

# Addressing gender-based discrimination in the *Employment Insurance Act*

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## Barriers to Employment Insurance (EI) are gendered

To qualify for EI, a person must accumulate 420 – 700 hours of insurable work, typically in the preceding 52 weeks. EI provides a 55% income replacement benefit, capped at \$729/week.

People in part-time or irregular employment face barriers to accessing EI because they accumulate fewer hours worked. For those who do qualify, EI's income replacement rate is often not sufficient — especially if their employment was low-waged.

**Because women, trans, and non-binary people are overrepresented in part-time<sup>1</sup> and low waged work,<sup>2</sup> this amounts to gender-based discrimination.**

In addition, people who receive parental and maternity benefits who then lose their jobs just before, during or soon after parental leave are denied EI regular benefits — a denial that almost exclusively impacts women.<sup>3</sup>

## Women and family/community care

While lack of access to full-time employment contributes to women's overrepresentation in part-time work, women are five times more likely than men to cite childcare, personal, or family responsibilities as their primary reason for working part-time<sup>4</sup> — with lack of affordable child care being a related barrier.<sup>5</sup>

**Women should not be penalized for taking on the lion's share of family care work.** LEAF urges the federal government to update the *Employment Insurance Act (Act)* to reflect the gendered realities of work, and to ensure that all workers in Canada receive sufficient income support following job separation.

## Key stats: Women, care work, and employment in Canada

- In 2019, the economic value of unpaid household work in Canada was between \$516.9 billion and \$860.2 billion — which amounts to 25.2% - 37.2% of Canada's GDP that same year.<sup>6</sup>
- Women spend more time on household and family care work than men do.<sup>7</sup>
- Women are nearly twice as likely to be working part-time<sup>8</sup> than men and are more likely to earn below the low pay threshold.<sup>9</sup>
- Indigenous, racialized, disabled, trans, and migrant women experience worse labour market outcomes than their peers, including lower employment and earnings.<sup>10</sup>
- Following job separation, men are more likely to receive regular EI benefits than women.<sup>11</sup>

## LEAF's recommendations

Address gender-based discrimination in EI by:

1. Setting 420 hours Canada-wide to qualify for a basic regular or special EI claim.
2. Providing a minimum weekly benefit and increasing the current 55% replacement rate to at least 66.6%.
3. Allowing parents to access their full entitlement to both EI regular and parental benefits if they are laid off or lose their jobs just before, during or after a parental leave. Specifically:
  - i. Repeal Subsection 12(6) of the *Act* to remove the 50 week cap on combining EI regular benefits and special benefits for maternity or parental leave.
  - ii. Amend Subsection 10(10) of the *Act* to add maternity and parental leave benefits as a reason to extend the benefit period to 104 weeks.

*These recommendations are informed by the Interprovincial EI Working Group's [advocacy](#).*