

Ensuring Equity in the Workplace: The Impact of Government
Leave Policy on Female Workers

By

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Abstract

Government leave policy plays a significant role in determining a women's choice to return to work after the birth of her child. My thesis provides a comparative examination of two national and two sub-national governments within Gosta Esping-Andersen's liberal regime classification and suggests that the purely liberal approach is detrimental to female workers and does not support equality in the workplace.

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Chapter 1: Introduction

Enhancing work-life balance and people's abilities to devote time to both personal and professional pursuits continues to be a priority of the North American workforce. This focus on balance is particularly prevalent among the workers having families today. Whether through state implemented policies or through private sector enhancements, workers having families are becoming increasingly concerned with balance and the ability to excel at their professions without being forced to choose between having a family and having a career.

Achieving a level of work-life balance that takes into consideration women's dual roles as breadwinner and caregiver has two main aspects; the first is the amount of funding the government allocates to support the choice between work and care. The second is the pre-conceived ideas and decades old cultural expectations surrounding the work-life balance conversation, including the willingness of employers to act as agents of change by incorporating additional policies and supporting cultural change. This comparative analysis will examine the *impact of public sector support in influencing a woman's decision to return to work after the birth of her child* and will consider the factors that encourage women to return to work or take care of their children after maternity leave is complete.

The objective of my thesis is to review the use of maternity and parental leave as a basis for workplace equality (i.e. equality between men and women throughout a worker's career cycle which will be measured based on equality of opportunity and equality of treatment). Based on the literature review conducted, I expect that if government-legislated maternity and parental leave policies improve the existing provisions to encourage and promote both male and female uptake of parental leave, a shift will begin to occur supporting equality in terms of roles of both parents

in childcare. Despite the theoretical frameworks that currently group countries into regime types, this shift will have an effect on the workplace and will lead to a more level playing field for women and men.

1. Methodology

The research question posed in this paper is *what is the impact of government policy in determining a woman's choice to return to work after the birth of her child?* In this research question there are two key terms. The first is *government policy* and the type of policy instruments used to influence decisions and balance any biases created by the market. The second is the reference to *choice*, this refers to the protected time provided to women through government policy that ensures that women have the option to take leave after the birth of their child. It is important to note that maternity and parental leave are only one element in the effort to ensure gender equality in the workplace. Quality, affordable, and accessible childcare are equally important considerations and play a major role in supporting women in their return to work. However, this thesis focuses primarily on government leave policy and the role it plays in gender equality in the workplace. This thesis examines the social and economic structures necessary to provide women with the opportunity to take leave without penalty in the workplace.

1.1 Expected Findings

Through this thesis, there are two expected findings. The first is that through the comparative analysis, Canada's employment insurance program will be confirmed to be a more thorough and well-developed maternity and parental leave policy, despite its classification in Esping-Andersen's liberal regime cluster. This expectation is due to the increased level of government involvement in supporting families, which is based on past social policy development and the existence of funding for social programs. This will be proven through a combination of survey results and a comparison of the benefits offered by each government's leave policy. Within

Canada, Quebec is expected to be a strong example of progressive policy. Having opted out of the Canadian employment insurance program, Quebec now offers a separate and distinct program from the rest of Canada. Based on the assumption that Quebec would offer additional benefits as a justification for its departure from the Canadian employment insurance system, Quebec is expected to have enhanced features that make it distinct from the Canadian policy.

The second expected finding is that government policy is required in order to support the goal of gender equality in the workplace, enabling women to make the same decision about their careers as men, without being penalized for their roles within the family. As many scholars reviewed in this paper argue, the workplace has not evolved to reflect the changing demographics of the workforce. Men are no longer the sole breadwinners, yet the male model of work remains the standard. The historic design of the workplace reflects men's traditional career progressions and does not take in to account responsibilities surrounding care. Government policy can play a major role in ensuring that women have the supports in place to develop within the workplace while providing suitable care for their children.

1.2 Cross-National Comparison

The research framework used in this thesis to answer the question of the impact of government policy on women's decisions regarding work and care is comparative, taking a cross-national approach. The impact is measured using government-collected data and is complemented by my own questionnaire composed of responses from American and Canadian female respondents regarding their experiences and opinions of maternity leave. This thesis analyzes the national and sub-national leave policy of Canada and Quebec, comparing it with the national and sub-national leave policy in the United States and California. Cross-national comparison is a method of research that analyzes a policy within a country against a similar policy in another

country. For my thesis, the cross-national comparison occurs between the governments of two countries, Canada and the United States as well as two sub-national governments, Quebec and California. Although each country is culturally, politically, and economically unique, as are many subnational units within each, the close proximity and shared border between Canada and the United States has created a distinct relationship where many aspects of lifestyle, culture, media, finance, and business are common. As a result of these factors and the fact that both countries operate in a federal system, the two countries are well positioned for comparative analysis on a number of fronts, including the national and sub-national approach to leave policies. As the sub-national governments in both countries administer and create additional policy frameworks, the leave policies in place in California and Quebec are compared and contrasted here. California and Quebec have been selected based on their reputations as progressive leaders in social policy and in particular leave policy. Quebec is a unique example within Canada as it is the only province to have opted out of the federal employment insurance program which administers and regulates maternity and parental leave in Canada. California is one of the first states in the United States to develop additional maternity and parental leave policies and is unique in that these policies offer financial support during parental leave. Additionally, both California and Quebec are perceived to be one of the largest subnational governments with one of the largest populations in either country. This thesis examines the current national leave policy frameworks in Canada and the United States and compares and contrasts the extent to which these countries provide choices for workers and families.

1.3 Data Collection

In order to answer the research question, a combination of primary and secondary sources were used. Primary sources are a combination of documentary analysis and survey research while secondary sources are a combination of scholarly research and case studies.

The primary sources consist of government documentation from the following governments and international organizations: Government of Canada, United States Government, Government of Quebec, State of California and the International Labour Organization. Within these governments, particular departments were targeted based on their role in producing policies surrounding leave. Departments within the governments include, but are not limited to: Government of Canada: Services Canada, Statistics Canada, and Treasury Board Secretariat; United States Government: United States Census Bureau, United States Department of Labor, and The White House; Government of Quebec: Travail, Emploi et Solidarite sociale; and, State of California: Employment Development Department, Department of Fair Employment and Housing. These primary documents provide a high-quality source of official government policy, programs, procedure, and statistics in the area studied. These official sources are detailed and substantiated by the department or agencies from which they are published. They provide a direct link to the policies in place in each jurisdiction of the cross-national comparison and as a result, will be helpful in answering this research question.

1.4 Questionnaire Sample Development

This thesis uses primary research based on results from a questionnaire¹, which asked about respondents' experiences with leave policy in Canada and the United States. The survey was limited to American and Canadian women who have had children in the last five years and focuses on their experiences surrounding maternity and parental leave in the context of their respective jurisdictions. It is a self-administered questionnaire, distributed through electronic mail and is web-based, hosted on the site SurveyMonkey. The American respondents were a random sample purchased through SurveyMonkey's database. The criteria requested for this sample was women,

¹ See Appendix A and Appendix B

who have had children in the last five years and who were employed at the time of the child's birth. The Canadian sample is a convenience sample. Using various personal (family members and friends) and professional (former and present employees of The Capital Hill Group, the Canadian Red Cross, and PwC Ottawa) networks, acquaintances with children under 5 years of age were asked to share the survey with others meeting the same criteria. As a result, the sample for the Canadian survey is less diverse geographically than that of the American survey, but a question within the questionnaire as to the women's employment provides information on the professional diversity of the sample. The targeted number of respondents for both the Canadian and American questionnaire was 50 participants. Ethics clearance for this survey was procured through Carleton University. This comparative analysis focuses on leave policy based on its impacts on full-time employees. It also raises questions regarding the role of the caregiver in a family unit in which both partners hold full-time employment. While the government sourced data includes both male and female employees, my independent survey specifically targets female employees who were employed during their pregnancy. The focus of the survey is to capture women's experiences with leave benefits in the jurisdiction in which they live as well as their perception and opinion of workers who take leave within their workplaces. All respondents to the survey provided their permission by agreeing to the letter that accompanied the link to the survey, hosted on SurveyMonkey. A copy of the letter can be found in the Appendix section, under Appendix C.

In order to answer the research question, secondary research was also used; this research includes scholarly sources and case studies based on media reports and publications. Current scholarship in the area of political science, sociology, and business management was examined. The literature review establishes the broad themes and key factors that are at play in the domain

of work-life balance and the area of welfare policy as it relates to the roles of couples in the raising of families.

1.5 Chapter Outline

This thesis begins by providing a *literature review* of the current scholarship on the welfare state, feminist perspective on the welfare state, work-life balance, and workplace culture. Chapter Two provides a theoretical framework including definitions, which create a base line for the paper.

Chapter Three examines the state employment policies that mandate how employers must support employees that are raising families using the United States and Canada as national-level comparators. This section spotlights two sub-national governments in each country, which could currently be described as most progressive, Quebec and California, in terms of the additional provisions that their respective governments have put in place to support workers having families. It outlines the history of the development of the programs, the specific details of each program, and the current statistical data detailing the use of the programs by the citizens of the respective jurisdictions. This section is entitled *Establishing Leave Policy in Canada and the United States*.

Chapter Four provides a comparative analysis of the United States and Canada's policies in order to highlight their features and the relative strengths and weaknesses using a simple ranking system that is further detailed in that section. I have conducted an independent survey to demonstrate the ease of access to these policies and practices and to spotlight the organizational cultural issues faced by men and women when using these policies. This section is entitled *Comparing the Benefits*.

1.6 Key Terms

The way in which a country establishes a national framework surrounding leave policy speaks to its principles on gender equality and its cultural roots and ideals. In both of the countries

examined in this comparative analysis, some level of leave framework has been established. There appear to exist two cultural tiers that must be targeted in order to promote familial equality among mothers and fathers. The traditional social culture that historically favoured women as caregivers can be changed through national and sub-national support for mothers and fathers as equally responsible caregivers, through the increased promotion of a balanced approach to newborn and child care. The workplace culture that favours men as breadwinners and women as caregivers must be challenged through a cultural shift that stems from equity policies that are put into practice and promoted throughout the public and private sector organizations, such as is described by Arlie Hochschild in *The Second Shift*. Hochschild examines the challenges faced by partners who do not share the same views on gender ideology.² Arlie Hochschild and Phyllis Moen, reviewed in the literature review, and Barbara Ehrenreich all describe the difficulties faced by women in a working world based on the male model of work. This model sets minimum standards such as number of hours required for a full time worker, a standard workday, expectations around after-hour availability, and devotion to work over all other responsibilities that are ultimately inflexible to those trying to adapt to the responsibilities of a career and family.³

1.6.1 Defining National and Sub-National Government

The term national government is used in this paper to describe the Canadian Federal Government and the United States Federal Government. As the federal system establishes a central government that governs a collective of sub-national governments, this study examines both the national level and the sub-national level. The federal system provides a unique opportunity to

² Flam, Helena. "Authentic Emotions as Ethical Guides: A Case for Skepticism." Edited by Salmela, Mikko and Verena E. Mayer. *Emotions, Ethics, and Authenticity*. John Benjamins Publishing. 2009. Pp 202

³ See literature review of Mary Blair-Loy's "Competing Devotions: Career and Family Among Women Executives"

examine multiple layers of policy affecting a single jurisdiction as the sub-national governments have the authority to create their own distinct laws from their sub-national neighbours.

1.6.2 Defining Leave Policy

For the purposes of this paper, maternity leave refers to leave for mothers, paternity leave refers to leave for fathers, and parental leave refers to a gender-neutral leave provided to either parent in order to care for the family. Maternity leave is the most common form of leave, followed by parental leave. Paternal leave, specifically allocated to fathers is much less common. The International Labour Organization (ILO), the United Nations body that promotes human and labour rights, has outlined maternity leave standards in the ILO Maternity Protection Convention, 2000 (No. 183) and publishes the progress of member states in achieving the standards set forth. The ILO identifies the goal of maternity leave policy in particular as “to ensure that women’s reproductive roles do not compromise their economic and employment security.”⁴

There are three core elements to leave policy: the duration of the leave, the existence of a paid benefit, and the funding scheme. According to the International Labour Organization, “globally, 51 per cent, of countries provide a maternity leave period of at least 14 weeks, the standard established by Convention 183.”⁵ The International Labour Organization also presents benefits under Article 6 stating “cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.”⁶ Furthermore, under Article 6 “cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper

⁴ *Maternity at Work: A Review of National Legislation / International labour Office, Conditions of Work and Employment Branch, Second Edition, Geneva: ILO, 2010. Pp.6*

⁵ *Maternity at Work. Pp.6*

⁶ “C183- Maternity Protection Convention, 2000” (No. 183). International Labour Organization. NORMLEX. [Retrieved January 29, 2015]

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

conditions of health and with a suitable standard of living;”⁷ and, “where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.”⁸ While governments will legislate on the three core elements of leave policy, the employers have the liberty to enhance the government policy through added time off for parents, additional compensation, and increased flexibility around use and qualification.

1.6.3 Defining Flexibility

Throughout this document, the term flexibility is used to describe the ability of workers to define their own workdays and includes such factors as the length of a standard workday, the ability to work from home, and the ability to negotiate these modifications to the standard workday with employers. Flexibility may be a relatively new demand in the workplace. Today’s workplace is a product of the assembly-line workplaces of the past in which employees were expected to be at their place of work during set hours of the day. This approach to work has been described as a Fordian workplace, reminiscent of a time when factory workers punched a time card upon arrival and could be evaluated on their efficiency based on the quantity and quality of the product produced. This approach to work was ideal for mass production and allowed managers to maintain control over employees every action. However, this is no longer the ideal approach to labour as work such as professional services cannot be evaluated in this way and mass production is no longer the proper measure of successful output. Many workplaces have not adequately adapted to the changing nature of work, while employee expectations for more flexibility with the widespread use of technology and ability to connect 24/7 has not been realized. With the ability to connect to

⁷ ibid

⁸ ibid

work while out of the office, employees are expected to be available based on the various career-devotion models described by Mary Blair-Loy⁹, however, this has impeded on their personal time, challenging the ability to reconcile work and life responsibilities. Flexibility can be created in the form of location of work, whether working at the office, off-site, or a combination of the two. It can mean working outside the traditional workday, to either accommodate care responsibilities, or to work with business partners across the world. Flexibility can mean working a less formalized schedule or tracking work based on projects completed rather than hours at a desk. The terms flextime, flexible work arrangements, and workplace flexibility will all be used to describe various flexible work arrangements.

1.7 The Impact of Support on Gender Equality

The national and sub-national leave frameworks in place have a significant impact on employee decisions to take time off to care for their children¹⁰. Workplace flexibility in the form of parental leave, leave to care for sick children, flexible work hours, opportunities to work from home, and other opportunities to balance work and life responsibilities is sought after by workers for a variety of reasons. One of the most prevalent motivations in seeking flexibility either from the leave program in the form of customization or from employers in terms of how, when, and where and employee works, is the intent to care for one's family. As a result of cultural norms and values, women are disproportionately viewed as the family member to whom these responsibilities fall. While parental leave may officially be an option an organization makes available to its male workers, the accompanying issues for those who take advantage of the policies tend to be a deterrent based on their implications on future opportunities for promotion, team-dynamics, and

⁹ Blair-Loy, Mary. *Competing Devotions: Career and Family Among Women Executives*. Harvard University Press. Cambridge, Massachusetts. 2003. Pp. 228

¹⁰ *suggested by Esping-Andersen and discussed further in the Literature Review*

the relationship between the employee and employer. As diverse as national leave policies can be, so too are public and private sector leave arrangements. While all employers must follow the national or sub-national leave frameworks of the regions in which their businesses operate, it is at their discretion to provide additional benefits such as additional time, compensation, or flexible work arrangements to their employees.

