labour Standards Regulations, C.N.L.R. 781/96: 11.1; Northwest Territories. Employment Standards Act, S.N.W.T. 2007: 1, 23.1, 30, 31; Nova Scotia. General Labour Standards Code Regulations, N.S. Reg. 298/90: 7C; Nova Scotia. Labour Standards Code, R.S.N.S. 1989, c. 246: 60E.; Nunavut. Labour Standards Act, R.S.N.W.T. 1988, c. L-1: 39.1-39.8.; Ontario. Employment Standards Act, 2000, S.O. 2000, c. 41: 45, 49.1; Ontario. FAMILY MEDICAL LEAVE - PRESCRIBED INDIVIDUALS, O. Reg. 476/06: 1-2; Prince Edward Island. Employment Standards Act, R.S.P.E.I. 1988, c. E-6.2: 22.3; Prince Edward Island. Family Law Act, R.S.P.E.I. 1988, c. F-2.1 : 29; Québec. Labour standards, An Act respecting, R.S.Q. c. N-1.1: 1, 79.8; Saskatchewan. Labour Standards Act, R.S.S. 1978, c. L-1: 29.3, 44.2; Yukon Territory. Employment Standards Act, R.S.Y. 2002, c. 72: 60; Yukon Territory. Employment Standards, Act to amend, S.Y. 2003, c. 22: 1, 2, 60.1.

^h British Columbia offers up to 5 days a year, Saskatchewan up to 12 days, Manitoba up to 3 days, Ontario up to 10 days for specified workers, Quebec up to 10 days, and Newfoundland and Labrador up to 7 days, while the rest of the Maritimes offer up to 3 days. All provinces that offer family leave explicitly or functionally include an employee's spouse, children, parents and siblings in the definition of a family member. Grandchildren and grandparents are explicitly mentioned in most provinces. Nova Scotia, Ontario and Manitoba have the most expansive definitions of family with respect to step-relations, foster-relations or in-laws eligible for family leave. British Columbia. Employment Standards Act, R.S.B.C. 1996, c. 113: 1, 52, 52.1; Manitoba. Employment Standards Code, C.C.S.M. c. E110: 59.2, 59.3; Manitoba. Employment Standards Regulation, Man. Reg. 6/2007: 22; New Brunswick. Employment Standards Act, S.N.B. 1982, c. E-7.2: 1, 44.022; Newfoundland and Labrador. Labour Standards Act, R.S.N.L. 1990, c. L-2: 43.11; Nova Scotia. Labour Standards Code, R.S.N.S. 1989, c. 246: 60E, 60G; Nova Scotia. General Labour Standards Code Regulations, N.S. Reg. 298/90: 7C; Ontario. Employment Standards Act, 2000, S.O. 2000, c. 41: 45, 50; Prince Edward Island. Employment Standards Act, R.S.P.E.I. 1988, c. E-6.2: 1, 22.1; Prince Edward Island. Family Law Act, R.S.P.E.I. 1988, c. F-2.1 : 29; Québec. Labour standards, An Act respecting, R.S.Q. c. N-1.1: 1, 79.7; and Saskatchewan. Labour Standards Act, R.S.S. 1978, c. L-1: 29.3, 44.2.

ⁱ In Ontario, personal emergency leave is available to employees who work for companies that employ 50 employees or more. Leave provides for up to 10 days per calendar year of unpaid, job-protected leave for employees' personal illness, injury, or medical emergency, or to attend to the death, illness, injury, medical emergency of, or urgent matter concerning specified relatives. 2007 Figures. Canada (2008) Statistics Canada, CANSIM, table (for fee) 281-0042 and Catalogue no. 72-002-X. Last modified: 2008-03-31.

Figure 5. Length of tenure* required for job protection during maternity, paternity or parental leave

* In Ontario and Newfoundland and Labrador, the length of tenure is measured from the day a woman began working to her due date (as opposed to the day she intends to commence her leave).

Parental leave

In Canada, the maximum paid leave for women (including both maternity and parental leave) is 50 weeks if their partner does not take any of the shared parental leave.^j The maximum paid leave for men (including both paternity and parental leave) is 37 weeks in Quebec and 35 weeks in the rest of Canada if their partner does not take any of the shared parental leave.^k

Paternity leave has been found to increase the uptake of leave by men and increase equity in caregiving. In Canada, men may take parental leave, but only Quebec provides paternity leave for men's exclusive use.

