

People commonly lose their job on maternity or parental leave. Critics say EI needs an overhaul ^[1]

The NDP is pushing for changes to the system it says is 'discriminatory'

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Excerpts

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Companies are cutting ranks, Venditti said, and parents who are on leave aren't immune.

In fact, when companies are laying off employees due to economic issues, they feel more open to laying off those who are on protected leave, said Andrew Monkhouse, managing partner at Toronto employment law firm Monkhouse Law and an adjunct professor at York University's Osgoode Hall Law School in Toronto.

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And that can leave new parents in a financial lurch. Under the current federal employment insurance (EI) system, parents cannot combine unemployment and parental leave benefits. That has critics calling for an overhaul of the system.

On Thursday, New Democrat MP Daniel Blaikie sent a letter urging Employment Minister Randy Boissonnault to change the EI rules immediately, calling the current ones "punitive and discriminatory."

In his letter to Boissonnault, Blaikie wrote, "Women in Canada have waited long enough for justice in the employment insurance system," adding, "Just get it done."

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'A huge challenge'

Jennifer Extence of Chrysler, Ont., was about 10 months into her 18-month maternity leave in January when she said she received notice that she'd been terminated immediately due to restructuring.

Extence, 39, who had been a brand manager, said she contacted Employment and Social Development Canada about two weeks later to provide an update on her situation. Her EI income was immediately stopped, she said, with the explanation that because she would be receiving severance, and severance is considered income, she couldn't receive EI benefits at the same time.

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Overhauling EI

It's a common misconception that you can't lose your job while on maternity or parental leave — because legally you can if you're being dismissed for reasons unrelated to going on leave.

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A worker who pays into the system has to work a specific number of hours to qualify for benefits and must do so for each new claim they make. That means a new mother who has lost her job and files a claim for regular EI benefits has to work the necessary hours anew to get their full parental leave entitlements.

In 2022, then-employment minister Carla Qualtrough said not being able to stack unemployment and parental leave benefits into one EI claim creates an equity issue in the system, particularly for new mothers. She said she was looking for ways to make the system less clunky to eliminate inequities.

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The problem is with how the system is structured, Monkhouse said, with maternity leave being part of EI. So if someone is away on maternity leave, they use up that EI allocation, unlike a worker who is laid off generally.

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Job loss on maternity and parental leave is something that's not really talked about, even though it's common, Venditti said, adding that one reason may be that parents who pursue legal action often have to sign non-disclosure agreements.

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"The motherhood penalty is a real thing," she said. "People always think they're protected until it happens to them."

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