In the following chapter, some of the key theories and scholarly works relevant to my thesis are reviewed in order to provide some scholarly context. The works selected all serve to develop a well rounded overview of the scholarly thought in the area of welfare state theory and in particular welfare state regime classifications. Equally important are the feminist critics of the welfare state and feminist analysis of welfare state policy, which serve to provide a balanced representation of the literary works relevant to my thesis. Ultimately, the scholarly works selected seek to support my research question as to the impact of government policy in determining a women's choice to return to work after the birth of her child.

Chapter 2: Literature Review

I have selected the following scholarly works for their representation of the various views on the welfare state and social policy. As leave policy is developed within the context of welfare state policies, the first scholarly work reviewed in this chapter is the work of Gøsta Esping-Andersen, who is widely viewed as a formative scholar in this area. As the main point of reference for comparative welfare state research, Gøsta Esping-Andersen's theory describes three regime types in which states are categorized when discussing social policy. Esping-Andersen's *The Three Worlds of Welfare Capitalism*, written in 1990 has been used as a basis in this field of study, and as such is reviewed here to establish the basic tenets of welfare state theory.

Following the establishment of Esping-Andersen's views on the welfare state, my literature review includes various feminist critiques of Esping-Andersen's theory as they provide a feminist analysis of leave and care policies and are important in developing a balanced review of welfare state theory. Within the second section of this chapter, the scholarly works reviewed are authored by political scientists and have a primary focus on gender. The scholars offer a combination of feminist critique of Esping-Andersen's welfare state classifications and a feminist analysis of general welfare state policy. These works demonstrate the need for government policies that take into account the realities of the lives of women and argue that women must be involved in the policy making process in order to shape realistic policies.

2.1 Welfare State Regimes

Esping-Andersen's 1990 *Three Worlds of Welfare Capitalism*, his 2002 *Why We Need a New Welfare State*, and his 2003 *Women in the New Welfare Equilibrium* reviewed in this section to outline the theoretical framework of capitalist states and their welfare systems. According to

Esping-Andersen, a state's welfare system owes much of its development to the political, economic, and social development of the country, and as such the emergence of a welfare state can be traced through the context of the state's history.¹¹ Although there are a variety of factors that determine the state's approach to welfare, such as war and political history, Esping-Andersen's primary focus is on the impacts of the "political class coalitions,"¹² suggesting this to be the most significant factor in a state's approach to welfare.¹³ Esping-Andersen acknowledges in his study, that scholars focused more specifically on analysis of a particular country or region, have criticized his work, suggesting that his regime type categorization makes too many generalizations. However, he argues that in order to make general comparisons between 18 states, some liberties must be taken in order to categorize the states into groups. Nonetheless, Esping-Andersen's welfare-state regimes have been established as a reliable baseline for comparing states.

2.1.1 Three Dimensions of Welfare State Regimes

Esping-Andersen's welfare state regime classification is developed based on the following three dimensions, which are present in varying degrees in all welfare states. According to Esping-Andersen, the three dimensions key to identifying a welfare state's regime categorization are de-commodification, social stratification, and state-market relations.¹⁴ De-commodification is the idea that an individual or family's welfare should not depend exclusively on the market for its well-being. A state that has reached de-commodification is a state in which citizens are not viewed as commodities.¹⁵ The degree to which a state supports an individual when they are not engaged in the labour market, determines where that state falls within Esping-Andersen's welfare state regime. According to Esping-Andersen and discussed by T.H Marshall, R.Bendix and S.Rokkan,

¹¹ Esping-Andersen, Gosta. "The Three Worlds of Welfare Capitalism." Blackwell Publishing Ltd. 1990. pp 1

¹² Ibid pp 1

¹³ Ibid pp 1

¹⁴ ibid pp. 3

¹⁵ Ibid pp 3

a state has not successfully achieved de-commodification until citizens' social rights are matched by formal legislation and regulations and the welfare system in the state offers sufficient services and support to allow citizens to make decisions about work without being penalized.¹⁶ For example, a citizen would be able to make decisions about caring for a child or sick relative without fear of reprisal or loss of employment.¹⁷ The second element of his theory, social stratification is examined, in order to determine if a country's welfare system serves its purpose of achieving equality through social policy and to calculate the regime's ability to alter the historic class or status systems that exist within the state.¹⁸ While equality is the goal, Esping-Andersen acknowledges that the welfare system is itself a means of creating and maintaining social stratification, particularly if particular groups are receiving conditional welfare, which can create some issues within the system.¹⁹ Finally, the third dimension, state-market relations, determines the compromise between state and market provided services in a regime. This dimension notes the degree to which the state or the market is responsible for providing services to citizens and reflects the ideological tendencies of the political system.

2.1.2 Welfare State Regime Classification

Based on the three dimensions reviewed above, Esping-Andersen suggests that there are three types of welfare state regimes: liberal regimes, conservative regimes, and social democratic regimes. The three regime types are detailed below.

Liberal Political Economies

¹⁶ Esping-Andersen. "The Three Worlds of Welfare Capitalism." Pp. 22

¹⁷ *ibid* pp. 23

¹⁸ *ibid* pp.4

¹⁹ *ibid* pp. 24

Generally, liberal political economies follow one guiding idea, that equality and prosperity is best achieved when state interference is at a minimum in favour of free markets.²⁰ The national and sub-national governments compared in this analysis fall within Esping-Andersen's liberal regimes category. In addition to Canada and the United States, Australia is also included under this regime cluster. Liberal welfare states share common approaches to social policy; these approaches promote market-guided services, such as "means-tested assistance, modest universal transfers, or modest social-insurance plans."²¹ The liberal welfare state model promotes market participation, offering less social-assistance than other clusters. As a result, within the liberal regimes, welfare programs are targeted at the lowest income bracket and are less focused on middle and higher income earners. Esping-Andersen suggests that this focus on work and inclination to support only the lowest income earners has had a negative effect on the development of social reform within liberal regime.²² This is meant to encourage work rather than a reliance on the welfare system. As a result, Esping-Andersen suggests that welfare is often stigmatized in this regime type.²³ Based on the three dimensions of the welfare state outlined by Esping-Andersen, he concludes that the liberal regime type is one that "minimizes de-commodification-effects, effectively contains the realm of social rights, and erects an order of stratification that is a blend of a relative equality of poverty among state-welfare recipients, market-differentiated welfare among the majorities, and a class-political dualism between the two."²⁴

²⁰ Esping-Andersen. "The Three Worlds of Welfare Capitalism." pp. 10

²¹ Ibid pp. 26

²² ibid Pp. 26

²³ ibid pp. 26

²⁴ ibid pp. 27

Conservative Regimes

The other two regime types identified by Esping-Andersen are conservative and social democratic. These two regime types differ from the liberal regime types in their emphasis on state provision of welfare, which Esping-Andersen suggests may be a result of their historic association with the Church.²⁵ Countries such as Austria, France, Germany, and Italy fall under the conservative regime cluster. This regime type was designed to maintain the class system, according to Esping-Andersen, as a result, the state plays a major role in providing welfare, leaving little to no role for market based welfare or special interest groups in delivering these services.²⁶ This marks one of the greatest differences between the conservative regime type and the liberal regime type. As a result of the Church's influence, there is a much larger focus on motherhood, encouraging women to care for children, rather than returning to work, as in the liberal regime. State interference only occurs when the family can no longer support their own needs and needs to receive support from exterior sources.²⁷ Internal support is highly regarded and preferred by the state.

Social Democratic Regimes

The social democratic regimes include the Nordic countries and the Netherlands. Based on Esping-Andersen's categorization, this is the smallest regime grouping as few states qualify for this category. The major differentiator of the social democratic regimes is their emphasis on the universalism and de-commodification of both lower and middle class, unlike the liberal regime, which focuses primarily on lower class.²⁸ This regime type strives for equality, attempting to

²⁵ Esping-Andersen. "The Three Worlds of Welfare Capitalism." pp. 27

²⁶ *ibid.* Pp. 27

²⁷ *ibid.* pp. 27

²⁸ *ibid.* Pp. 27

eliminate class benefits from welfare and promoting social rights for all citizens.²⁹ This regime type provides significant public services and attempts to minimize the services received by the different classes, ultimately reducing the impact of class and status. Social democratic regimes typically have a universal insurance system³⁰ that provides the same rights to services and benefits to all workers regardless of their income or social class. Esping-Andersen suggests that the defining characteristic of a social democratic regime is its dual emphasis on work and welfare. Unlike other regimes, this group does not promote one over the other, as he suggests, “the right to work has equal status to the right of income protection.”³¹ However, work is essential in order to pay for universal social services and is encouraged.

2.1.3 A New Gender Contract

In Esping-Andersen’s 2002 publication, *Why We Need A New Welfare State*, he builds off of his 1990 work, considering a number of elements, such as gender, seniors, and the quality of working life, which were notably absent from his original publication. This publication is a response to feminist critiques of Esping-Andersen’s original welfare regime framework. In considering the approaches taken by the three regimes, liberal, conservative, and social democratic, to women-friendly welfare state policies and gender equality, he argues that gender equality issues are not and will not be resolved by the social or labour market policies currently in place. According to Esping-Andersen, there are two main objectives in the promotion of gender equality, the first is to establish work and care as equal pursuits and develop a system that allows for both.³² The second objective is to achieve a state of gender equality and neutrality in all aspects

²⁹ Esping-Andersen. “The Three Worlds of Welfare Capitalism.” Pp. 27

³⁰ *ibid.* Pp. 28

³¹ *ibid.* Pp. 28

³² Esping-Andersen, Gosta. “Why We Need a New Welfare State.” Oxford Scholarship Online. November 2003. Pp 69

of a citizen's life.³³ Esping-Andersen notes that since the 1970s women have increasingly assumed dual roles becoming increasingly established in the workplace while remaining active caretakers. Rather than the emergence of a separate narrative of women and work, women are seen in the context of a male work profile. As the workday maintains its traditional masculine characteristics, there lacks a distinct profile for women.³⁴ Esping-Andersen focuses on the traditional question of compatibility between work and childrearing and suggests that there may be risks in terms of trade-offs that have gone unnoticed or unacknowledged, as the dual roles have continued to evolve.³⁵ Esping-Andersen considered a number of factors that appear to be signs of gender equality and suggests that a lack of appropriate policies in place or comprehensive programs have created these relationships. For example, Esping-Andersen points to two statistics, the birth rate and percentage of female employees³⁶ suggesting that women are having fewer children, later in life due to the fact that "they cannot find affordable day care or remain stuck in seemingly endless job queues."³⁷ This is blamed in part on what he calls the "double burden issue"³⁸. The double burden issue furthers the idea that women have had to adapt to the male model of work as a gender-neutral work model has not been encouraged or developed. As a result, women match men in working similar hours, days, and ultimately years of their lives.³⁹ Esping-Andersen suggests that the trade-off for embracing this male model is a change in their family priorities.

Esping-Andersen argues that the liberal market approach to gender equality, seen in Canada, the United States and Australia, "has shunned public responsibility for paid child leaves

³³ Esping-Andersen. "Why We Need a New Welfare State." Pp. 70

³⁴ Ibid Pp 70

³⁵ Ibid. Pp 71

³⁶ ibid Pp 71

³⁷ ibid Pp 71

³⁸ ibid Pp 71

³⁹ Ibid Pp 71

and day care provisions, favouring instead indirect market regulation, such as affirmative action programmes and tax incentives.”⁴⁰ In contrast, the Scandinavian, social democratic model, which favours universality, does typically include “adequate child leave entitlements plus day care.”⁴¹ Esping-Andersen challenges the ideas that social and labour policies are the ideal method of supporting balance compared with gender neutrality approaches. Esping-Andersen contrasts the EU’s progressive leaders, the Nordic countries with the United States in successes and failures at creating women-friendly policies, ultimately suggesting that both the liberal market approach and the Scandinavian trade-off model create inequalities and that neither system is without its faults.⁴² Countries that have focused on women-friendly policies, typically find women most successfully balancing the dual roles of motherhood and career working jobs within the public sector, typically in government, education, or health care.⁴³ However, despite the various women-friendly policies, such as “leave, high wages, part-time and public sector jobs... [which] help reduce incompatibilities...the consequence may be to intensify other inequalities such as job segregation.”⁴⁴

Esping-Andersen also looks at the challenge of achieving equality through what he terms, “gender equality across the life course.”⁴⁵ This argument suggests that the “barrier to gender equality probably lies more on the ‘constraint’ side than on the ‘choice’ side.”⁴⁶ The author argues that employers make hiring decisions based on an assumption of the different life courses of men and women, assuming that women will take time off during the birth of their children. This

⁴⁰ Esping-Andersen. “Why We Need a New Welfare State.” pp. 73

⁴¹ *ibid* pp. 73

⁴² *Ibid* pp.76

⁴³ *ibid* pp.77

⁴⁴ *ibid* pp 87

⁴⁵ *Ibid* pp. 87

⁴⁶ *ibid* pp. 89

therefore will affect their productivity and thus that of the workplace and the bottom line. As a result, Esping-Andersen suggests that current women-friendly policies seemingly neutralizing the hiring process, making the process more balanced. However, he argues that these changes, in effect, increase the cost to employers of having female employees on staff.⁴⁷ Ultimately, Esping-Andersen argues that women are in large part an untapped resource and that women-friendly or rather society-friendly policies are required in the form of affordable day care, paid parental leave, and sick-leave policies to care for dependents.⁴⁸ With these policies in place productivity would be expected to return. However, Esping-Andersen believes that “harmonizing motherhood with employment will help establish the preconditions for...gender equality.”⁴⁹

2.1.4 Women in the New Welfare Equilibrium

In his 2003 *Women in the New Welfare Equilibrium*⁵⁰ Esping-Andersen acknowledges the feminist critiques of the welfare state and suggests that in order to improve gender equality, the state should focus on positioning its policies as positive influences on society as a whole rather than focusing only on women-friendly policies. He suggests that this is because women-friendly policies benefit all society and could be more efficiently established by governments if the positive benefits of these policies were properly positioned.⁵¹ As many scholars have noted, the male breadwinner model continues to dominate the workplace, and as Esping-Andersen mentions in “New Gender Contract” this model has been applied to women regardless of the additional roles played by the majority of women.⁵² In reviewing the development of the welfare state during the 20th century, Esping-Andersen suggests that there has been very little change in the focus of

⁴⁷ Esping-Andersen. “Why We Need a New Welfare State.” Pp 87

⁴⁸ *ibid* pp 95

⁴⁹ *Ibid* pp. 96

⁵⁰ Esping-Andersen, Gosta. “Women in the New Welfare Equilibrium” *The European Legacy*, Vol. 8, No. 5. Pp. 599-610, 2003

⁵¹ *Ibid* pp. 599

⁵² *Ibid* pp. 599

welfare state policy, with the exception of social democratic regimes; care continues to be considered a responsibility of the family.⁵³ Esping-Andersen argues that the welfare state should reflect women's roles as breadwinners in the home and their important roles in the workplace.⁵⁴

2.1.5 Canada and the United States as Liberal Regimes

Esping-Andersen's regime classification system is helpful to my thesis in that it provides a theoretical framework to position the jurisdictions compared in the following chapter. Esping-Andersen suggests three key factors in determining classification within his welfare-state regime clusters. The three factors are: "the nature of class mobilization; class-political coalition structures; and the historical legacy of regime institutionalization."⁵⁵ In both Canada and the United States the family continued to evolve into a far more complex unit following World War II. The history of women in the workforce beginning in the early 1900s and evolving over the century drastically changed the face of the workforce and the power dynamics within the family. According to Lydia Miljan's study of *Public Policy in Canada*, before World War II, "fewer than 1 in 10 married women worked outside the home... today 6 in 10 are part of the labour force."⁵⁶⁵⁷ This shift in the labour force created a demand for governments to acknowledge the evolving realities of the population and to develop an approach towards improving workplace policies, with particular consideration for the increasing number of women in the workforce. The subsequent approaches taken by governments and organizations towards creating new workplace policies to address these changes and putting them into practice have varied greatly. The history of leave policy in Canada,

⁵³ Esping-Andersen, Gosta. "Women in the New Welfare Equilibrium" pp. 599

⁵⁴ *ibid* Pp. 600

⁵⁵ Esping-Andersen. "The Three Worlds of Welfare Capitalism." Pp. 29

⁵⁶ Miljan, Lydia. *Public Policy in Canada, an Introduction*. Fifth Edition. Oxford. University Press. 2008. Pp.209

⁵⁷ *This figure does not account for women who worked on family farms*

the United States, Quebec, and California is addressed further in *Establishing Leave Policy in Canada and the United States*.

