

# BRIEF

TABLED AT THE COMMITTEE ON LABOUR  
AND THE ECONOMY

September 22, 2020

## Bill No. 51

*An Act mainly to improve the flexibility of the  
parental insurance plan in order to promote family-  
work balance*



*fiqp*

FIQ | SECTEUR PRIVÉ



# Foreword

The Fédération interprofessionnelle de la santé du Québec-FIQ and the Fédération interprofessionnelle de la santé du Québec | Secteur privé-FIQP represent 76,000 healthcare professionals in nursing and cardio-respiratory care, which includes the majority of nurses, licensed practical nurses, respiratory therapists and clinical perfusionists in Quebec health and social services institutions. The FIQ and FIQP's strong foundation in the health network enriches their expertise, one that is valued and recognized by decision-makers from all backgrounds.

As first-hand witnesses of the healthcare system's daily operations, healthcare professionals see the effects of socioeconomic inequality on the population's health, as well as the sometimes deplorable impacts of the decisions made at all levels of the political and hierarchical structure. The FIQ and FIQP are labour organizations with a predominantly female membership, composed of healthcare professionals, public and private network employees, and citizens who use these services. Through their orientations and decisions, the FIQ and FIQP strive to protect social gains and to achieve greater equality and social justice.

Driven by their mission, they defend the interests and concerns of their members and those of the public.



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# Introduction

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The FIQ and FIQP represent close to 90% of female healthcare professionals. They have always been concerned about societal issues that affect days off and parental rights, family-work-study balance and parents' investment in their children, among other things. So, naturally they are particularly interested in Bill No. 51, an *Act mainly to improve the flexibility of the parental insurance plan in order to promote family-work balance*. It is clear that the government wants to facilitate work-family balance and adapt the plan to distinctive situations, which is commendable. That said, the FIQ and FIQP would like to make a few recommendations so that the bill is applied in a way that meets the needs of the women they represent.

Since the women's liberation movement in the 1960s, feminists have fought for important societal reforms. During this time, issues like contraception, women entering the workforce, maternity leave, and sharing domestic tasks came under debate. For example, starting in 1975, the Council on the Status of Women demanded maternity leave with a guaranteed return-to-work.<sup>1</sup> Unfortunately, many of these issues are still being debated today.

Since its founding, the FIQ has participated in societal reflections on maternity, paternity and parental leaves. The FIQ was part of a coalition of union organizations and communities, i.e., a group for the Québec Parental Insurance Plan (QPIP). With its briefs and representations, the coalition was able to make some amendments to some laws. For years, these organizations had been demanding the QPIP, which came into force in 2006. At the time, Quebec parents were very happy about this development.

The new plan would allow, among other things, increased financial security after having children,<sup>2</sup> more time with newborns, and better distribution of parental responsibilities in couples. These changes were especially important to women who, historically, had been exclusively assigned childcare responsibilities. The plan, which increased benefits for birth-related leaves, was important because it brought families increased financial independence.<sup>3</sup> What's more, the QPIP brought on a real boost in benefit requests from Quebec fathers. In 2015, around 80% of fathers took paternity leave and a third took some weeks of parental leave.<sup>4</sup> It represents an important milestone in achieving gender equality.

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<sup>1</sup> Conseil du statut de la femme, *Pour un partage équitable du congé parental*, Québec, 2015, p. 9.

<sup>2</sup> Through an increase in the percentage of income covered by the benefit as compared to employment insurance at the time, as well as the inclusion of self-employed workers.

<sup>3</sup> Conseil du statut de la femme, *op. cit.*, p. 10.

<sup>4</sup> Diane-Gabrielle TREMBLAY, *Le RQAP : des innovations en milieu de travail, mais quelques résistances dans les organisations*, dans « Retombées économiques et sociales du Régime québécois d'assurance parentale », Québec, 2016, p. 66.

However, while the QPIP enabled women to massively integrate the job market, their family and domestic workload remained the same. According to the Institut de la statistique du Québec (ISQ), in families with one child aged five and under, men spent 3.29 hours per day on household tasks in 2015, while women spent 4.25 hours per day on them.<sup>5</sup> This finding makes family-work-study balance even harder for women.

As predominantly female organizations, the FIQ and FIQP would like to remind the legislator that it is important to take this opportunity to promote more flexible work-family balance and to meet specific needs, e.g., for births and multiple adoptions. The FIQ and FIQP's argument is based on these principles and their guiding values. Furthermore, some of their recommendations are largely inspired by the brief presented at the parliamentary committee by the Coalition pour la conciliation famille-travail-études and the Conseil d'intervention pour l'accès des femmes au travail on behalf of about thirty women's groups, community organizations and union organizations.

