IMPORTANT UPCOMING CHANGES TO EMPLOYMENT INSURANCE (EI) SPECIAL BENEFITS (MATERNITY, PARENTAL AND CAREGIVING)

The 2017 Budget Implementation Act, which included important changes to Employment Insurance (EI) benefits and corresponding leave provisions under Part III (Labour Standards) of the Canada Labour Code, received Royal Assent on June 22, 2017. The coming into force date of the changes will be announced later this fall.

You should be aware of these changes as they may have an impact on you as an employer or worker, and as they may also have an impact on employers’ supplementary benefits to EI maternity, parental, and caregiving benefits, also known as “top-ups.”

We recognize the impacts that any changes to EI benefits and leave provisions have on employers and workers and the importance of providing advance notice of planned changes to ensure the best outcomes for Canadian businesses and workplaces.

The proposed EI benefits and Canada Labour Code changes are expected to come into effect on the same day, in late 2017. Complementary adjustments to the Employment Insurance Regulations and the Employment Insurance Fishing Regulations will be tabled in Parliament this fall. The precise date is to be fixed by Order-in-Council.

We strongly encourage you to review the terms of any collective bargaining agreements, employment contracts and benefit plans you hold or administer, to assess any implications they may have for your organization and members, or for you as a worker.

The proposed changes to EI caregiving benefits will apply across Canada. The changes to EI maternity and parental benefits will apply across Canada, except in Quebec, which is the only province with a provincial maternity and parental benefits plan in place, namely the Quebec Parental Insurance Plan. As a result of this Plan, the EI maternity and parental benefit changes have no direct impact on residents of Quebec. The Government of Canada will work with the Government of Quebec to ensure continuing coordination between these programs.

The proposed amendments to the leaves will only affect workplaces covered under Part III of the Canada Labour Code, which applies to industries such as banking, telecommunications, broadcasting and inter-provincial and international transportation, including air, rail, maritime and trucking, federal Crown corporations and certain activities on First Nations reserves. For employees under provincial jurisdiction, employment standards vary by province and territory.

For information on Employment Insurance for employers, please consult the Employer Contact Centre: https://www.canada.ca/en/employment-social-development/corporate/contact/employer-contact-center.html
Please find below a summary of the proposed changes to EI special benefits and leaves under the Canada Labour Code:

**Earlier Access to EI maternity benefits and leaves**

Pregnant workers will be able to start receiving EI maternity benefits and begin maternity leave earlier. The maximum duration of EI maternity benefits will remain at 15 weeks. Currently, maternity benefits can be paid as early as 8 weeks before the expected date of birth. The change will allow workers to begin receiving EI maternity benefits as early as 12 weeks before the expected date of birth. Maternity benefits will continue to be paid at the existing benefit rate of 55 percent of average weekly earnings, up to the maximum insurable earnings.

Federally regulated employees will be allowed to take their unpaid maternity leave under the Canada Labour Code up to 13 weeks before the expected date of birth.

**EI parental benefits and leaves**

Changes to EI parental benefits will allow new parents to choose between two options for receiving EI parental benefits at the time of applying, taken either over the current 12 months or over 18 months. They may choose the current standard duration option to receive up to 35 weeks of EI parental benefits at the existing benefit rate of 55 percent of average weekly earnings, up to the maximum insurable earnings. Or, they may choose the extended duration option to receive EI parental benefits for up to 61 weeks at a lower benefit rate of 33 percent of average weekly earnings, up to the maximum insurable earnings.

Corresponding changes to the Canada Labour Code will provide unpaid leave of up to 63 weeks of unpaid parental leave and up to 78 weeks of unpaid leave when combining maternity and parental leaves. There are no changes to the job tenure or notification provisions related to these leaves.

**EI caregiver benefits and leaves**

A new EI caregiver benefit will provide EI-eligible caregivers up to 15 weeks of EI benefits while they are temporarily away from work to support or care for a critically ill or injured adult family member whose life is at risk as a result of illness or injury and presents a significant change in his or her baseline state of health. The Canada Labour Code will be amended to provide corresponding unpaid leave of up to 17 weeks.

Up to 35 weeks of EI benefits and 37 weeks of leave under the Canada Labour Code will continue to be available for the care of a critically ill child, with eligibility expanded to any family member and therefore no longer be limited to the child’s parents. The existing 26-week compassionate care benefit and 28 weeks of leave will continue to provide support for those who leave work to care for family members in end-of-life situations.
We hope that this information is helpful. Further information will be provided later this year.