In terms of Esping-Andersen's three factors in determining classification within the regime clusters, Canada and the United States have similar historic developments. John Myles provides a thorough historical overview of the countries' developments. According to Myles, Canada and the United States began to take different approaches to social programs in the early 1970s, and while subtle, they ultimately had an impact in shaping the current social systems.⁵⁸ Areas such as wage inequality and universal healthcare create a distinct separation between the two countries in terms of their degrees of state intervention. Where Canada offers universal healthcare, the United States only provides state intervention for the elderly and the poor.⁵⁹ Wage inequality and educational inequality creates distinct classes of people, and with the United States' tendency to leave such factors to market regulation, those who fall on the disadvantaged side of the equation have little support or means to improve their welfare.⁶⁰ According to Myles,

“The design of the American welfare state created from the 1930s through the 1970s could be thought of as a social insurance welfare state for the elderly ... and an unreformed ‘poor law’ ... for the working-age population. Canada, by comparison, created a mixed welfare state model combining traditional means-tested benefits, a Beveridge [a model of universal flat rate benefits]⁶¹ core of universal benefits based on citizenship, supplemented by social insurance for retirement, unemployment and sickness.”⁶²

While both Canada and the United States fall under Esping-Andersen's liberal welfare regime, distinct approaches taken since the 1970s have created unique profiles for the countries. Myles suggests that Canada's original tendency towards universal programs, such as “universal flat-rate

⁵⁸ Myles, John. “How to Design a ‘Liberal’ Welfare State: A Comparison of Canada and the United States.” *Social Policy & Administration*. Vol. 32, No. 4, December 1998. Pp. 342

⁵⁹ Ibid. pp. 348

⁶⁰ Ibid pp. 347

⁶¹ Ibid pp. 350

⁶² Ibid. pp. 351-352

benefits for children... old age benefits... [and] universal health insurance,”⁶³ means that it shares similarities with the social democratic countries, an aspect that does not exist in the United States.⁶⁴ However, Canada’s systems are no longer universal. The regime types could therefore be seen as a scale, where some countries fall towards the true definition of the regime, while others, incorporating aspects of multiple regimes, slide towards other regime types while still overall existing within the category they have been assigned. Ultimately, it can be assumed that these categories were meant by Esping-Andersen as ideal types.

2.2 Feminist Critiques & Analysis of the Welfare State

Since the publication of Esping-Andersen’s original work in 1990, feminist political scientists have critiqued his work, finding issue with his neglect of gender in analysing the welfare state. Ann Orloff, Diane Sainsbury, and Barbara Ehrenreich provide some of the most in depth critiques of the work, offering further development of the theories from a feminist lens. While not reviewed in this thesis, Rianne Mahon and Cheryl Collier offer a strong critique of childcare policy, which is a complementary element to the leave policy discussion. The feminist critiques of Esping-Andersen’s welfare state summarized here and the feminist analysis of welfare policies offer a broader view on the policy area.

2.2.1 Gender, Policy Regimes, and Politics

Diane Sainsbury addresses the impact of introducing gender into the study of the welfare state and the subsequent consequences on policy development. These consequences may take the shape of vastly different approaches to care policy⁶⁵, gender bias in taxation,⁶⁶ and the varying

⁶³ Myles, John pp. 351

⁶⁴ Ibid. pp. 351

⁶⁵ Sainsbury, Diane. “Gender, Policy Regimes, and Politics.” *Gender and Welfare State Regimes*. 1999. Oxford Scholarship Online November 2003. pp. 246

⁶⁶ *ibid.* pp. 247

state approaches to supporting single mothers.⁶⁷ Sainsbury's main argument is that the state's approach to gender does not fit within the established welfare state regime framework. One critique is the neglect of gender as a factor in Esping-Andersen's development of the clusters.

For example, Sainsbury suggests that if care had been given greater weight when determining the categorization of the countries reviewed, then additional layers would have been incorporated into the conservative and social democratic regime clusters.⁶⁸ In the current clusters, the care provisions such as childcare and senior care vary greatly among countries in all categories. This marks a significant gap in the theory, as care policy has an impact on women's lives and the relationships within the family unit. Sainsbury concludes based on Anneli Anttonen and Jorma Sipilä's social care model⁶⁹ that the two models demonstrate "different notions of family obligations and the appropriateness of state involvement in helping families cope with their responsibilities in providing care."⁷⁰

When gender is employed as a factor in examining the welfare state, the degree of what Sainsbury describes as "intra-regime variations"⁷¹ becomes apparent. This creates issues with the welfare framework, which categorizes states into three regime types, conservative, liberal and social democratic and suggests that within these regimes there are variations as well as groupings between regimes that are not pronounced without the feminist lens.

2.2.2 Gender in the Welfare State

Culture, gender stereotypes, and past practices play a major role in the development of national leave policies within the welfare state framework. Ann Orloff examines the impacts of

⁶⁷ Sainsbury, Diane. pp. 248

⁶⁸ Myles. "How to Design a 'Liberal' Welfare State.". pp. 246

⁶⁹ Ibid. pp. 246

⁷⁰ ibid pp. 246

⁷¹ ibid pp. 250

gender relations on the welfare state in her analysis *Gender in the Welfare State*.⁷² Orloff's main argument in this publication is the requirement to go beyond the welfare regime model by incorporating a broader definition of the welfare state and expanding on the services and role of the state that are included under Esping-Andersen's definition. Orloff sets the stage by describing gender relations as "the sexual division of labour, compulsory heterosexuality, discourses and ideologies of citizenship, motherhood, masculinity and femininity."⁷³ She describes the welfare state as "the set of social assistance and social insurance programs, universal citizenship entitlements, and public services"⁷⁴ provided by the state. In order to achieve the objective of gender equality, the state must take a greater role in providing services to its citizens. Orloff analyzes socially constructed policies, reinforced by many state social policies that serve to maintain traditional gender roles, creating what Orloff describes as gender hierarchy.⁷⁵ Of note is Orloff's description of Lois Bryson's distinction between men and women's welfare states. According to Orloff, Bryson suggests that the United States is a prime example of a "two-tier" or "two-track" welfare state in which programs targeted for men and labour market problems tend to be contributory social insurance while those primarily for women and family-related are means-tested social assistance."⁷⁶

Orloff argues that women must play a role in the development of legislation, as it is crucial in producing the most comprehensive and relevant policies. Although, in her example of the United States and Britain, Orloff suggests that while these countries have traditionally had strong women's movements, the state has failed to match their calls for enhanced programs and social

⁷² Orloff, Ann. "Gender in the Welfare State." *Annual Review of Sociology*, Vol. 22 (1996), pp. 51 – 78

⁷³ Ibid pp. 51

⁷⁴ Ibid. pp. 51

⁷⁵ Ibid pp. 53

⁷⁶ Ibid pp. 54

policies.⁷⁷ In fact, the United States has done very little in the way of developing comprehensive programs for women. According to Orloff's examination of Skocpol's work, while women's activism in the United States successfully forwarded gender as a key dimension of welfare policy, men's welfare activism focused primary on class.⁷⁸ Orloff concludes that ultimately women have not gained the traction they needed to implement real change at the program level.⁷⁹ Although Skocpol suggests that the inferiority of women's programs is largely due to the patriarchal system, the historic class and race-based interests of the female activists engaged in building these programs, have played a role to the detriment of the social programs.⁸⁰ These early activists advanced a program that involved extensive monitoring of the program participants which creates an environment of distrust. Through Orloff's review of various scholars' assessments of gender relations and the impact of gender relations on the development of the welfare state, Orloff concludes that a comparative dimension must be taken in future research. Of note is Orloff's proposal to study the impact that enhanced social programs have on women and whether they create the conditions for women to "maintain an autonomous household."⁸¹ Orloff argues that this dimension would increase women's equality within the family dynamic by de-commodifying the social programs, making them entitlements rather than commodities.

2.2.3 Social Investment Perspective

Jane Jenson examines the social investment perspective of the welfare state and the welfare state's tendency to place attention on children, pulling the focus of government policy away from women when developing legislation. As a result, the state often overrides women's equality,

⁷⁷ Orloff. "Gender in the Welfare State." pp. 60

⁷⁸ *ibid.* pp. 60

⁷⁹ *Ibid* pp. 60

⁸⁰ *Ibid* pp. 60

⁸¹ *Ibid* pp. 72

focusing instead on the state's need to invest in children. Social investment centers on the idea that there is a shared responsibility to provide certain services to its citizens. Jenson argues that social investment states are meant to develop and provide for a "knowledge-based and service economy."⁸² According to Jenson, the goal of social investment is three-fold, with a primary focus of removing status and class barriers, social investment attempts to reduce the occurrence of multigenerational poverty within society. It also attempts to support citizens in facing the realities of the economy and the market.⁸³ Social investment is highly gender aware both in the analysis process and policy development. Jenson argues that it prioritizes gender by focusing on "the unequal gendering effect of employment and family life."⁸⁴ She further suggests, that "attention to the situation of women and to gender relations in families distinguishes the social investment perspective from previous policy discourses."⁸⁵ One question that arises concerning the social investment perspective, which Jenson raises as a potential concern is the degree to which the perspective offers "an approach to gender relations that responds to women's equality claims and ambitions for full citizenship rights."⁸⁶

One major difference in the social welfare perspectives is the time frames they examine. The social investment perspective is future focused. Jenson explains that the "state may have a legitimate role if it acts to increase the probability of future profits and positive outcomes."⁸⁷ One example provided by Jenson to illustrate the focus on time suggests that the traditional, moral values in a welfare state will focus on "promoting economic efficiency"⁸⁸ while a social investment

⁸² Jenson, Jane. "Lost in Translation: The Social Investment Perspective and Gender Equality." *Social Politics: International Studies in Gender, State and Society*. Volume 16, Number 4, Winter 2009, pp. 447

⁸³ *ibid* pp. 447

⁸⁴ *ibid* pp. 448

⁸⁵ *ibid* pp. 448

⁸⁶ *Ibid* pp. 449

⁸⁷ *Ibid* pp. 450

⁸⁸ *Ibid* pp. 457

welfare system will focus on “protecting people against risks in the labor market and from family change.”⁸⁹ Ultimately, the difference in attitude is seen in the focus on poverty and reducing or eliminating poverty as an inherited condition of particular social classes.⁹⁰ Whereas the initial focus of the welfare state was to alleviate poverty and conditions in the present, gradually a focus on developing programs to impact future results became commonplace. For example, Jenson suggest that the future focus looked at “breaking the intergenerational cycle of poverty and disadvantage, rather than on ending poverty.”⁹¹ The second question posed by Jenson is whether “the child-centred and human capital foci of the social investment strategy reinforce an agenda for gender equality.”⁹² Despite her critique of the program, Jenson provides Mexico’s educational program, “*Oportunidades*,”⁹³ implemented during the Presidency of Vicente Fox as an example. This program emphasizes the long-term benefits of a strong education system and aims to promote development and support in a proactive way, as is outlined by Maxine Molyneux in her article entitled *Mothers at the Service of the New Poverty Agenda: Progresas/Oportunidades, Mexico’s Conditional Transfer Programme*.⁹⁴

Social spending and social investment can be differentiated by the perspective they take on improving the conditions of those in need of welfare interventions. Social investment takes a “life course perspective”⁹⁵ on policy development, encouraging the state to make investments in citizens from childhood through adulthood as a means of ending the transfer of poverty and investing in citizens’ health and well-being. Jenson argues that social investment perspective is becoming more

⁸⁹ Jenson. “Lost in Translation”. pp. 457

⁹⁰ *ibid.* pp. 450

⁹¹ *Ibid.* pp. 450

⁹² *ibid.* pp. 449

⁹³ *ibid.* pp. 458

⁹⁴ Molyneux, Maxine. “Mothers at the Service of the New Poverty Agenda: Progresas/Oportunidades, Mexico’s Conditional Transfer Programme”. *Social Policy & Administration*. Volume 40, Issue 4, pp 425-449. August 2006

⁹⁵ Jenson. “Lost in Translation” pp. 457

popular throughout the world and elements of its approach have begun to be infused into existing policies and approaches. Jenson takes issue with the gender awareness that is truly present in the social investment perspective, arguing that while at the surface there appears to be a focus on gender, further investigation proves that gender equality is often overlooked in favour of a focus on children.

2.2.4 Changing Family and Work Dynamics

As with Sainsbury and Orloff, Jane Lewis and Julia O'Connor have been major critics of Esping-Andersen's original formulation. Lewis examines two approaches to gender equality in her study *Gender Equality and Work-Family Balance in a Cross-National Perspective*. As family and work have evolved, dual-income households have become the norm. However, where both men and women are required to work longer hours in the workplace, the majority of men have not matched women's responsibilities at home, leaving women to carry a larger share of housework. Lewis contests that this is problematic because "welfare systems were built on the assumption of stable families in which men would take primary responsibility for earning and women for the unpaid work of care."⁹⁶ According to Lewis, the focus has shifted to encouraging women to join the labour force, resulting in long working lives for both men and women.⁹⁷ Lewis provides examples of attempts at modifying welfare policies, such as Germany's focus on education for children through "high-quality early learning in nursery settings"⁹⁸ but suggests that attempting to solve a multitude of problems under the umbrella of the welfare system has resulted in many of

⁹⁶ Lewis, Jane. "Gender Equality And Work-Family Balance In A Cross-National Perspective." In *Gendered Lives: Gender Inequalities in Production and Reproduction*, ed. Ed. Scott, J., Dex, S., Plagnol, A.C. (Edward Elgar Publishing.) July 2012. Pp. 206

⁹⁷ *ibid.* pp. 206

⁹⁸ *Ibid* Pp. 207

the original problems being forgotten. There are contrasting views at the state levels as to which sphere the conversation of support for unpaid care falls.