The Federations also believe that this reform is a good time to review the QPIP's vocabulary and make it more inclusive. Modern Quebec society is made up of all types of families (LGBTQ+, etc.), so it would be good for it to reflect this diversified reality.

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<sup>5</sup> Stéphane CRESPO, *L'emploi du temps professionnel et domestique des personnes âgées de 15 ans et plus*, Coup d'œil sociodémographique, ISQ, March 2018, n° 62, p. 7.



# More flexible and uniform measures for pregnancies and multiple adoptions

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One of the FIQ and FIQP's guiding values is social justice. In line with this value, they feel it is important to have similar measures for similar situations. As it stands, the current QPIP is a bit unjust when it comes to parents who adopt more than one child at a time. Why should they be granted less leaves than biological parents of twins or triplets? Doesn't this encourage a two-tier system? It's worth mentioning that, according to the Minister of Health and Social Services (MSSS), in 2018, 24% of adoptions were of siblings (two children or more).<sup>6</sup>

Knowing that some adopted children may require more attention and adaptation from their parents, the Federations commend the fact that the government wants to standardize leaves for multiple adoptions with those of multiple births. The FIQ and FIQP believe the opposite would be discriminatory. It is necessary to eliminate any measures that create a sense of injustice as we work toward a more just and egalitarian society.

The Federations also believe that it is necessary to amend the law to grant more support following multiple births. To this end, the FIQ and FIQP are in favour of the amendment to increase the number of weeks of exclusive benefits for each parent by five weeks for the birth of more than one child within the basic plan (three weeks within the special plan). Women who give birth to multiple babies from a single pregnancy do have a higher risk of complications during the pregnancy and labour.<sup>7</sup> They can give birth prematurely and require more checkups and ultrasounds. According to Statistics Canada, between 2000 and 2013 more than half of multiple births were premature.<sup>8</sup> This can cause future parents more stress and worry. By increasing the number of weeks and ensuring egalitarian distribution, the bill will better meet parents' needs.

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<sup>6</sup> MSSS. « L'adoption internationale au Québec », 2019.

[<https://publications.msss.gouv.qc.ca/msss/fichiers/2019/19-116-07W.pdf>] (Viewed on September 11, 2020).

<sup>7</sup> INSPQ. « Grossesse à risque élevée », [<https://www.inspq.qc.ca/mieux-vivre/grossesse/sante-pendant-grossesse/grossesse-risque-eleve>] (Viewed on September 11, 2020).

<sup>8</sup> STATISTICS CANADA. [<https://www150.statcan.gc.ca/n1/pub/82-625-x/2016001/article/14675-eng.htm>] (Viewed on September 11, 2020).

# Extended parental benefit period

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A child needs a lot from their parents during their first years. The parental insurance plan must therefore offer flexibility so as to allow the mother and father to fully take on their parental roles. In this regard, the FIQ and FIQP would like to highlight section 16 of the bill which amends section 23 of the law on parental insurance. It proposes to extend the parental benefit period from 52 to 78 weeks, increasing it to six months.

Increasing the parental benefit period is key to allowing new parents to be able to take their leaves according to their needs and situation. Moreover, the law needs to clearly communicate that the employer cannot, under any circumstance, have decision-making power in the matter. There should be no way of putting pressure on parents to influence how they take their parental leave. This decision is solely up to the new parents. They must have complete freedom to choose how to proceed with their parental benefits, as best fits their family.

That said, we recommend further extending the parental benefit period to 104 weeks. It would allow parents to divide it up according to their needs so they would not need to take unpaid leave or other leaves to be with their children. Such a measure would also allow FIQ and FIQP members to better balance their work and family lives. Dividing the weeks up, within the QPIP, would allow them to be with their children at crucial moments.

Remember that women still occupy the majority of precarious employment. For example, in 2017 they represented 65% of part-time workers in Canada.<sup>9</sup> In Quebec, approximately 60% of health network workers are part-time. According to our data, half of our healthcare professional members have part-time positions. These numbers go up considerably among licensed practical nurses and respiratory therapists, the majority of whom work part-time.

In Quebec society, even while women are increasingly educated, their pay remains lower than that of men.<sup>10</sup> These women generally don't have much access to paid family leaves. A maximum 104-week parental benefit period would provide greater flexibility while reducing the financial stress mothers and fathers may experience.

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<sup>9</sup> LIBRARY OF PARLIAMENT. "Precarious Employment in Canada: An overview of the Situation," 2018, [<https://hillnotes.ca/2016/01/27/precarious-employment-in-canada-an-overview-of-the-situation/>] (Viewed on September 11, 2020).

