

# Call for Amendments to the *Employment Insurance Act* to Address Gender-based Discrimination



The Women's Legal Education and Action Fund (LEAF) is calling for amendments to the *Employment Insurance Act* (EIA) that would allow women to access Employment Insurance (EI) regular benefits should they lose their jobs while on parental leave.

## The *Employment Insurance Act* Discriminates Based on Gender

Currently, people who receive parental and maternity benefits – overwhelmingly women – who then lose their jobs during or soon after parental leave are denied EI regular benefits. This means that people who have been earning only half their salary while on parental leave, and who then lose their jobs, suddenly find themselves with no income replacement whatsoever while they look for employment.

### This denial of benefits primarily impacts women.

It exacerbates the feminization of poverty, especially for those who work in precarious and part-time forms of employment (often racialized and migrant women), and for low-income and single-parent families. Such disproportionate impacts have been noted by a parliamentary standing committee<sup>1</sup> and were recognized as discriminatory by an administrative tribunal.<sup>2</sup> LEAF joins Mouvement Action-Chômage de Montréal<sup>3</sup> in calling for amendments to the EIA that would allow women to access EI if they lose their jobs while on parental leave.

## About LEAF

LEAF is a national, charitable, non-profit organization that works towards ensuring the law guarantees substantive equality for all women, girls, trans, and non-binary people. LEAF has developed expertise in the gendered and intersectional impacts of social benefit and insurance schemes by intervening in key cases and by making submissions to Parliament.

## LEAF Endorses Clear and Achievable Reforms

### 1 Remove the 50-week limit on combining regular and special benefits – Repeal subsection 12(6) of the EIA.

Subsection 12(6) puts a **50-week cap** on receiving certain benefits. This means that if someone receives maternity and parental leave benefits for 50 weeks (a common occurrence), that person will have no weeks left during which they can receive EI regular benefits should they lose their job. Repealing subsection 12(6) would remove this 50-week cap.

### 2 Add receipt of maternity and parental leave benefits as a reason to extend a benefit period to 104 weeks.

Even without the 50-week cap, the EIA still mandates that benefit periods be no more than 52 weeks. There are, however, exceptions to that general rule. Adding receipt of maternity and parental benefits as a reason to extend the benefit period under subsection 10(10) of the EIA would allow women to access regular benefits should they lose their jobs during or soon after parental leave.

**LEAF calls on the Federal Government to address these changes in the 2024 Fall Economic Statement and to amend the legislation accordingly by winter 2025.**

<sup>1</sup> See House of Commons, *Modernizing the Employment Insurance Program: Report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities* (June 2021) (Chair: Sean Casey), p. 51.

<sup>2</sup> See *LC, EB, KG, VD, MT and CL v Canada Employment Insurance Commission*, 2022 SST 8. While overturned by the tribunal's appeal division (2024 SST 24), this case is currently on appeal at the Federal Court of Appeal.

<sup>3</sup> See Mouvement Action-Chômage de Montréal, "*Pousse, mais poussettes égales*".