Various governments have generally taken two approaches to support families, leave policies and childcare policies. Lewis suggests that the main debate surrounding childcare is “about the extent to which pre-school children of different ages should be cared for at home (usually by their mothers) or in formal childcare institutes.”⁹⁹ According to Lewis, a government’s decision to support and invest in leave or childcare “reflects the much larger debates on the proper nature of care for pre-schoolers.”¹⁰⁰ Lewis suggests that the “argument may be fundamentally about the welfare of the child in terms of cognitive, social, and emotional development and well-being, and/or about the proper role of mothers.”¹⁰¹ Essentially, governments provide mothers with either time to care, in the form of “shorter working hours and childcare leaves”¹⁰² or time to work in the form of “provisions and/or finance of ... childcare services.”¹⁰³

Generally, the part-time work model and leave policies are the most prevalent ways to offer working parents, primarily mothers, time to care for their children. Part-time work is somewhat regional. Lewis argues that North American and Northern European countries are supportive of part-time work. However, part-time work is very rare in Southern Europe as a result of the historic presence of the church and its influence on state affairs.¹⁰⁴ There is a general lack of standardization of maternity and parental leave policies across the world. Where some countries

⁹⁹ Lewis. “Gender Equality”. pp. 207

¹⁰⁰ Ibid pp. 207

¹⁰¹ Ibid pp. 207

¹⁰² Ibid pp. 208

¹⁰³ Ibid pp. 208

¹⁰⁴ ibid pp. 209

provide comprehensive leave with additional financial support and time benefits, other leave policies are rather limited in both time and financial support.

While part-time work offers parents with time to care for their children, formal, state organized or supported childcare systems are the most prevalent ways to offer working parents time to work after the birth of their children. Lewis distinguishes between the focus on time to work and time to care. Many European countries target children aged three to five years old, establishing provisions for their participation in publicly run pre-school programs. However, children under three years of age are generally cared for by parents or family members.¹⁰⁵ For the most part, Lewis argues that countries have opted for policies that support women's return to work rather than supported women's roles as caregivers through additional funding towards childcare systems and early-childhood education programs. The bottom line is that more time is provided for women to go to work than to care for their families.

2.2.5 Reconciliation Policy

Departing from Lewis' welfare state model, Amy Mazur considers the role of reconciliation policy in determining gender equality in the welfare state.¹⁰⁶ Dr. Mazur describes reconciliation policy as the "aim to reconcile women's and men's work and family responsibility."¹⁰⁷ The present day understanding of reconciliation policy has evolved and now, as Mazur suggests, "tends to be associated with work force strategies used by individual firms to promote part-time or flexible work rather than with any larger goal of equality between men and women."¹⁰⁸ With an emphasis on gender equality there has been a major shift in approach to reconciliation, from policy that attempts to elevate women's equality to the level of men's equality,

¹⁰⁵ Lewis. "Gender Equality". pp. 217

¹⁰⁶ Mazur, Amy. "Reconciliation Policy. Theorizing Feminist Policy." Oxford Scholarship. 2002. pp.

¹⁰⁷ *ibid* pp. 102

¹⁰⁸ *Ibid*, pp. 102

to, as Mazur describes “gender policy aimed at tackling socially constructed inequalities at work and in the home.”¹⁰⁹ Mazur suggests that this is most often seen in countries belong to the European Union¹¹⁰. Socially constructed ideas about the social and economic roles of men and women are at the root of inequality. In particular, Mazur focuses on the care dimension and argues based on studies conducted by feminist political scientists that there is a “direct connection between dominant notions about women’s alleged natural role as mothers and family caretakers, the duties that come from these expectations, and women’s inferior positions not just in paid labour but in all spheres of society.”¹¹¹ Historically, society dictated that men’s roles were economic in nature, providing financial support to the family, while women’s roles were social in nature, providing care to the family unit, raising children and maintaining the household. Mazur describes this model as “male breadwinner-female caretaker.”¹¹²

Women assume the bulk of unpaid work such as household labour and caretaking responsibilities, which creates inequality in the family unit even when the female partner maintains external employment. Mazur argues that the evolution of the welfare state, regardless of regime type and associated policies function on the premise that “the family is the major caring unit for society.”¹¹³ This view places women at a distinct disadvantage, as caretaking is prescribed little to no economic value, however women are expected to take up these roles, based on the argument of nature. Mazur identifies three feminist approaches to achieving women’s economic independence in reconciling work and family obligations: the traditional sex-role, the semi-traditional sex-role, and the gender role change.¹¹⁴ The traditional sex-role suggests that women stay at home and take

¹⁰⁹ Mazur. “Reconciliation Policy.” pp. 102

¹¹⁰ *ibid.* pp. 102

¹¹¹ *Ibid* pp. 102

¹¹² *Ibid*, pp. 103

¹¹³ *Ibid* pp. 103

¹¹⁴ *ibid* pp. 104

care of the family, however introduces a policy whereby the caretaker or ‘stay-at-home mother’ receives social security benefits and a housewife salary.¹¹⁵ The semi-traditional sex role suggests that women take on the primary parenting role, however family responsibilities would not prevent women from entering the labour market and other public spheres on the same footing as men. In the semi-traditional sex role, government policies would protect women from being penalized for assuming the mother/caretaker role¹¹⁶, removing the economic and social disadvantages of this role. Finally, the gender role change approach would introduce a policy the purpose of which is to redefine “traditional gender roles so that men and women share family caretaking”¹¹⁷ by extending incentives to men to accept more parenting responsibilities.

Canada’s attempt at reconciliation policy can be seen in its 1987 National Strategy on Child Care.¹¹⁸ According to Mazur, Canada’s attempt at a childcare policy was less in line with feminist policy requirements and although it was put forth, as a result of elections, did not pass parliament. The United States’ attempt at reconciliation policy can be seen in its 1993 Family and Medical Leave Act (FMLA),¹¹⁹ which followed the 1987 Pregnancy Anti-Discrimination Act. The United States has failed to prioritize family policy, not creating a federal national policy until 1993.¹²⁰ Mazur argues that the FMLA “was supposed to redefine pregnancy from a disability to ‘a medical condition’, protect employees’ rights to take leave, and extend leave to men,”¹²¹ however, the FMLA is greatly lacking in its reach, leaving many Americans ineligible for leave. Mazur suggests

¹¹⁵ Mazur. “Reconciliation Policy.” Pp. 104

¹¹⁶ *ibid* pp. 104

¹¹⁷ *Ibid* pp. 104

¹¹⁸ *Ibid* pp. 106

¹¹⁹ *ibid* pp. 106

¹²⁰ *ibid.* pp. 113; Due to political ideology and party politics, the FMLA was not passed until Republic President George H.W. Bush lost the 1992 election and Democratic President Bill Clinton came to office in January 1993.

¹²¹ *ibid* pp. 113

that “there seems to be a tendency for governments to make feminist policy with little direct participation by organized feminists and, in the case of the USA... without many women.”¹²²

Mazur provides the following formula to achieve the ideal feminist-oriented leave policy, it would be “made available to both parents, single or married, has been paid, and is available for a variety of caring situations.”¹²³ When men take advantage of family leave opportunities, there is a shift in attitude regarding male and female employees. Women are not seen to be the only employees who will be taking leave during their tenure, making them less of a risk to potential employers. Ultimately, Mazur argues, “reconciliation policy...seeks...to improve women’s situation by dealing explicitly with the full complexity and political ramifications of their roles, both socially constructed and concrete, as mothers, wives, workers, and citizens.”¹²⁴

Complementing Mazur’s discussion on reconciliation policy and providing a critique of Esping-Andersen’s typologies, Sigrid Leitner focuses on the gender perspective on care in her article entitled *Varieties of Familialism: The Caring Function of the Family in Comparative Perspective*.¹²⁵ In contrast with Esping-Andersen, Leitner argues for the use of “public policies which explicitly support the family in its caring function as an indicator for familialism which allows to identify real world variations of familialism.”¹²⁶ Leitner asserts that care can be addressed by governments through “institutional child care provisions and/or by work-related policies that ‘enable them to care for their young children without losing complete contact with the labour market.”¹²⁷ Leitner provides the following definition for familistic and de-familializing systems

¹²² Mazur. “Reconciliation Policy.” pp. 117

¹²³ *ibid* Pp. 107

¹²⁴ *Ibid* pp. 104

¹²⁵ Leitner, Sigrid. *Varieties of Familialism: The Caring Function of the Family in Comparative Perspective*. *European Societies*. 5 (4) 2003: 353 – 375

¹²⁶ *Ibid* Pp. 354

¹²⁷ *ibid* Pp. 355

based on Esping-Andersen's regime typology. "A familialistic system[...], is one in which public policy assumes – indeed insists – that households must carry the principal responsibility for their members' welfare. A de-familializing regime is one which seeks to unburden the household and diminish individuals' welfare dependence on kinship."¹²⁸ Leitner argues that an additional level of analysis is required for proper classification of states. This analysis looks at the degree to which public policy affects care in private household. Leitner concludes that both "service provisions [and]... policies which support the caring function of the family"¹²⁹ are required to make a classification of a system as familialistic or de-familializing.

The major differences between familialistic policies and de-familialization is the emphasis on who delivers the care and on whom the dependency for care falls. In terms of leave policy, familialistic policies include "(1) time rights (such as parental leave and care leave), (2) direct and indirect transfers for caring (such as cash benefits and tax reductions) and (3) social rights attached to care giving."¹³⁰ Leitner provides the contrasting example of de-familializing policies "which aim at unburdening the family in its caring function, like the public provision of child care and/or social services or the care provision through the market."¹³¹ Leitner suggests there are four types of familialism, the first, explicit familialism, leaves no choice but rather creates a scenario where only family care is possible.¹³² The second type is optional familialism, which is a balance of services and care policies, creating an option for caregivers to select the scenario that best fits. The third type is implicit familialism, which offers no policies and requires family care as to other

¹²⁸ Leitner, Sigrid. Pp. 356

¹²⁹ *ibid.* Pp. 357

¹³⁰ *ibid.* Pp. 358

¹³¹ *ibid.* Pp. 358

¹³² *ibid.* Pp. 358

option is provide. Finally, the fourth type is de-familializm, which looks to the market to provide care services.¹³³

In terms of familialism, while Esping-Andersen would suggest that liberal regime clusters exhibit de-familization based on their tendency towards “market driven service provisions,”¹³⁴ Leitner argues that this one characteristic is not enough to make a classification. Leitner suggests that it goes beyond the degree of market provision and in addition looks at “the extent to which the caring function of the family is promoted, [as it] determines whether a welfare regime is conceptualized as a familialistic or de-familializing system.”¹³⁵ Leitner’s analysis of familialism in Esping-Andersen’s typology provides two indicators for familialism or de-familization within a regime cluster. The presence of paid parental leave, which is the case in Canada, Quebec and California, indicates a stronger tendency towards familiaism. In contrast, the absence of paid parental leave indicates de-familization, which is the case in the United States. The second element is the level of children under three years of age who are enrolled in day care. While my research did not look at these statistics, it may be possible to predict that the United States will have a high percentage of children under three enrolled in daycare services. Quebec is also known to have a comprehensive and highly affordable, state funded daycare service which may cause some issue with the classification, if the number of children in Quebec’s formal day care system is high. However, this particular instance demonstrates optional familialism as is described by Leitner to allow for choice as it provides both “widespread formal child care and payments for child care within the family.”¹³⁶

¹³³ Leitner, Sigrid. Pp. 359

¹³⁴ *ibid.* Pp. 357

¹³⁵ *ibid* Pp. 354

¹³⁶ *ibid* Pp. 360

Leitner also considers gender and de-gendered familism in her analysis. According to Leitner, de-familialization policies “weaken breadwinner models in which one person is employed and the other person is available for family care”¹³⁷ and as a result have an effect on gender relations as they relate to care in the country employing the policies. While familistic policies appear to reinforce gendered roles in care, Leitner suggests that “incentives to ensure that care provision is shared on equal terms among male and female family members”¹³⁸ would improve the gendered nature of familism. For the most part, Canada, Quebec, and California do not discriminate based on biological sex. While there is a portion of leave explicitly for mothers, the majority of the parental leave can be split between either partners, regardless of biological sex. Quebec’s paternity leave is the only jurisdiction of the four studied in this thesis, that explicitly allocates leave for men. In contrast, the U.S. Family Medical Leave Act (FMLA) outlines as a criteria for the leave that the parent be taking time due to disability because of pregnancy, which demonstrates a gender bias. While during the course of the research for this thesis, no instances of men taking FMLA leave were found, this may have occurred in the past. Ultimately, Leitner’s addition to Esping-Andersen’s familistic and de-familializing welfare regime classifications are robust and create more opportunity for precise classification of regime cluster.

2.2.6 Paid Leave Policies

Jeanne Fagnani examines leave policy in her comparative analysis entitled *Work-Family Life Balance: Future Trends and Challenges for the OECD’s ‘The Future of Families to 2030’ Report*. According to her study paid leave policies vary greatly among the member countries of the *Organisation for Economic Co-operation and Development (OECD)*, ranging from extremely

¹³⁷ Leitner, Sigrid. Pp. 366

¹³⁸ *ibid.* Pp. 367

comprehensive to approaching non-existent. Cultural influences, such as historical political development, play a major role in determining the time provided. Famously progressive, Norway is an example of a leader in paid leave, emphasizing the need for balance in leave policies to ensure equality among parents. According to Fagnani, Norway's focus on paternal leave is comprehensive; "fathers have the right to take 5 to 43 weeks of paternal leave, with 33 weeks fully paid."¹³⁹ Iceland is another example of a country providing equitable parental leave policy, "reserving three months for fathers, three months for mothers and allowing parents to share another three months."¹⁴⁰ The thought behind national leave policy frameworks in unitary structures that provide equal leave to mothers and fathers is that if equal numbers of men and women take advantage of the leave provided to them, employers will stop looking at female candidates as future employees who will require years away from the office for parental duties and start looking at men and women as having equal probability of being away from their jobs to fulfill parental duties.

There are both advantages and disadvantages to government-sponsored leave policies. While they provide parents with opportunities to design their work and home time according to their particular needs and responsibilities, when leave policies are disproportionately utilized by female employees they tend to reinforce gender stereotypes in the workplace and traditional gender roles within the family unit. Leave policies are structured to support mothers in the workforce, however Fagnani suggests, "as long as men's take-up of these work-family provisions remains low, which is the case even in the Nordic countries, the picture will remain mixed and ambivalent."¹⁴¹ Fagnani argues that the "adverse and unintended consequences of work-family

¹³⁹ Fagnani, Jeanne. "Work-Family Life Balance: Future Trends and Challenges." *The Future of Families to 2030*. OECD (2012). OECD Publishing. Pp. 1

¹⁴⁰ Ibid. pp. 131

¹⁴¹ Ibid pp. 125

policies for gender equality are amplified”¹⁴² when legislators and employers create policies based on cultural norms, which continue to enforce the gender stereotypes that challenge work-life balance rather than supporting it’s achievement. Without a deliberate acknowledgement of the cultural and patriarchal biases at play and an attempt to create policies that challenge the stereotypes, many of the challenges faced by women in the workforce will continue despite legislative efforts.