<sup>10</sup> ROSE, Ruth. *Les femmes et le marché de travail au Québec : portrait statistique*, Comité consultatif femmes en développement de la main-d'œuvre, Québec, 2<sup>e</sup> édition, 2016, p. 11.

To this end, the FIQ and FIQP would also like to highlight recommendation two from the aforementioned brief:<sup>11</sup>

*“That the Quebec government amend section 16 of Bill 51 in order to extend to 104 weeks the period during which paternity, parental and adoption benefits may be paid. That it amend sections 25 and 28 of the bill to ensure that parental and adoption leaves may be taken within a period of 104 weeks (instead of 78) under the Act respecting labour standards.*

*That the Quebec government pass section 29 of Bill 51 so that the Act respecting labour standards will allow certain leaves to be divided up, upon request, and others, with the employer’s consent. That it reflect on a regulatory amendment that gives more rights to parents to divide up their parental, adoption or paternity leaves.”*

The FIQ and FIQP firmly believe that parental leaves should be more flexible for new parents. It is therefore necessary to extend the bill’s provisions to provide true flexibility that meets the needs of the newborn and the family.

#### **Recommendation 1**

The FIQ and FIQP recommend amending section 16 of Bill No. 51 in order to extend the parental benefit period from 52 to 104 weeks. The FIQ and FIQP recommend this amendment for the bill on the QPIP and its offshoots.

Moreover, the FIQ and FIQP believe that the current provisions for these flexibility measures are limiting and subsequently recommend more flexibility. Parents need to have the option to pause or divide up the benefits in order to be able to, e.g., take a few days, as needed, away from work to care for their children and not be financially impacted.

Subsequently, the Federations recommend amending the second paragraph in section 29 of Bill 51, which amends section 81.14.1 of the *Act respecting labour standards*. To respect the protective scope of a social law, the wording of the section must be clear and communicate that the decision to use it falls solely to the parent. Under no circumstances should the employer interfere with a request to divide up benefits.

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<sup>11</sup> Brief presented by the Coalition pour la conciliation famille-travail-études and the Conseil d’intervention pour l’accès des femmes au travail on September 22, 2020.

**Recommendation 2**

The FIQ and FIQP recommend the amendment of section 81.14.1 in the *Act respecting labour standards* so that it reads as follows: “81.14.1 At the request of the employee, maternity, paternity or parental leave shall be divided into weeks.”

# Extended deadline for maternity benefit payments

The Federations would like to highlight section 3, which proposes to extend the maternity leave benefit period by two weeks, i.e., from 18 to 20 weeks. This amendment will offer greater flexibility specifically for maternity leave, which is a first and significant step towards achieving greater flexibility for parental leaves overall. Offering the possibility to receive payments over a longer period allows a new mother to continue to have the benefits even if unforeseen events arise.

However, while the FIQ and FIQP are in favour of this provision, they recommend a longer benefit period extension, i.e., a 7-week increase after the mother gives birth, as needed. Such a measure would be more just, especially for women who give birth prematurely, for example, and who are likely to lose maternity benefit weeks under current legislation.<sup>12</sup>

## **Recommendation 3**

The FIQ and FIQP recommend amending section 3 of Bill No. 51 in order to extend the maternity leave benefit period by seven weeks, i.e., from 18 to 25 weeks.

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<sup>12</sup>Here's an example: a woman who plans to start her maternity benefits on October 1, goes on vacation in late August and gives birth prematurely on September 10. With the current plan, since benefits stop 18 weeks after the date she gives birth, she will lose a few weeks. A 7-week increase would help to solve this problem.

# Increased parental leave under certain conditions

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Lastly, the Federations would like to comment on section 30 of the bill that amends section 14.1 of the *Act respecting parental insurance* and which proposes to increase parental leave by four weeks on the condition that each of the two parents use ten weeks of shareable benefits.

While this measure is positive, it should be applicable without prerequisite benefit sharing between parents. The FIQ and FIQP believe that a couple should be able to choose how to divide up the parental leave weeks based on their situation and needs. That said, in order to encourage fathers to participate more in caring for their children, we propose that the four additional weeks be shareable so that parents can use them. This way, as soon as the father and mother divide up the weeks, whether it be one week for one parent and three weeks for the other, or two weeks each, the parents will be able to use the four additional weeks.

Decreasing parental leave for mothers by ten weeks could create injustice for some women. In Quebec, couples often separate during a pregnancy or even following the birth of a child. For example, 2,218 babies born in 2019 did not have a father named on their birth certificate.<sup>13</sup> What will happen in these cases with the adoption of section 30 of the bill? Will mothers who don't want to share their parental leave with the violent father of their child be penalized? It is also important to consider the fact that, in predominantly male workplaces, for example,<sup>14</sup> some fathers won't be able or won't want to take the ten weeks of parental leave, as proposed by section 30 of the bill.

