

Canada Labor: Employment Insurance Changes Pending Under 2017 Canadian Federal Budget

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Last month, *Canada's* federal government released its 2017 budget. The federal government touted the budget as being particularly family-oriented and as promoting gender equality and women's participation in the workplace.

Among the dozens of announced measures in the budget were a few items affecting *Employment Insurance (EI)* benefits. The items are of particular interest to employers that stand to be impacted by the following changes, which are expected to be in place by 2018:

1. Expectant mothers can begin to take EI maternity benefits for up to 12 weeks before their due dates, instead of the current 8 weeks.
2. Parents will be able to claim EI benefits for up to 18 months instead of the current 12 months; however, the total amount of benefits received will be the

same (with 12 months' benefits equal to 55 percent of EI insurable earnings being extendable to 18 months' benefits at 33 percent of EI insurable earnings).

3. A new EI Caregiving Benefit will be created that will give eligible caregivers up to 15 weeks of EI benefits while they are temporarily away from work to support or care for critically ill or injured adult family members. This benefit would be in addition to the existing Compassionate Care Benefit, which applies only where an individual is providing care for a gravely ill family member at risk of dying within 26 weeks.

Unsurprisingly, EI premiums are expected to increase for both employees and employers as a result of these measures.

Although these measures have been announced, there are a number of details that still need to be worked out. For federally regulated employers, the *Canada Labour Code* still needs to be amended to provide for the new leave rules, which the 2017 budget proposes to do.

For provincially regulated employers (the vast majority of employers), it will be up to individual provinces to amend their respective employment standards laws to provide for enhanced job-protected leaves of absence that match the extension of benefits that is proposed in the 2017 budget. Most provinces permit a total of 12 months of maternity and parental leave and do not have a general "caregiving" leave, though most provinces have some form of sick leave, family medical leave, or emergency leave, and provincial human rights laws may require employers to accommodate employees who have family caregiving responsibilities or else face the risk of a "family status" discrimination.

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