If work-life balance policies do not also include a gender equality dimension, women will continue to be discriminated against in the workplace. Fagnani argues that weak policies will only serve to “reinforce employers’ prejudices towards female workers...establish asymmetrical professional trajectories within couples... [and] maintain or reinforce the traditional gender division within the family.”¹⁴³ Building off national leave policy frameworks, Fagnani argues that, “an increasing share of employers and firms are now aware that it is important to develop family-friendly initiatives in the workplace.”¹⁴⁴ Private-sector companies have begun to develop family-friendly initiatives that improve retention and increase employee satisfaction. Fagnani provides the following examples of some initiatives taken by corporations: “on-site childcare, parental leave and sabbaticals, flextime, switching from full-time to part-time work, the possibility of refusing overtime, job sharing, [and] teleworking.”¹⁴⁵ Studies suggest that the public sector as a whole and mid to large-scale private sector organizations are more likely to commit to and implement alternate work arrangements.¹⁴⁶ In the competition to attract and retain talent, private

¹⁴² Fagnani. “Work-Family Life Balance”. pp. 125

¹⁴³ *ibid* pp. 125

¹⁴⁴ *Ibid* pp. 126

¹⁴⁵ *ibid* pp. 126

¹⁴⁶ *Ibid* pp. 126

sector organizations make themselves more competitive and attractive through these types of arrangements.

Fagnani's comparison of OECD countries demonstrates that the United States continues to fall behind the majority of OECD member countries in terms of commitment and implementation of flexible work arrangements. According to Fagnani's study, "in a review of statutory employment rights in 21 high-income countries...high-quality flexible work arrangements are still the exception in the United States. Therefore, the choice for women tends to be either to work full-time all of the time, or work reduced hours, with low pay, no benefits, and little opportunity for advancement."¹⁴⁷ There are numerous downfalls to ignoring the needs of workers for flexible or alternative work arrangements. According to Fagnani, "it has been largely documented that making it difficult for employees to combine their job and family responsibilities can undermine workplace effectiveness and productivity."¹⁴⁸

2.3 Workplace Culture

2.3.1 The Role of Public Policy in Supporting Gender Balanced Leave Policy

Building on the role of government in supporting gender equality in the workplace, Victoria Brescoll, Jennifer Glass and Alexandra Sedlouskaya examine public policies that focus on work. Brescoll, Glass, and Sedlouskaya suggest that the United States lacks sufficient policy to secure flexible work arrangements for its citizens, leaving all discretion to the employer. Studies and research indicate that public policy is required due to cultural biases towards gender and class. Brescoll, Glass and Sedlouskaya suggest that there is a "role for public policy in overcoming the

¹⁴⁷ Fagnani. "Work-Family Life Balance" pp. 126

¹⁴⁸ *ibid* pp. 127

resistance among managers to flexible scheduling for their women workers and for care purposes among men.”¹⁴⁹ For example, Brescoll, Glass and Sedlouskaya provide the “‘right to ask’ laws in Great Britain and some EU nations [which] requires employers to justify their reasons for denying flexible scheduling requests.”¹⁵⁰

Brescoll, Glass, and Sedlouskaya argue that “the availability of work-family policies is associated with high-performance organizations that employ large proportions of professional and technical workers.”¹⁵¹ The studies conducted by the research team had two major findings; gender and status both play a major role in applying flextime. The findings suggest that an inherent gender and status bias exists in a manager’s tendency to grant flexible work arrangements to their employees. Brescoll, Glass, and Sedlouskaya conclude that men requesting flexible work arrangements for career-focused reasons were most likely to be granted leave, while women requesting the same type of leave were less likely to be granted accommodation.

The opposite relationship was found to be true when women requested accommodations for childcare purposes. Women were more likely to be granted leave while men were less likely. Brescoll, Glass, and Sedlouskaya ultimately “found that men’s status better predicted employer decision making than their gender.”¹⁵² These biases have been engrained into the corporate culture to such an extent that the researchers identified a pattern in requests by female employees, which demonstrates that gender is the most important factor for women in determining their eligibility for flexible arrangements. According to the authors, “this is vitally important for public policy –

¹⁴⁹ Brescoll, Victoria L. Glass, Jennifer. Sedlovskaya, Alexandra. “Ask and Ye Shall Receive? The Dynamics of Employer-Provided Flexible Work Options and the Need for Public Policy.” *Journal of Social Issues*. Volume 69, Issue 2, pp. 385

¹⁵⁰ Ibid Pp. 385

¹⁵¹ Ibid Pp. 369

¹⁵² Ibid Pp. 382

women were not able to use either their status within the firm or the reasoning behind their request to enhance their probability of successfully getting a schedule change.”¹⁵³ Brescoll, Glass, and Sedlouskaya also note in their study that organizations do not communicate their flexible work arrangements policy sufficiently, finding that “employees do not understand the managerial logic undergirding successful requests very well, nor the level of stigma attached to asking.”¹⁵⁴ Both the gender bias of managers and the lack of communication regarding policy are important elements in the larger decision as they represent a pattern requiring corporate attention at the corporate policy level and the corporate culture level.

2.3.2 Experiencing a Famine of Time

Cynthia Negrey proposes a review of the current full-time work schedule in her article, *A New Full-Time Norm: Promoting Work-Life Integration through Work-Time Adjustment*. Negrey examines the concept of ‘time famine’ and its effects on women’s work both in the labour force and in the home. While women are joining the labour force in increasing numbers, the amount of unpaid work at home has not decreased. Household work includes both caregiving roles for children and elderly family members as well as household care such as housework and preparation of meals. This work is unpaid and undervalued by the marketplace. Negrey’s examination of time-famine provides a comparative analysis of state policies that have been implemented to try to support workers. Solutions explored include the creation of shorter work years, workweeks, and workdays.¹⁵⁵ Creating a new full-time norm may relieve the time-famine experienced by today’s workers. Negrey suggests that there is a significant gap between workers’ actual and ideal work hours. She argues that although “alternative work arrangements offer individual workers increased

¹⁵³ Brescoll “Ask and Ye Shall Receive?” Pp. 383

¹⁵⁴ Ibid Pp. 383

¹⁵⁵ Negrey, Cynthia. “A New Full-Time: Promoting Work-Life Integration Through Work-Time Adjustment.” Institute for Women’s Policy Research. August 2004. IWPR Publications #C357 Pp. 22

flexibility... they are band-aid solutions to a much larger structural problem. Relatively few workers use them, and women use them more often than men--thus ratifying gender inequity.”¹⁵⁶

Negrey argues that “flexible arrangements may deviate from the rigid 40-hour norm, but they do not challenge the norm per se; and the inability to work a standard schedule is assumed to be an individual problem, not a societal problem.”¹⁵⁷ As a result, the state and many organizations tend to ignore the need to establish policy in this area as it is much less complicated when the onus is placed on the individual to manage their personal responsibilities around the standard work schedule. This is not to say that alternate work arrangements don’t exist, Negrey identifies a number of popular alternative arrangements such as part-time work, “flextime, compressed workweeks, job sharing, and home-based work.”¹⁵⁸

Time-famine is magnified in the case of workers with young children who must juggle school schedules around work schedules. The disjointed nature of the school day and the work day make juggling work and care responsibilities a scenario which places the family member with responsibilities over child care at a greater disadvantage in their workplace. Allowing this situation to fall to the individual to sort out discredits the fact that the majority of workers will experience this situation at some point during their careers. Negrey explores the proposition of lengthening the school day to match the workday, however finds that while this alleviates pressure on one parent, it does not solve the issue of time-famine reported by workers.

¹⁵⁶ Negrey pp.11

¹⁵⁷ *ibid* pp. 11

¹⁵⁸ *ibid* pp. 11

2.4 Summary of Literature Review Findings

In summary of the literature review, three main themes were reviewed in the chapter, each of which provides an aspect of the overall policy area. The first theme was Welfare State Regimes, dominated by Esping-Andersen's welfare state regime classifications. Based on Esping-Andersen's framework, Canada and the United States are classified generally under his Liberal regime type. I suggest it is a general classification as Esping-Andersen's premise is that regimes are developed based on a country's political, economic and social development. This is important because Canada fits less into his classification than the United States does. While both jurisdictions promote market-guided services and tend to have a strong focus on work over care, there was a major shift in their respective approaches to social policy from the 1970's onward. Nevertheless, Esping-Andersen was important to start with as he provides a basic theoretical framework, which is widely acknowledge in the field of study. The classifications and the divergent behaviour of select countries within them may be indicators of those countries government's willingness based on historical, social and political biases to adapt to future needs and demands of their respective populations.

The second section of my literature review captured the theme of feminist critique and analysis of the welfare state. This further separated into two categories, the first was a critique of Esping-Andersen's theories and the second was a broader analysis of the welfare state through a feminist lens. Within the feminist critique of Esping-Andersen, Diane Sainsbury suggests that there is a need to reassess the state's approach to gender within the welfare state regime while Ann Orloff builds on that assessment, suggesting that there is a need to redefine the welfare state and expand the responsibilities of the state. In providing an analysis of the welfare state, Jane Jenson, Jane Lewis, Amy Mazur, Sigrid Leitner and Jeanne Fagnani provide five perspectives on various

elements of welfare state policies. Generally, the scholars suggest that there is a tendency for governments to focus welfare state policies on children at the expense of women, to favor either care or work without providing choice, to reinforce gender inequalities and to expect women to take on more work responsibilities while maintaining a high level of care. The feminist critiques of the welfare state and critiques of Esping-Andersen's welfare state framework demonstrate the need for government policy development that takes into account the realities of the lives of women and the need for women's collaboration in the creation of these policies. Of note is Sigrid Leitner's critique of Esping-Andersen's treatment of familialism, which is addressed in this literature review and offers an additional dimension to the regime typology.

The third section of my literature review examined the theme of workplace culture. This section explored scholarly work outside of political science in order to incorporate other fields of thought and include management and sociology texts that deal with the workplace more specifically. The texts ultimately stress the need to focus on the establishment of flexible work arrangements as a means of addressing various work-life dilemmas facing women including Cynthia Negrey's time-famine and S. Correll, E. Kelly, L. Trimble O'Connor and J.C. Williams' competition over an individual's degree of work-devotion. The texts examine the role of government in developing policy that supports the dual roles of citizens, workers and family members, and the need to acknowledge the differences between men and women in order to achieve equality.

To conclude the literature review and introductory sections, I will reiterate the expected findings of this thesis. Through the comparative analysis I expect that Canada will be confirmed to have a more thorough and well-developed leave policy and a higher level of state involvement in supporting families based on historical policy development. I expect to confirm as well that the

province of Quebec will be highly evolved in this area, most likely offering even more government policies and programs to support care and work than the national program. The second is that government policy is required in order to support the goal of gender equality. Well developed and inclusive government policies provide the opportunity for women to make the choice between work and care, acknowledging that well-developed and inclusive is the differentiating factor, as policies that offer too little time or not enough compensation, do not truly offer a choice.

Chapter 3: Mapping Out Leave Policy in Canada and the United States

Leave policies differ greatly throughout the world. Commonly described as a benefit, they vary in length, coverage, eligibility, and flexibility. There are three core elements to leave policy: the duration of the leave, the existence of a paid benefit, and the way in which the government funds the program. Among developed countries, there are three common types of leave offered to employees, maternity leave, paternity leave, and parental leave. While some countries take a balanced approach, providing both men and women the opportunity to take leave to care for children or dependents, other countries only offer leave to mothers. Of the three types of leave, paternity leave is the least common. Maternity leave and parental leave are more commonly provided, however maternity leave is the most common, as most countries provide some time off for mothers who have given birth.

This chapter will review the historical developments of leave policy in Canada, Quebec, the United States and California and provide an overview of the program elements. Chapter four will compare the leave programs in the four jurisdictions. Two case studies have been included, one for Canada and one for the United States, which demonstrate the different approaches of the public sector and private sector in providing leave to employees.

3.1 C-183 Maternity Protection Convention, 2000

According to the International Labour Organization, the United Nations body that promotes human and labour rights, “globally, 51 per cent, of countries provide a maternity leave

period of at least 14 weeks, the standard established¹⁵⁹ by Convention No.183 – Maternity Protection Convention, 2000. This convention establishes guidelines protecting pregnant mothers from discrimination.¹⁶⁰ The Convention identifies the requirement for sufficient medical and economic benefits, the protection of the woman’s employment during and after her pregnancy, the protection of a woman’s requirements for leave due to maternity related illnesses or complications, and the protection of a woman’s right to breastfeed.¹⁶¹ The ILO Conventions are an important indicator of global standards in the area of maternity leave policy and can be used to create a baseline in this comparative analysis. The overarching objective of the Maternity Protection Convention is described in the preamble as “aimed at ensuring equality of opportunity and treatment for men and women workers.”¹⁶² Furthermore, the Convention has been established in order to “provide protection for pregnancy, which are the shared responsibilities of government and society.”¹⁶³

The Convention is all encompassing, applying to all employed women, as outlined in Article 2,¹⁶⁴ however allows a provision which gives some level of discretion to the country as to who qualifies as an employed woman. Article 4.1 of the Maternity Protection Convention (2000) sets a basic entitlement for a minimum of 14 weeks of protected, unpaid maternity leave. Article 8.1 creates a legal obligation for employers to maintain the employment of a female employee

¹⁵⁹ *Maternity at Work: A Review of National Legislation* / International Labour Office, Conditions of Work and Employment Branch, Second Edition, Geneva: ILO, 2010. Pp.6

¹⁶⁰ Only 29 countries have ratified C183 including: Albania, Austria, Azerbaijan, Belarus, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cuba, Cyprus, Hungary, Italy, Kazakhstan, Latvia, Lithuania, Luxembourg, Mali, Republic of Moldova, Montenegro, Morocco, Netherlands, Portugal, Romania, Serbia, Slovakia, Slovenia, Switzerland, and the former Yugoslav Republic of Macedonia.

¹⁶¹ “C183- Maternity Protection Convention, 2000” (No. 183). International Labour Organization. NORMLEX. [Retrieved January 29, 2015]

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183

¹⁶² *ibid*

¹⁶³ *ibid*

¹⁶⁴ *ibid*

during her pregnancy leave as well guaranteeing the same or an equivalent position upon her return (Article 8.2).¹⁶⁵ Finally, Articles 9.1 and 9.2 show efforts to protect women from discrimination as employees when the woman is a candidate for employment.¹⁶⁶ In terms of the countries compared here, the Canadian employment insurance program provides a total of 52 weeks of leave for new parents. This leave is broken down into 35 weeks of parental leave that can be shared between either parent and 17 weeks of maternity specific leave, which can only be taken by the mother. In total, Canada provides employment insurance participants with 52 weeks of covered, job protected leave. There is provincial variation, most notably in Québec, which is that they administer their own leave policy separate from the Canadian Government. In addition to separate administration, their plan has some basic customizable elements and includes a specific leave period for fathers. The United States has a selective national leave program that provides 12 weeks of unpaid maternity leave to a small percentage of new parents. The United States 12 weeks is a direct violation of Convention No. 183, which sets a minimum of 14 weeks of leave, meaning that the United States does not comply with the ILO's standards.¹⁶⁷ In contrast, the State of California builds on the United States 12 weeks of leave by offer residents two additional options, six weeks of paid maternity leave under their paid family leave program and four months of job-protected leave under their disability program.

3.2 Historical Comparison of Federal Maternity Leave Frameworks

3.2.1 Maternity Leave in Canada

In Canada, policies surrounding maternity and parental leave fall under the portfolio of the federal department of Employment and Social Development Canada. These policies are delivered

¹⁶⁵ "C183- Maternity Protection Convention, 2000" (No. 183).