It is therefore important to promote fathers' leave conditions so that they can devote themselves to their families instead of to financial imperatives. While it is important for fathers to develop a bond with their children and to participate in child care, this should not shorten the mother's maternity leave or the number of weeks of parental leave available to her. According to the INSPQ, the crucial stages of a baby's development can extend up to 24 months.<sup>15</sup> It would therefore benefit the child to have their mother or father with them for as long as possible.

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<sup>13</sup> INSTITUT DE LA STATISTIQUE DU QUÉBEC. [<https://www.stat.gouv.qc.ca/statistiques/population-demographie/naissance-fecondite/410.htm>] (Viewed on September 11, 2020).

<sup>14</sup> Diane-Gabrielle TREMBLAY, *op. cit.*, p. 66.

<sup>15</sup> INSPQ. « Grossesse à risque élevée », [<https://www.inspq.qc.ca/mieux-vivre/grossesse/sante-pendant-grossesse/grossesse-risque-eleve>] (Viewed on September 11, 2020).

This is why the FIQ and FIQP believe that the shareable parental leave should be extended, without, however, limiting, constraining or decreasing the length of the current parental leave granted to the mother.

**Recommendation 4**

The FIQ and FIQP recommend the amendment to section 30 of Bill No. 51 to increase parental leave as long as the addition is shared between the parents. However, they do not recommend that the extension be granted based on conditions associated with the rest of the parental leave.

# Conclusion

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The FIQ and FIQP believe that this bill constitutes an important opportunity to give the parental insurance plan more flexibility. The current plan needs to be changed in order to meet a critical need in Quebec society regarding family-work-study balance. With an extended parental benefit period, parents will be able to better manage their family and professional responsibilities, especially in cases where women have precarious employment. The amendment to section 16 to extend the period up to 104 weeks, as proposed in this brief, would also allow healthcare professionals to take the leaves stipulated in the QPIP and prevent their employer from being able to stop them.

Over the years, several studies have shown that paternal leave and the father's presence are just as important as the mother's in the baby's development. The FIQ and FIQP therefore believe that it is necessary to give fathers more space in their children's lives right from the start. The INSPQ has a chapter on the role of fathers in its guide "Mieux vivre avec son enfant 0-2 ans."<sup>16</sup> It talks about how the father's presence and involvement is important in building a parent-child bond. A father's involvement is also a determining factor in his children's health and development.<sup>17</sup>

There's no doubt that the QPIP ensures a child's, mother's and father's well-being, while aiming to decrease gender inequality, whether in terms of income or household-task sharing. The FIQ and FIQP would also like to say that there should be no inequality between parents who are in distinctive situations and those who aren't. For example, parents of twins, triplets, etc., should benefit from the same provisions of single pregnancies under the law. Bill No. 51 is therefore an opportunity to rectify shortcomings of the current plan.

What's more, there should also be measures to ensure that fathers and mothers both have an equitable and important role in their child's life. Both parents should be able to choose the best option for them in terms of work-family balance and benefit sharing.

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<sup>16</sup> INSPQ. [<https://www.inspq.qc.ca/mieux-vivre/famille>], (Viewed on September 11, 2020).

<sup>17</sup> DE MONTIGNY, F. et K. ST-ARNEAULT. *La place des pères dans les politiques publiques en périnatalité et petite enfance : le père est-il considéré comme un déterminant de la santé et du développement de l'enfant?*, Canadian Research Chair in Family Psychosocial Health, 2013, p. 2.



# Recommendations

## **Recommendation 1**

The FIQ and FIQP recommend the amendment of section 16 of Bill No. 51 in order to extend the parental leave benefit period from 52 to 104 weeks. The FIQ and FIQP recommend this amendment for the *Act respecting parental insurance* and its offshoots.

## **Recommendation 2**

The FIQ and FIQP recommend the amendment in section 81.14.1 of the *Act respecting labour standards* so that it reads as follows: “81.14.1 At the request of the employee, maternity, paternity or parental leave shall be divided into weeks.”

## **Recommendation 3**

The FIQ and FIQP recommend amending section 3 of Bill No. 51 in order to extend the maternity leave benefit period by seven weeks, i.e., from 18 to 25 weeks.

## **Recommendation 4**

The FIQ and FIQP recommend the amendment to section 30 of Bill No. 51 to increase parental leave as long as the addition is shared between the parents. However, they do not recommend that the extension be granted based on conditions associated with the rest of the parental leave.