

***Labour Program: fair, safe and productive workplaces***

# More Inclusive and Flexible Support for Caregivers

## Discussion Paper



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**PDF**

Cat. No.: Em8-22/2016E-PDF  
ISBN: 978-0-660-06271-6

**ESDC**

Cat. No. : CA-627-08-16E

# Overview

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Each year millions of Canadians provide informal and unpaid care to their loved ones, such as parents, spouses and partners, children, and other family and friends. This can include providing psychological or emotional support, arranging for care by a third party, or directly providing or participating in the care (personal care, transportation, meal preparation, medication administration, housework, etc.).

Achieving the right balance between work and other responsibilities can be a challenge. As the population ages the demand for caregiving is expected to continue growing.

The Government of Canada is considering options to make Employment Insurance (EI) benefits and unpaid job-protected leave under the *Canada Labour Code* (CLC) available to more Canadians who provide care to a family member.

We recognize that meaningful engagement must be an integral part of the process to ensure that changes to the EI program and the CLC balance the needs and interests of all Canadians. More specifically, we want to hear about:

- the types of caregiving situations that should be supported by EI benefits and leave under the CLC, and for how long;
- Canadians' experiences balancing work and care and the factors that influence their decisions about taking time off work;
- preferences regarding the trade-off between broadening eligibility and the duration of benefits and leave; and
- how EI benefits and leave provisions under the CLC can best be structured to support caregivers in various situations.

As part of the consultation process we will also be seeking input from employers, advocacy groups, unions, academics and other experts, the medical community, and provinces and territories on this important issue.

# Background

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The majority of Canadian caregivers are employed.<sup>1</sup> Most are able to provide a few hours of care per week, while continuing to fulfil their work obligations.<sup>2</sup> For some, it becomes more difficult to manage both work and caregiving roles, particularly as the intensity of care requirements increases.<sup>3</sup>

The EI program currently offers two caregiving benefits: the compassionate care benefit and the Parents of Critically Ill Children Benefit (PCIC). Together these benefits provide temporary income support to EI-eligible caregivers who leave the workforce to care for a family member, friend or a child in specific circumstances.

The CLC provides corresponding unpaid leaves to employees of federally regulated enterprises<sup>4</sup> to ensure that their jobs are protected while they are providing care. Similar leave provisions also exist under provincial and territorial employment standards statutes, although their duration and eligibility requirements vary by jurisdiction.

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## Current EI Caregiving Benefits

- Up to 26 weeks of benefits are available under the compassionate care benefit and up to 35 weeks under PCIC. Both may be shared among eligible caregivers and may be taken within a 52-week benefit period. Claimants are required to submit a certificate from a medical professional verifying that not only does the care recipient meet the established medical criteria, but also that they are in need of the care or support of a family member or friend.
- To be eligible for any of the EI special benefits (which include those related to caregiving, as well as maternity, parental, and sickness benefits), claimants must have accumulated at least 600 insurable hours in the 52 weeks prior to their claim and have a reduction of their employment earnings of at least 40 percent. Self-employed Canadians may also be eligible if they have opted into the EI program.
- EI benefits pay 55% of an eligible employee's regular weekly earnings up to the maximum insurable earnings level, or a maximum of \$537 per week in benefits.


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<sup>1</sup> According to the 2012 General Social Survey (GSS), 60% of Canadians who cared for a chronically ill, disabled or aging family member or friend were employed.

<sup>2</sup> According to the 2012 GSS, 74% of caregivers report providing less than 10 hours of care per week on average (26% spend one hour or less per week, 32% spend 2 to 4 hours per week and 16% spend 5 to 9 hours per week on average.)

<sup>3</sup> According to the 2012 GSS, 43% of employed caregivers indicated that their care responsibilities impacted their paid work and this increased to 54% among those providing 20 or more hours of care per week.

<sup>4</sup> Federally regulated enterprises include about 883,000 employees (or 6% of all Canadian employees) working for 11,450 employers in industries such as banking, telecommunications, broadcasting and inter-provincial and international transportation (including air, rail, maritime, and trucking), as well as federal Crown corporations and certain activities on First Nations reserves.



These existing EI benefits for caregivers and corresponding leave provisions under the CLC support a limited range of caregiving situations. Many Canadians who provide care are not eligible for the existing EI benefits and CLC leaves because the medical status of the person receiving care does not meet the criteria established by these programs.

The compassionate care benefit and corresponding CLC leave supports only end-of-life care. They are available to eligible workers who are providing care to a loved one with a serious medical condition and a significant risk of death within 26 weeks.

The PCIC benefit and corresponding CLC leave are available to eligible workers who are caring for their critically ill or injured child under the age of 18. The child's condition must have changed significantly from their baseline state of health and be considered life-threatening.

## **Expanding EI Caregiving Benefits and Leave under the CLC**

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To better support caregivers, the Government has committed to making EI caregiving benefits and leave under the CLC easier to access, more flexible and more inclusive for those workers who provide care for seriously ill family members.

There are many different factors that need to be considered when proposing expansions to the current system.

In order to provide support to more Canadian caregivers, the medical criteria used to determine eligibility for EI benefits and entitlement to leave under the CLC could be broadened or the need for significant care (20 or more hours of care per week) could be considered. A new benefit and corresponding leave could be introduced to cover a wider range of caregiving situations or the eligibility criteria for the existing benefits and leaves could be expanded. In either case, it would be important to consider the appropriate duration of support.

The desire to make caregiving benefits and leave more flexible and inclusive needs to be balanced with the costs of doing so. Expanding eligibility for benefits is expected to require a modest increase in the EI premiums paid by employers and employees. It could also result in additional costs to employers who may need to find temporary replacements or make other adjustments within the workplace to accommodate employee absences.

Additional flexibility within EI and the CLC to make it easier to balance work and caregiving responsibilities could be provided in a number of other ways. This could include changes to the time period over which benefits and leave can be taken. Other approaches could include enhancing existing unpaid job-protected leaves without additional corresponding EI benefits, or introducing a new unpaid job-protected leave without corresponding EI benefits.