¹⁶⁶ *ibid*

¹⁶⁷ The United States has not ratified the Convention, however they have also not denounced the convention

by Services Canada and funded by Canada's Employment Insurance (EI) program.¹⁶⁸ Canada's Employment Insurance program specifies that the maternity leave framework was developed to support "biological mothers, including surrogate mothers, who cannot work because they are pregnant or have recently given birth."¹⁶⁹ The Canadian Government's Employment Equity Act, passed in 1995, was established with the objective of ensuring equality in the workplace as well as ensuring historically disadvantaged groups are treated equitably and receive the same employment opportunities and benefits as all employees.¹⁷⁰ The Government of Canada states as one of the guiding motivations for the act "the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences."¹⁷¹ Among the Canadian provinces and territories, Quebec is unique in that the federal maternity leave policy is not implemented in the province. The remaining twelve provinces and territories are aligned under the EI program, which is based on a combined contribution system of funding from both employers and employees.

History of the Employment Insurance Act

The Government of Canada established unemployment insurance, its first state welfare policy, in 1940. According to Zhengxi Lin, the act under its 1940 iteration was positioned to "provide financial assistance to unemployed persons, to find suitable employment for Canadians, to move people out of areas of high unemployment, and to provide aid to the disadvantaged."¹⁷² The Unemployment Insurance Act of 1940 was written from a social spending perspective with

¹⁶⁸ "Employment Insurance Maternity and Parental Benefits." Services Canada. Government of Canada. 2014.2.13. [Retrieved January 15, 2015] <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml>

¹⁶⁹ "Employment Insurance Maternity and Parental Benefits."

¹⁷⁰ Employment Equity Act. 1995.12-15. S.C. 1995, c.44. Government of Canada. [retrieved 29/01/2015]

¹⁷¹ *ibid*

¹⁷² Lin, Zhengxi. Employment Insurance in Canada: Policy changes. Summer 1998. *Perspectives*. Statistics Canada – Catalogue no. 75-001-XPE.

the objective of relieving those in poverty and providing support to those searching for employment. According to Lin, the original system only covered “approximately 2.5 million workers, or about 42% of the workforce.”¹⁷³ The program was administered by the Unemployment Insurance Commission and the administration fee was covered in combination by the federal government and a 20% contribution by employers and employees.¹⁷⁴ Between 1940 and, the 1970 the unemployment insurance framework remained relatively unchanged, until the 1971 *Unemployment Insurance Act* was introduced. The 1971 Act reduced the restrictions as Lin outlines, so that the new system “provided nearly universal coverage for paid employees, eased eligibility, and added a host of special benefits, such as sickness, maternity and retirement benefits.”¹⁷⁵ The 1971 Act continued to exclude self-employed Canadians and maintained the requirement of a minimum weekly earning in order to qualify for the insurance.¹⁷⁶ Since 1971 eight amendments have been passed to add to the Unemployment (Employment) Insurance legislation.¹⁷⁷ Figure 3A provides a visual representation of the historical development of this program in Canada.

Figure 3A: Historical Development of Leave in Canada



¹⁷³ Lin, Zhengxi. *Employment Insurance in Canada*. pp. 42

¹⁷⁴ *Ibid* pp. 42

¹⁷⁵ *ibid* pp. 43

¹⁷⁶ *ibid*. pp. 43

¹⁷⁷ *ibid* pp. 47: Bill C-69 (January 1976); Bill C-27 (September 1977); Bill C-14 (January 1979); Bill C-156 (January 1984) Vers (February 1990 on a universal leave time for mothers); Bill C-21 (November 1990); Bill C-113 (April 1993); Bill C-17 (July 1994); Bill C-12 (July 1996).

Overview of Canadian Families

Today the majority of Canadian women work outside of the home doing either full or part time work. The years following the introduction of maternity leave benefits saw far less female workforce participation outside of the home, this however, does not account for the women working in agriculture on family farms. According to Lance Roberts' study of social trends between 1960 and 2000¹⁸², "in 1978, 47.7 percent of women were in the labour force, a large jump from 35.4 percent just over ten years before; by 2003, this figure had increased to 61.6 percent."¹⁸³ According to Statistics Canada's National Household Survey "in 2011, women comprised slightly less than half of the employed labour force (48.0%)."¹⁸⁴

Overview of Canadian Families	2011 Data
Total Population (2011) ^{178 179 180 181}	33,476,690
Children (0-14 years)	17%
Working adults (15 – 64)	68%
Working Females	50%
Household Living Arrangements	
Children living in 2 parent households	80%
Children living in 1 parent households	20%
Employment Type (Male & Female)	
Full time employed	63%
Part time employed	37%
Public Sector	20%
Private Sector	80%

¹⁷⁸ "Population By Broad Age Groups And Sex, 2011 Counts For Both Sexes, For Canada, Provinces And Territories." *2011 Canada Census*. 2015.04.17. [Retrieved July 17, 2015] <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hltfst/as-sa/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&Sex=1&View=1&tableID=21&queryID=1>

¹⁷⁹ 2011 Census of Canada: Topic-based Tabulations: Household Living Arrangements. Statistics Canada [retrieved 06.18.2015]

¹⁸⁰ "Employment By Age, Sex, Type Of Work, Class Of Worker And Province (Monthly) (Canada)." Statistics Canada, Tables 282-0087 and 282-0089. 2015-06-05 [retrieved 06.18.2015] <http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/labr66a-eng.htm>

¹⁸¹ *ibid*

¹⁸² Roberts, Lance W. *Recent Social Trends in Canada, 1960-2000*. 2005. Pp. 169

¹⁸³ *Ibid*. pp. 169

¹⁸⁴ "Portrait of Canada's Labour Force." *National Household Survey 2011*. [Retrieved 06.18.2015] <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-012-x/99-012-x2011002-eng.cfm#a5>

Historical data on maternity leave usage is difficult to decipher prior to 1997. Ernest B. Akyeampong, Statistics Canada Labour and Household Surveys Analyst attributes this to the fact that maternity leave rates were not explicitly documented until Statistics Canada introduced a sub-category in the 1997 Labour Force Survey that recorded work absence for maternity leave as a separate category.¹⁸⁵ With the new sub-category, it was possible for the first time to differentiate between the reasons for work absenteeism. For example, in 1997 the new system recorded that on average “75,000 women were on maternity leave in a typical week in 1997.”¹⁸⁶ Lending to the flexible work arrangement argument that suggests that the existence of some flexible arrangements improves employees work experience, Akyeampong’s study finds statistical evidence of this. He notes that “according to the 1995 SWA [Survey of Work Arrangements], workers with flexitime work arrangements were less likely to report missing some work ...because of their own illness or disability than people without such an option.”¹⁸⁷

Figure 3B provides an overview of maternity and parental benefit usage in Canada based on data gathered by Statistics Canada through the 2010/2011 Survey of Young Canadians and the 2013 Employment Insurance Coverage Survey. The data demonstrate that a significant percentage of working Canadian women (excluding Québec residences) took 52 week leave benefit after the birth of their child,¹⁸⁸ as well as an increasing number of men taking paid and unpaid leave following the birth of their child.^{189 190}

¹⁸⁵ Akyeampong, Ernest B. Work Absences: New Data, New Insight. Perspectives on Labour and Income. 10.1 (Spring 1998): 16

¹⁸⁶ *ibid* Pp. 16

¹⁸⁷ *ibid.* pp. 16

¹⁸⁸ “Study: Leave Practices Of Parents After The Birth Or Adoption Of Young Children, July 2012.” *The Daily*. Monday July 30, 2012. Statistics Canada. Government of Canada. [retrieved 06.18.2015] <http://www.statcan.gc.ca/daily-quotidien/120730/dq120730a-eng.htm>

¹⁸⁹ *ibid*

¹⁹⁰ *ibid*

The 2013 Employment Insurance Coverage Survey data provides the most recent statistics on Canadians' participation in EI.¹⁹¹ ¹⁹² The data demonstrate that of the women eligible for EI benefits, there was a spike in the number receiving maternity or parental benefits. A total of 92% were receiving benefits, which was up from 88% in 2012.¹⁹³ Regional variations in usage were noted, with New Brunswick as the biggest user of the leave program.¹⁹⁴

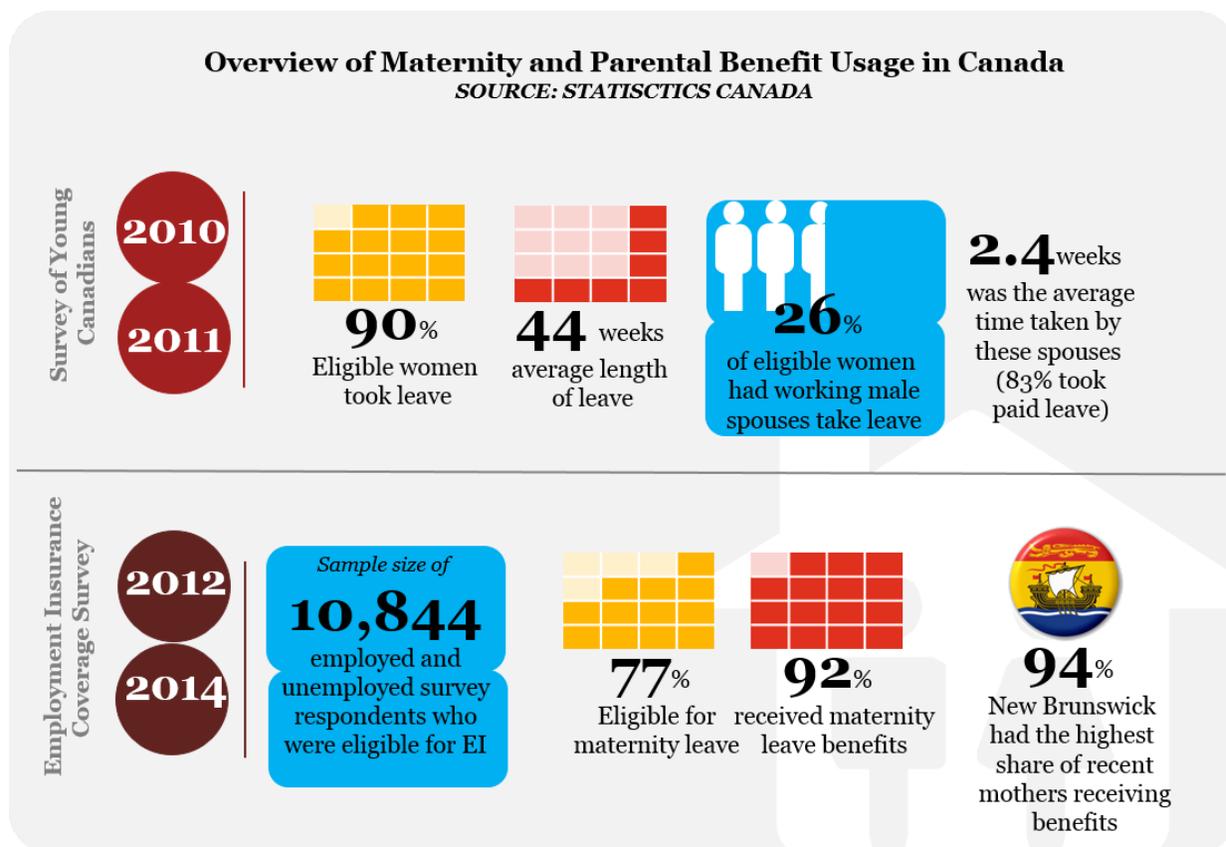


Figure 3B: Overview of Maternity and Parental Benefit Usage in Canada

¹⁹¹ "Employment Insurance Coverage Survey, 2013." *The Daily*. Statistics Canada, Government of Canada. 2015. 01 19. [Retrieved 06.18. 2015] <http://www.statcan.gc.ca/daily-quotidien/150119/dq150119b-eng.htm>

¹⁹² *ibid*

¹⁹³ *ibid*

¹⁹⁴ *ibid*

National Employment Insurance Maternity and Paternity Leave Benefit

Although the 10 provinces and 3 territories have the autonomy to create additional employment programs elements through provincial and territorial legislation, they all implement the federal government's National Employment Insurance Maternity and Paternity Leave Benefit, with the exception of Québec. Québec, which will be looked at later in this section, has developed its own distinct system of both maternity and parental leave and state-funded childcare. Doucet, McKay, and Tremblay, in their comparative analysis of Canada and Québec's maternity and parental leave systems, suggest that one of the most unique features of Canada's maternity and parental leave benefit is the classification of the benefit as a " 'special benefit' within the EI programme."¹⁹⁵ Doucet, McKay, and Tremblay criticize the system suggesting that the purpose of the maternity and parental leave benefit was to act as a "labour market-based income security measure... founded on a policy of full employment and designed to fit the industrial post-war 'male breadwinner' model in order to replace earned wages temporarily."¹⁹⁶ The risk of the employment insurance program as the qualifier is that part-time workers, students, unemployed women, and other women who do not pay in to the employment insurance program tend to be neglected by the Canadian government leave policy.

Doucet, McKay and Tremblay suggest that there were three significant modifications that occurred in the evolution of the Employment Insurance after the introduction of the original benefit plan. The first major change occurred in 1971, under Liberal Prime Minister Pierre Trudeau, with the Federal Government's introduction of maternity leave. According to Doucet, McKay and Tremblay, the 1971 maternity leave benefit was initially for "mothers who had 20 or more

¹⁹⁵ Doucet, Andrea. Lindsey McKay and Diane-Gabrielle Tremblay. "Canada and Québec: Two Policies, One Country." In Sheila B. Kamerman, Peter Moss's *The Politics of Parental Leave Policies: Children, Parenting, Gender and the Labour Market*. Policy Press, 2011. Pp. 35

¹⁹⁶ *ibid* pp. 36

insurable weeks of employment with 15 weeks of benefits at 67% of wage.”¹⁹⁷¹⁹⁸ Following the addition of maternity leave, the Federal Government introduced leave benefits for adoptive parents and fathers.¹⁹⁹ In 1990, the Federal Government, under Conservative Prime Minister Brian Mulroney, introduced “10 weeks of parental leave benefits.”²⁰⁰ Following the enhancement to the parental leave benefit, in 2001 under Liberal Prime Minister Jean Chretien, the parental leave benefit was increased by adding an additional “25 weeks of paid parental leave to make a total of 35 weeks.”²⁰¹ This was coupled with a “lowering of eligibility conditions... [and] a reduction in the 14-day unpaid waiting period before payment commences.”²⁰² The changes and enhancements that occurred between 1971 and 2001 were major gains in terms of duration and coverage, however, changes were also made that impacted eligibility and reduced the number of individuals who qualified for the EI benefits. As a result, Doucet, McKay and Tremblay argue that there has been much criticism from “trade unions and women’s organizations protest[ing] that the jump in hours of work required to be eligible for EI benefits disproportionately disqualified women”²⁰³ from receiving benefits. Based on these changes, maternity leave in Canada is not a universal program. Eligibility for workers, which is reviewed in depth in the next section, is highly inclusive as the majority of Canadian workers must pay into the employment insurance, which is the major qualifier of the leave benefit.

Politically, the changes that occurred between 1971 and 1996 were predominately made under the Liberal Governments of Pierre Trudeau and Jean Chretien. However, the Conservative

¹⁹⁷ Doucet, “Canada and Quebec.” pp. 36

¹⁹⁸ According to Statistics Canada (Series A254-259) 1971 Census, in 1971 there were a total of 5,070,682 families in Canada. From the Department of Manpower and Immigration, Immigration Statistics, 1956 to 1976.