In all of Canada except Quebec, parental leave benefits are received through the federal EI plan and follow the same conditions described earlier regarding insurable income.^m Quebec has opted out of the federal parental benefits system and has created its own parental benefits package, which offers parents the choice of two plans: Quebec's "basic plan" offers lower wage replacement rates for a longer period of time, and the "special plan" offers higher wage replacement rates for a shorter period of time.

In Canada, the federal government provides a wage replacement rate of 55% of a family's insurable income, and Quebec's wage replacement rate ranges from 55% to 75%.ⁿ Canada fares well in global comparison when FTE weeks are examined: Canada provides 27.5 FTE weeks of maternity and parental leave, and Quebec provides a maximum of 31.25 FTE weeks, placing it among the top 20% of nations. Nonetheless, 12 OECD countries fare better than Canada, including Austria, the Czech Republic, Denmark, Finland, Germany, Italy, the Republic of Korea, Luxembourg, Norway, Slovakia, Sweden and the United Kingdom.

Self-employed adults are eligible to opt into benefit programs in Quebec. The qualifying conditions for benefits are less stringent in

Quebec: while employees in the rest of Canada must work at least 600 hours of work in the insured period, Quebec employees are only required to earn \$2,000 of insurable income over the same period, which, as illustrated in Figure 4, effectively means that many more people meet the eligibility criteria.

Eligibility for job protection during parental leave varies across the country.^o In Alberta, Northwest Territories, Nova Scotia, Nunavut and Yukon Territory, workers must have completed one year of service with an employer to be eligible, whereas no such restrictions exist in British Columbia, New Brunswick and Quebec. More details are provided in Figure 5. All provinces and territories prohibit employee dismissal or other forms of reprisal because of pregnancy, or maternity, parental or adoption leave.^p

DISCUSSION

While Canada has made valuable advances in paid health and family leave, both national and provincial policy lag behind in several important areas that are critical to the health of Canadians. Relative to global standards, many of the provinces are quite weak when it comes to job protection for sick workers. Although some provinces offer lengthy job protection, other provinces and territories, including Alberta, British Columbia and Nunavut, have no job protection whatsoever. This means that an individual who is absent because of a bad case of the 'flu or gastroenteritis may not have a job to return to. The lack of job protection in these three provinces and territories, as well as the extremely short job protection in Nova Scotia, Manitoba and Prince Edward Island, places workers' health at risk, as well as the health of those with whom they come into contact at work. It increases the probability that nursing home workers, food service workers and other individuals involved in service positions will come to work sick. The lack of job protection decreases the likelihood that employed adults will be able to receive prompt care. While the federal guarantee of sick leave insurance is a valuable step, it does not provide any job protection and provides no pay for short-term illnesses.

When it comes to major illnesses, social insurance is critical to prevent individuals from falling into poverty when cancer and other major illnesses strike. Canada's provision of barely over half-pay for 15 weeks is low by global standards. Even when some families have substantial savings, it is likely to put many other low- and moderate-income families at financial risk and to be a cause of bankruptcy, housing loss and other large economic impacts. Limited insurance is also likely to restrict the ability of individuals with major illnesses to afford medicines and elements of the care they need to pay for, even within the context of the Canadian publicly financed health care system.

In contrast, Canada's policies allowing employees to take leave to care for family members' life-threatening illnesses are strong in a

^o Alberta. Employment Standards Code, R.S.A. 2000, c. E-9, 45; Federal. Canada Labour Code, R.S.C. 1985, c. L-2, 206a; Manitoba. Employment Standards Code, C.C.S.M. c. E110, 53; Newfoundland and Labrador. Labour Standards Act, R.S.N.L. 1990, c. L-2, 40(1); Nova Scotia. Labour Standards Code, R.S.N.S. 1989, c. 246, 59(1); Northwest Territories. Employment Standards Act, R.S.N.W.T. 2007: 28; Northwest Territories. EMPLOYMENT STANDARDS REGULATIONS, N.W.T. Reg. 020-2008: 11-12; Ontario. Employment Standards Act, 2000, S.O. 2000, c. 41, 46(1); Prince Edward Island. Employment Standards Act, R.S.P.E.I. 1988, c. E-6.2, 19(1); Saskatchewan. Labour Standards Act, R.S.S. 1978, c. L-1, 23(1); and Yukon Territory. Employment Standards Act, R.S.Y. 2002, c. 72, 36(1).

