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WOMEN'S LEGAL
EDUCATION & ACTION FUND
FONDS D'ACTION ET D'ÉDUCATION
JURIDIQUE POUR LES FEMMES

March 19, 2025

Briefing Note: Ensuring Employment Insurance Access for Women Who Lose Their Jobs While on Parental Leave

To: The Right Honourable Mark Carney, Prime Minister of Canada, and the Honourable Steven MacKinnon, Minister of Jobs and Families

Cc: The Honourable Pierre Poilievre, MP, Leader of the Opposition; Jagmeet Singh, MP, Leader of the New Democratic Party; Yves-François Blanchet, MP, Leader of the Bloc Québécois; Elizabeth May, MP, Co-leader of the Green Party; Shelby Kramp-Neuman, MP; Leah Gazan, MP; Pierre Laliberté; Alicia Tiffin; Jwane Izzetpanah; Bryce McRae

Subject: Inclusion of Employment Insurance and Parental Leave Measure in Federal Worker Relief Package

Summary:

Mouvement Action-Chômage de Montréal (MAC de Montréal), the National Association of Women and the Law (NAWL), and the Women's Legal Education and Action Fund (LEAF) call for temporary special measures to Employment Insurance to ensure that people who receive parental and maternity benefits—primarily women—who lose their jobs during or soon after parental leave can access Employment Insurance regular benefits.

It is extremely likely that the current trade war will result in layoffs across many sectors. Should new mothers be laid off in the coming weeks and months while or shortly after having been on parental leave, they will be left without income replacement at a time when they and their families need it most. In the federal government's efforts to support Canadian workers through economic turbulence, it must ensure that nobody is left behind. With a potential spring election on the horizon, this measure presents an opportunity for leaders to commit to meaningful support for working families, and for women in particular.

Issue:

Currently, individuals who receive maternity and parental benefits and subsequently lose

their jobs are ineligible for Employment Insurance regular benefits. **This disproportionately affects women**, particularly those in precarious, part-time, and low-income employment—many of whom are racialized and migrant workers.

This issue is primarily caused by a:

- **50-Week Cap on Employment Insurance Benefits (Subsection 12(6) of the *Employment Insurance Act*):** Women who receive maternity and parental benefits for fifty weeks have no remaining weeks to claim Employment Insurance regular benefits should they lose their job.
- **52-Week Limit on Benefit Periods:** The *Employment Insurance Act* restricts benefit periods to fifty-two weeks, unless an individual's circumstances fall into an exhaustive list of exceptions (at subsection 10(10) of the *EIA*). Currently, receipt of maternity and parental benefits is not listed under subsection 10(10) as a reason to extend the benefit period.

These provisions exacerbate the feminization of poverty. Women on parental leave earn only a fraction of their regular salary. Losing their job during or soon after this period leaves them without income at a vulnerable time. Denying regular EI benefits to women in these circumstances increases their dependence on their partners, forces them to draw down on their savings, or pushes them to access social assistance.

Value Proposition:

With measures being announced to increase access to Employment Insurance in response to the anticipated impacts of U.S. President Trump's tariffs, **there is an opportunity for the federal government and party leaders to show strong leadership in defending equal access to economic security.**

Recommendations:

I. Immediately Implement Temporary Special Measures:

1. **Remove the 50-week cap** on combining Employment Insurance regular benefits and special benefits for maternity or parental leave.

2. **Provide for “receipt of maternity and parental leave benefits”** to be an eligible reason to extend a benefit period to 104 weeks.

II. Commit to Legislative Reform in Election Platforms: Temporary Special Measures are not a permanent solution to an issue which significantly undermines the economic security and prosperity of new parents. In your election platform, commit to amending the *Employment Insurance Act* as follows:

1. **Repeal Subsection 12(6) of the *Employment Insurance Act*** to remove the 50-week cap on combining Employment Insurance regular benefits and special benefits for maternity or parental leave.
2. **Amend Subsection 10(10) of the *Employment Insurance Act*** to add maternity and parental leave benefits as a reason to extend the benefit period to 104 weeks.

Conclusion:

Employment Insurance rules penalize women who lose their jobs during or soon after parental leave by denying them income replacement at a time when they are particularly economically vulnerable. This is a pressing gender equity issue that must be addressed now more than ever, as Canadians face mass layoffs during a trade war. By including these temporary special measures in the supports for workers impacted by tariffs, the government can take a decisive step toward a gender-responsive Employment Insurance system while strengthening its measures that affect and matter to women.

We urge immediate action to ensure that no parent faces economic insecurity simply for taking leave to care for their children.

Signatories:

Mouvement Action-Chômage de Montréal

National Association of Women and the Law

Women's Legal Education & Action Fund



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Contact:

Cee Strauss
Senior Staff Lawyer, LEAF
c.strauss@leaf.ca