¹⁹⁹ Doucet. “Canada and Québec” pp. 36

²⁰⁰ *ibid* pp. 36

²⁰¹ *ibid* pp. 36

²⁰² *ibid* pp. 36

²⁰³ *ibid*. pp. 36

Government of Brian Mulroney did oversee three legislative changes occurring between 1990 and 1993. This is consistent with recent Liberal Party of Canada's statements which promote government-funded programs over total market control.

Canada's Maternity Leave Benefit – Eligibility & Flexibility

As of 2015, Canada's EI maternity benefit is provided to a claimant for a period of 15 to 17 weeks and a claimant can begin receiving benefits up to "eight weeks before the expected date of birth."²⁰⁴ The amount of time given for an EI maternity benefit is fixed at 52 weeks, regardless of the number of children to whom a woman gives birth, for example twins or triplets.²⁰⁵ A recipient must pay in to Employment Insurance on all of their earnings to receive the maternity leave benefit. The EI maternity benefit recipient receives 55% of her average insurable weekly earnings, up to the maximum insurable amount (which in 2015 was \$49,500 annually), which averaged out to a maximum amount of \$524 per week.²⁰⁶ In addition to paid maternity leave benefits, Canadian parents are also eligible for paid parental leave benefits. Canadian parents can receive up to an additional 35 weeks of paid leave benefit to care for a newborn or newly adopted child.²⁰⁷ These paid benefits can be shared between both parents and it is up to the individual family to decide how they will be shared.

Eligibility for receiving maternity or parental leave is determined based on three factors. An individual is eligible if their employment is considered insurable under the Employment Insurance (EI) program, eligibility for EI is based on employee contribution to the program, which

²⁰⁴ "Employment Insurance Maternity and Parental Benefits."

²⁰⁵ *ibid*

²⁰⁶ *ibid*

²⁰⁷ *ibid*

is mandatory for the majority of Canadians.²⁰⁸ They are also eligible if while on maternity or parental leave the employee's "normal weekly earnings are reduced by more than 40%."²⁰⁹ Finally, they are eligible if the employee has "accumulated at least 600 hours of insurable employment during the qualifying period."²¹⁰ Every employee working in a role that is classified insurable employment, which includes the majority of the Canadian workforce, contributes to Canada's Employment Insurance program. Employment Insurance is collected in the form of a percentage of an employee's salary or wages (up to a yearly maximum dollar amount), which is deducted from each pay throughout their time employed.

Canadians have little flexibility within the maternity and parental leave program, although flexibility is not overly common according to OECD analysis of comparable maternity leave programs. Although mothers may receive their maternity leave benefit prior to giving birth, EI maternity benefits cannot be paid out beyond 17 weeks from the date of birth.²¹¹ EI Parental benefits do not apply until after the birth of the child and must be paid within a year of the child's birth or placement in the case of adoption.²¹² Other restrictions are placed on leave benefit recipients, such as the restriction from working while receiving EI benefits from the government. According to Service Canada, if an individual is "claiming... maternity benefits, [the government] will deduct any part-time earnings from [their] benefits on a dollar-for-dollar basis."²¹³

²⁰⁸ "Employment Insurance Maternity and Parental Benefits."

²⁰⁹ *ibid*

²¹⁰ *ibid*

²¹¹ *ibid*

²¹² *ibid*

²¹³ *ibid*

3.2.2 Maternity, Paternity, and Parental Leave in Québec

The Province of Québec has always aimed to maintain its unique culture and heritage by preserving its policy implementing authority, when possible, separately from the rest of Canada. According to Diane-Gabrielle Tremblay, the motivation behind the government of Quebec's creation of a separate leave policy from the rest of Canada is due to historical persuasions including "the recognition of a declining birthrate"²¹⁴ in the province and women's increased participation in the labour force²¹⁵. While both of these elements occurred throughout Canada, the declining birthrate in Quebec was considered to be quite drastic. She suggests that the successful creation of a unique system in Quebec had a lot to do with the "significant involvement and action of unions and women's advocacy organizations"²¹⁶ in the policy development conversation.

The Québec Parental Insurance Program (QPIP) was launched in 2006 as a unique maternity and parental leave program. Through the QPIP, two plans were established, a basic plan and a special plan providing Québec families with the flexibility to tailor the provincial benefits to meet their needs and requirements. According to the Government of Québec, the objective of the QPIP is to provide "an effective means for workers to better reconcile work and family responsibilities. It is designed to support new parents, encourage them in their desire to have children and support them as they devote more time to their children in their first months."²¹⁷

²¹⁴ Tremblay, Diane-Gabrielle. "Paid Parental Leave: An Employee Right or Still An Ideal? An Analysis of the Situation in Quebec in Comparison with North America." *Employ Respons Rights J* (2010) 22: pp. 83

²¹⁵ Tremblay, Diane-Gabrielle "Paid Parental Leave" pp. 89

²¹⁶ *ibid* pp. 83

²¹⁷ "What is the Québec Parental Insurance Plan?" 2009-06-11. *Travail, Emploi et Solidarite sociale*. Québec.

[Retrieved 06.15.2015] http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/index_en.asp

Quebec's benefits plan is managed by the Conseil de gestion, which falls under the provision of the ministère de l'Emploi et de la Solidarité sociale.²¹⁸

History of Québec Parental Leave Benefits Plan (QPIP)

The separate parental leave program in Quebec is relatively new. Over a period of ten years, spanning from 1996 to 2006, the Province of Québec worked with various interest groups in Québec and the Canadian government to develop and implement its separate maternity and parental leave program. The idea was first introduced at the Economic and Employment Summit in 1996 while the Parti Québécois was in power. During that year, many groups from Québec employers, to unions, to social partners, were sought out for their support and input. The "Regroupement pour un système d'assurance parentale"²¹⁹ was established by the Government of Québec to study the opportunities and logistics surrounding a separate system. According to the Government of Québec's background account of the events, the Regroupement pour un système d'assurance parentale was a "coalition of fifteen organizations representing unionized and non-union workers, self-employed workers as well as citizens concerned with the living conditions of families."²²⁰ Based on the recommendations of the working group, the federal government was presented with Québec's plan to negotiate a separate benefits program.

In 1997, the two governments conducted several bargaining sessions, however due to a number of unresolved issues between the federal government and provincial government concerning financial transfers²²¹ Québec's independent benefit plan was unable to progress until

²¹⁸ "Québec Parental Insurance Plan." Québec Parental Insurance Plan's Conseil de gestion. Government of Quebec. 2009.06.11. [Retrieved June 26, 2015]

http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/caracteristiques_en.asp

²¹⁹ "Background." 2009-06-11. *Travail, Emploi et Solidarité sociale*. Québec. [Retrieved 06.15.2015]

http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/historique_en.asp

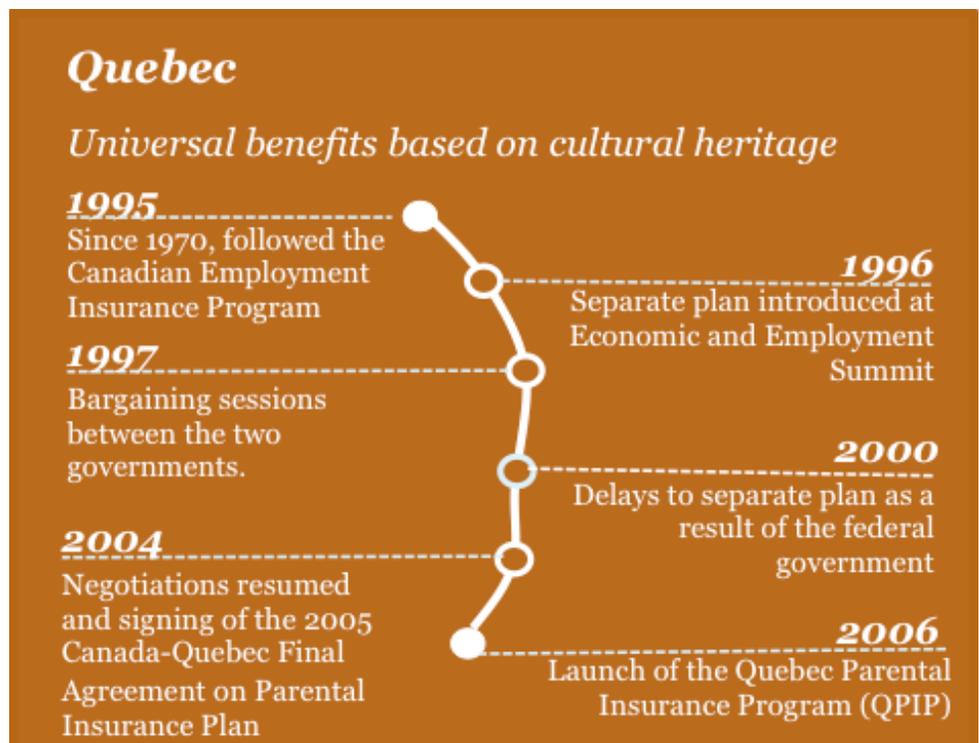
²²⁰ *ibid*

²²¹ Tremblay, Diane-Gabrielle "Paid Parental Leave" pp.100.

2005.²²² Perhaps in reaction to Québec’s call for change, the federal government made changes to the federal employment insurance benefits in Federal Budget 2000. The Canadian government “double[d] the duration of maternity and parental leave under the employment insurance program to one year.”²²³ The changes made to the EI benefits were contested by Québec in the Court of Appeal of Québec, a legal challenge that was won by Québec and appealed by the federal government at the Supreme Court. On March 11, 2004, Québec and the federal government resumed their negotiations and came to an agreement, which was signed the following year, entitled the Canada- Québec Final Agreement on the Parental Insurance Plan.²²⁴ The Québec Parental Insurance Plan in its current form came into effect on January 1, 2006 after much negotiation and legal

consultation. Figure 3C provides a visual representation of the history of Québec’s parental leave program.

Figure 3C: Historic Development of Leave in Québec



²²² *ibid* pp. 100

²²³ Budget 2000 Enriches Funding for Health Care and Education, Cuts Taxes and Invests in Innovation. Ottawa, February 28, 2000. 2000-015. [retrieved 4/28/2016]

<http://www.collectionscanada.gc.ca/webarchives/20071122055341/http://www.fin.gc.ca/news00/00-015e.html>

²²⁴ “Background.” 2009-06-11. *Travail, Emploi et Solidarite sociale*. Québec

<i>Figure 3D: Quebec Population Overview</i>	
Total Population (2011 Data)	
Children (0-14 years)	16%
Working adults (15-64)	68%
Working females	50%
Household Living Arrangements	
Children living in 2 parent households	80%
Children living in 1 parent households	19%
Employment Type	
Full time employed	61%
Part time employed	39%
Public Sector	25%
Private Sector	75%

Overview of Quebec Families

The 2011 Canadian Census provides provincial breakdowns of total population and household demographics statistics. Figure 3D provides a breakdown of the population in Quebec, by type of employment and employer. According to Statistic’s Canada’s Employment Insurance Coverage Survey conducted in 2013, Québec “had the second-highest share of recent mothers with insurable employment (91.2%) and the highest share of insured recent mothers receiving maternity or parental benefits (97.8%).²²⁵ These statistics suggest that Quebec’s eligibility criteria allows for one of the highest percentages of women covered in the country. It also suggests a high percentage of women in Quebec partake in the maternity and parental leave program. When considering these figures against Leitner’s familism theory, these statistics suggest that Quebec meets the criteria for a familistic structure, as either an optional familism or explicit familism system. The

²²⁵ Employment Insurance Coverage Survey, 2013. The Daily. Statistics Canada, Government of Canada. 2015. 01 19. [retrieved 06.18. 2015] <http://www.statcan.gc.ca/daily-quotidien/150119/dq150119b-eng.htm>

distinction comes when looking at Quebec's childcare scenarios and whether Quebec offers equally adequate child care option. As, according to Leitner, the major distinction between the two, is that "only in the optional familiaism is the family's right to care not equated with the family's obligation to care"²²⁶

QPIP – Eligibility and Flexibility

The focus of the Government of Québec's new plan was to improve the social equality between men and women through adjustments to flexibility and eligibility standards based on consultations between various Québec interest groups. The 2015 rates set by the Commission de la santé et de la sécurité du travail provide employees with a maximum insurable benefit of \$70,000, which means that employees receiving parental leave benefits can only receive up to \$70,000.²²⁷ The intention in offering two separate benefit plans is to increase the options provided to new parents and allowing for customization. The Basic Plan offers a longer period of Maternity leave, 18 weeks, at a lower weekly rate of 70%.²²⁸ Conversely, the special plan offers a shorter period of leave, 15 weeks, but at a higher weekly rate of 75%.²²⁹ According to the QPIP benefits summary, maternity leave for either plan "begins no earlier than the 16th week before the expected week of delivery... [and] ends no later than 18 weeks after the birth week."²³⁰

²²⁶ Leitner, Sigrid. pp. 359

²²⁷ Québec Parental Insurance Plan. "About the Plan: Features." Government of Quebec. 2014.12.18 http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/caracteristiques_en.asp [retrieved June 26, 2015]

²²⁸ QPIP Benefits – Summary Table. Government of Quebec. [Retrieved June 26, 2015] http://www.rqap.gouv.qc.ca/includes/tableaux/tab_synthese_prestations_en.html

²²⁹ *ibid*

²³⁰ *ibid*

Figure 3E provides an overview of maternity and parental benefit usage in Quebec based on data gathered by Statistics Canada through the 2010/2011 Survey of Young Canadians and the 2013 Employment Insurance Coverage Survey. The Survey of Young Canadians conducted between 2010 and 2011 provides a picture of the Québec maternity and parental leave environment in the early 2010s. The Survey of Young Canadians found that Quebec women are highly likely to take maternity leave for the full time provided to them by the government, whether that be the special plan or the basic plan. Quebec women tend to take the time off to care for their child rather than returning to work and sending their child to day care.^{231 232 233} The survey findings demonstrate a difference between the Canadian EI benefit system and the Québec Parental Insurance Plan program, noting that “a slightly higher proportion of those in Québec (72%) ...worked after the birth or adoption [of a child] than those in the rest of Canada (67%).”²³⁴ Notably, Québec Mothers took on average 5 weeks more than their Canadian counterparts living outside of Québec.