^p Labour Branch, Human Resources Development Canada. Family related and other leaves. 2001. http://www.servicecanada.gc.ca/eng/lp/sp/ila/ccli/eslc/family_e.pdf

^j Federally, 15 weeks of maternity benefits are for the mother to recover from the physical effects of childbirth; thirty-five (35) weeks of parental benefits can be used by one parent (mother or father) or shared between both.

^k Quebec. Parental insurance, An Act respecting, R.S.Q. c. A-29.011: 9, 18; Federal. Employment Insurance Act, S.C. 1996, c. 23: 5-6., 12-14

^m Workers must accumulate 600 hours (or for the self-employed, \$6,000) of insured work in the previous 52 weeks to be eligible for EI special benefits, including maternity, parental, sickness, and compassionate care.

ⁿ Parental insurance, An Act respecting, R.S.Q. c. A-29.011: 9, 18; Federal. Employment Insurance Act, S.C. 1996, c. 23: 5-6., 12-14.

global context. Providing six weeks of paid leave renewable every 26 weeks, Canada is ahead of many affluent nations and is certainly ahead of the majority of the world. In terms of leave to care for family members more broadly, there are two limitations: first, Alberta guarantees no job protection even for life-threatening family illnesses, and, second, the length of leave available to care for a child or aging parent with a non-life-threatening illness is quite variable by province. It is critical that all working adults be able to take at least a modest amount of leave from work to care for their family's health without risking job loss.

Recent changes in Canada's EI program have increased access to parental leave by establishing a mechanism to offer parental leave benefits to self-employed workers beginning in 2011.⁹ This will fill one important gap. While parental leave is of adequate duration, the low wage replacement rate for parental leave in Canada (outside of Quebec) still needs to be addressed, as it limits access to those without financial reserves.

The evidence that social conditions play a significant role in public health is strong. One of the ways that we can most readily improve the health of Canadians is by improving labour conditions. Guaranteeing adequate paid sick and family leave for working adults across the country is one of the most affordable ways for us to rapidly improve the ability of Canadians to meet their own health needs and those of their young, aging, or disabled family members.

⁹ "Regulations Amending the Employment Insurance Regulations." Canada Gazette. 2010-01-22, 144(1):1-21. <http://www.gazette.gc.ca/rp-pr/p2/2010/2010-01-22-x1/pdf/g2-144x1.pdf> and Service Canada (2010). "Employment Insurance Benefits for Self-Employed People" http://www.servicecanada.gc.ca/eng/sc/ei/self_employed_workers.shtml

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RÉSUMÉ

Objectifs : Deux tiers des adultes canadiens se trouvent sur le marché du travail. Leur santé et celle de leur famille pourraient sensiblement être affectées par la disponibilité de congés de maladie payés, de congés payés permettant de prendre soin de la santé d'un parent et de congés parentaux rémunérés.

Méthodes : Nous avons recueilli des données pertinentes sur ces politiques de congé dans chacune des provinces et dans les territoires canadiens, et les avons comparées aux données provenant de 186 pays des Nations Unies.

Résultats : Alors que le Canada verse des prestations de maladie pendant 15 semaines pour les maladies graves, on trouve à l'échelle mondiale au moins 90 pays versant de telles prestations pendant au moins 26 semaines ou encore jusqu'à la guérison. En outre, à travers le Canada, ce n'est qu'en Saskatchewan et au Québec que l'on offre une garantie de protection de l'emploi si le congé de maladie dure plus de 12 jours.

Le gouvernement fédéral garantit aux travailleurs canadiens six semaines de congé payé pour fournir des soins ou du soutien aux membres de leur famille gravement malades. Seulement 39 pays garantissent de tels congés payés. La plupart des provinces – mais pas toutes – garantissent aux travailleurs la protection de l'emploi pendant le congé de compassion.

Les conditions d'accès à la protection de l'emploi durant le congé parental varie à travers le Canada, allant d'aucune restriction à l'exigence d'au moins une année de service.

Conclusion : Par rapport au Canada, de nombreux pays offrent un plus long congé de maladie payé pour les employés et remplacent un pourcentage plus élevé de perte de salaire. À l'échelle internationale, le Canada performe bien en ce qui a trait aux politiques garantissant un congé payé pour prendre soin de personnes à charge gravement malades, mais il accuse du retard au niveau des congés payés pour s'occuper des besoins en santé des enfants ou des membres de la famille souffrant de conditions moins graves. Enfin, bien que le congé parental soit d'une durée adéquate, le taux de remplacement salarial offert limite son accessibilité aux familles à faibles revenus.

Mots clés : congé de maladie; congé familial; congé parental; politique publique; étude comparative; gouvernement provincial