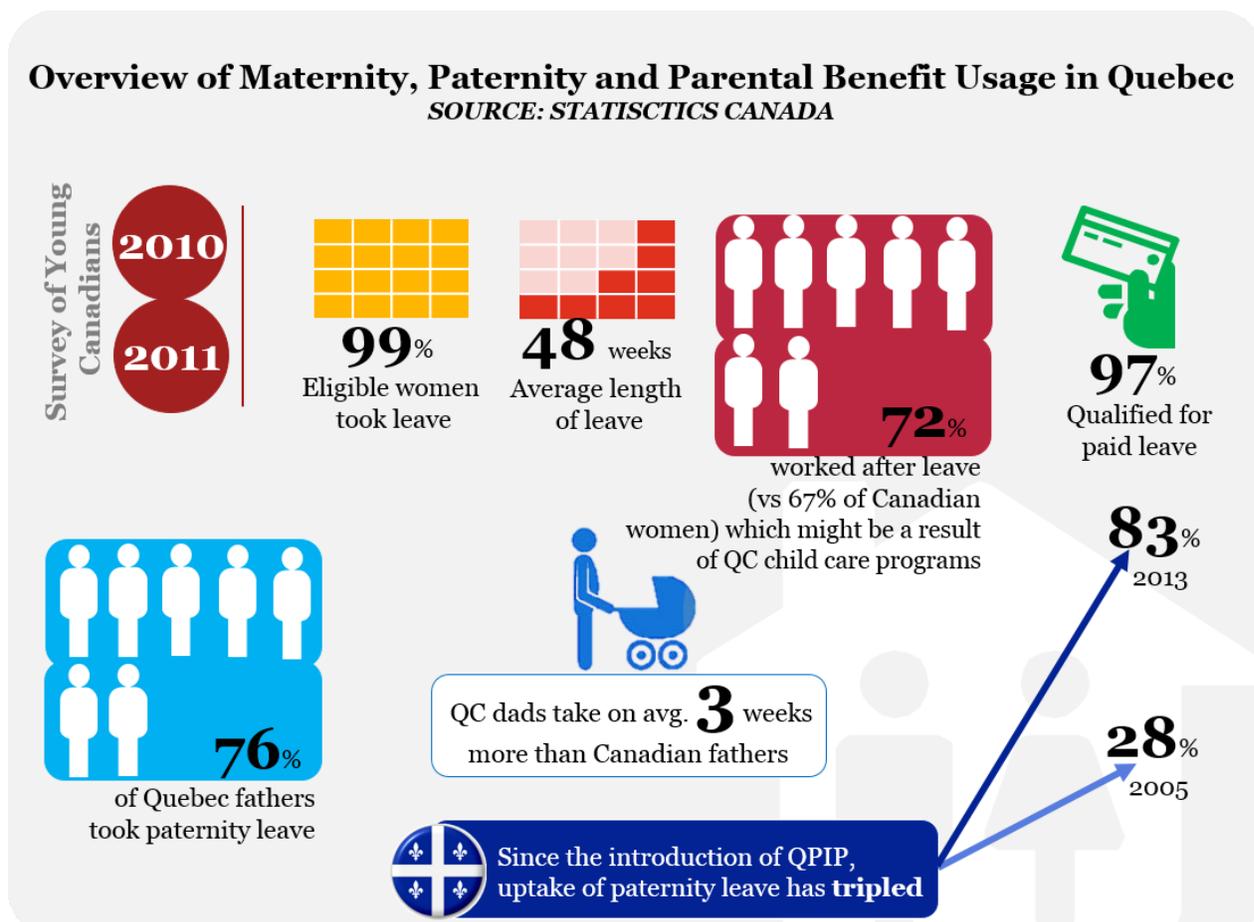
²³¹ “Study: Leave Practices Of Parents After The Birth Or Adoption Of Young Children”

²³² Ibid

²³³ ibid

²³⁴ ibid

Figure 3E: Overview of Maternity, Paternity and Parental Benefits Usage in Quebec



QPIP offers a paternity leave plan for biological fathers, which is separate and distinct from the maternity and parental leave plan. Under the basic paternity leave plan, new fathers may take up to five weeks of paternity leave, which commences the week the child is born. During the five-week leave, fathers are provided with an income replacement of 70% (up to a maximum of \$70,000) of insurable earnings. Under the special paternity plan, new fathers may take three weeks of leave commencing the week the child is born at a rate of 75% (up to a maximum of \$70,000) of insurable earnings. This leave must be taken within a year of the birth of the child.²³⁵ Québec's paternity leave program resulted in 76% of fathers reporting taking advantage of the benefit, which

²³⁵ QPIP Benefits – Summary Table.

ultimately resulted in Québec fathers taking on average 3 weeks more than Canadian father's living outside of Québec.²³⁶ According to the Employment Insurance Coverage Survey conducted in 2013 by Statistics Canada, since the 2006 introduction of the QPIP, "the proportion of fathers in Québec who took or intended to take parental leave has tripled...from 27.8% in 2005 to 83.0% in 2013."²³⁷

Biological parents can couple their maternity and paternity leave with the parental leave plan. Again, Quebec has created a basic and a special plan option for Quebec parents to select from. The Basic Plan consists of two levels of coverage; the parent may take seven weeks at 70% income replacement and then a further 25 weeks with 55% income replacement for a total of 32 weeks at two levels of income replacement.²³⁸ Alternatively, parents can choose to take 25 weeks of leave at 75% of their income for the entire duration. Parental leave may be taken once the child is born, but must be taken within the first year of their child's life.²³⁹

Adoption is dealt with separately in Quebec. Again there is a basic plan and a special plan for adoptive parents to select from. The Basic Plan in the case of adoption provides a total of 37 weeks of leave, the first 12 weeks are taken at 70% of the parents' income while the remaining 25 weeks are taken at 55% of the parent's income. Alternatively, the special plan offers 28 weeks of leave for parents at 75% of their income. Also differing from the plans designed for biological parents, the adopted child benefit plan commences on the date the child is placed with the new parents. In keeping with Quebec's various plans. The adoptive parents have one year from the date the child is placed in their care to take their leave.

²³⁶ QPIP Benefits - Summary Table

²³⁷ "Employment Insurance Coverage Survey, 2013." *The Daily*.

²³⁸ *ibid*

²³⁹ *ibid*

In terms of eligibility and in comparison with the Canadian Plan, the Quebec Parental Insurance Plan attempts to increase accessibility for parents by including a larger group of employed adults than the federal plan. Quebec employees who are salaried workers and self-employed works are eligible for benefits; this is different from the Canadian plan, which will be discussed more thoroughly in the following Chapter. According to the Government of Quebec, “the minimum insurable earnings considered when calculating the benefits is \$2,000, regardless of the number of hours worked.”²⁴⁰ As a result, part-time workers are also eligible for leave benefits. Eligibility is determined by premium payments into the QPIP. The following three groups pay premiums into the QPIP: wage earners, self-employed workers, and employers.²⁴¹ In terms of flexibility, although Quebec parents are offered the flexibility of selecting the plan that they feel is best aligned to their lifestyle and requirements, once they have begun receiving benefits, they cannot change the type of plan they are on.

Comparing National and Subnational Systems: Canada & Quebec

Based on the history, policy overview and data regarding leave in Canada and Quebec, these jurisdictions leave policies can be considering against Esping-Andersen’s typology and Leitner’s distinctions between familialism and defamilialization. In terms of Esping-Andesen’s regime clusters, Canada and subsequently Quebec are classified within the liberal regime type. This is a regime type characterized by limited state interference in favour of market driven programs. The liberal regime type, as is outlined in Chapter 2, promotes market participation, offering less social-assistance than the conservative and social democratic regime clusters. A

²⁴⁰ Québec Parental Insurance Plan. “About the Plan: Features”

²⁴¹ Québec Parental Insurance Plan. Premiums and Maximum Insurable Earnings. Government of Quebec. 2014.12.18 [Retrieved June 26, 2015]

http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/caracteristiques_en.asp

review of both Canada and Quebec's leave policy suggests that this policy area does not follow the typical liberal format, which supports primarily the lowest income earners and promotes work over care. These characteristics conflict with the overview of both the Canadian and Quebec parental leave systems, which have accessible eligibility criteria and promote family care for infants for the first year of the child's life.

This assessment is further supported by Leitner's familialism model. As both Canada and Quebec support the care function of the family through social policy, they both fall within the familialism category. Canada is more difficult to place within the three types of familialism, which are outlined in Chapter 2. Canada's relatively inclusive leave policy promotes the family's role and ability to care for children. As childcare policies and programs were not comprehensively reviewed for this thesis, it is difficult to distinguish between explicit familialism and optional familialism. Basing this assessment on findings from the survey outline in Chapter 4, where the majority of Ontario respondents indicated that childcare was difficult to obtain and age played a factor in finding suitable care, Canada may lean towards explicit familialism, favoring family care over public care. However, market-provided care is available, This further complicates Esping-Andersen's regime typology. Where Canada may fit within the liberal regime cluster based on market driven childcare, maternity and parental leave suggest familialism, which is less characteristic of the liberal regime cluster. As the same data collection challenge exists for Quebec within this thesis, Quebec is also more difficult to place. However, Quebec does have a public childcare policy, which may mean that it is closer to optional familialism than Canada is.

A notable distinction between Canada and Quebec is Quebec's paternity leave policy. Based on Leitner's analysis of gender within familialism, Quebec, like many Scandinavian countries has attempted to de-gender its policy by creating a specific paternity leave component.

This targeted leave further reduces the gender component of leave. While both Canada and Quebec have specific maternity leave and a parental leave, which allows either parent to take leave during the allotted period, Quebec is the only one of the two jurisdictions to create a separate, paternity leave. Chapter 4 will offer further comparison of the four jurisdictions based on leave standards developed by the OECD. It will also present findings from the survey conducted for this thesis. As a preliminary statement based on the survey findings, the majority of respondents suggested that familism is the approach preferred by the majority of mothers. Based on this premise, Canada and Quebec have implemented the system of choice for Canadians.

3.2.3 Maternity and Parental Leave in the United States

In the United States, maternity leave policies are outlined in the Family and Medical Leave Act (FMLA) (1993), which are under the purview of the Wage and Hour Division of the United States Department of Labor.²⁴² The 1993 FMLA was the first attempt at providing a job protected national maternity leave coverage policy, “although employers who offer temporary disability coverage to employees have been required to offer the same coverage for maternity leave since the passage of the 1978 Pregnancy Discrimination Act.”²⁴³ Prior to 1993, maternity leave in the United States existed as a result of “state law, collective bargaining agreements, and employer policies.”²⁴⁴

The United States differs from Canada in its maternity leave definition, coverage and determination of eligibility. The Family and Medical Leave Act specifies that an employee must be covered by their employer in order to be eligible for unpaid, job protected leave. A covered

²⁴² Family and Medical Leave Act. Wage and Hour Division. United States Department of Labour. [Retrieved January 5, 2015] <http://www.dol.gov/whd/fmla/>

²⁴³ Berger, Lawrence M., and Jane Waldfogel. 2004. “Maternity Leave and the Employment of New Mothers in the United States”. *Journal of Population Economics* 17 (2). Springer: pp. 332

²⁴⁴ *ibid* pp. 332

employer is described by the U.S. Department of Labour as meeting the following criteria, a “private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year... [A] public agency, including a local, state, or Federal government agency... [or] a public or private elementary or secondary school.”²⁴⁵ While particular employers are designated as covered and therefore meet the first criteria of the Family and Medical Leave Act’s requirements, employees must also meet a set of eligibility requirements on their own. An employee becomes eligible for FMLA coverage if they “work for a covered employer... [have] worked for the employer for at least 12 months... [have] at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave... [and] works at a location where the employer has at least 50 employees within 75 miles.”²⁴⁶²⁴⁷

History of the Family and Medical Leave Act (1993)

The Family and Medical Leave Act (FMLA), introduced in the House of Representatives in January 1993 by William D. Ford and signed into law by President Bill Clinton, was amended in 2008 to include additional leave for military families.²⁴⁸ With this exception, the 1993 version of the document as it relates to leave surrounding the birth, adoption, or fostering of a child remains unchanged. The objective of the FMLA is described in the act as to promote and protect the family, explicitly detailing as goals “to balance the demands of the workplace with the needs of the family, to promote the stability and economic security of families... to promote national interest in

²⁴⁵ “Fact Sheet #28: The Family and Medical Leave Act.” U.S. Department of Labor Wage and Hour Division. (2012) [Retrieved June 1, 2015.] <http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>

²⁴⁶ “Fact Sheet #28: The Family and Medical Leave Act.”

²⁴⁷ A comparison between Canada will be provided in the following chapter

²⁴⁸ “Section 2: Findings and Purposes” United States Department of Labour. [Retrieved January 15, 2015] www.dol.gov

preserving family integrity... [and] to promote the goal of equal employment opportunities for women and men.”²⁴⁹

The FMLA describes in Section 2: Findings and Purposes, four key findings that accurately summarize the need for legislation surrounding leave. Section 2 describes the overall findings, that (2.2) “it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing...”²⁵⁰ As this is both an important stage in the child’s development and for the health of the mother, explicitly pointing out the importance of this time period helps establish a standard. Section 2.3 of the Act explains that “the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;”²⁵¹ This finding has a negative consequence on the economy, when parents are forced to choose between work and family to such an extent. Section 2.5 of the Act explains that “due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibilities affects the working lives of women more than it affects the working lives of men;”²⁵² is a progressive understanding of the consequences of a culture that sees women as the primary care givers in a society and therefore penalizes working women by not providing a solid infrastructure that enables them to take on both roles as well as share the role of caregiver with a spouse. Finally, Section 2.6 explains that “employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.”²⁵³ This finding is crucial to improving gender equity in the workplace, as job

²⁴⁹ Section 2: Findings and Purposes” United States Department of Labour.

²⁵⁰ *ibid*

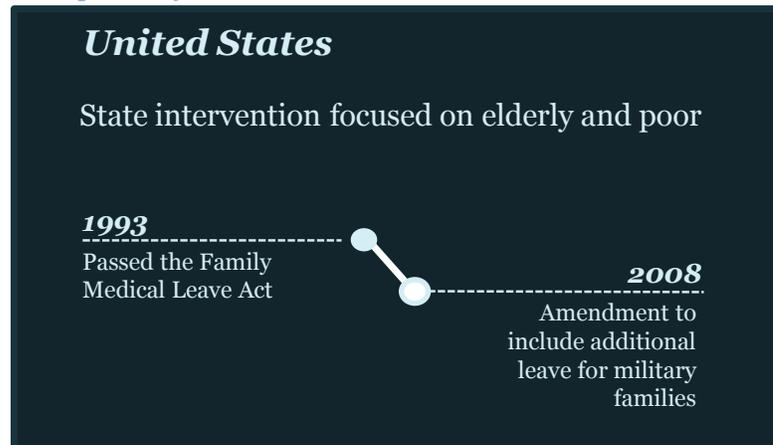
²⁵¹ *ibid*

²⁵² *ibid*

²⁵³ *ibid*

discrimination based on gender affects all women, regardless of whether they plan to have a family. An effort to eliminate this form of discrimination is required; however the FMLA does not go far enough in its legal stipulations to effectively remove or reduce the element of discrimination.

Figure 3F: Historical Development of Leave in the United States



According to OECD reports of family leave policies across member countries, the United States trails the rest of the OECD member countries when it comes to supporting working families. According to Fagnani’s report on Work-Family Life Balance, in the United States “work-family conflict seems more acute than elsewhere in the developed world especially as far as low-paid women are concerned...one reason is that Americans work longer hours than people in most other developed countries.”²⁵⁴ Longer working hours with less support for working parents creates difficult working conditions for working families in the United States. This lack of social support has consequences on the U.S. labour force as a whole. According to Fagnani, it is estimated that “in the United States, annual labour force growth rates (including growth due to immigration) over the next ten years are forecast to be only about half of what they were over the last decade.”²⁵⁵ As

²⁵⁴ Fagnani. “Work-Family Life Balance: Future Trends And Challenges.” pp. 128

²⁵⁵ Ibid .pp.137

a result, “competition for qualified, well-trained staff will intensify,”²⁵⁶ but will organizations respond to this competition by making an effort to attract and retain top talent by enhancing the benefits and leave structures within their organizations? According to the OECD report, “in many countries, large companies now develop flexible working arrangements including reduced working-hour schemes, to meet business needs to recruit and retain women employees with young children.”²⁵⁷

In an effort to advance the United States in the area of leave, on January 15, 2015, President Barack Obama signaled his administrations intentions to improve family leave policies through his Presidential Memorandum – Modernizing Federal Leave Policies for Childbirth, Adoption and Foster Care to Recruit and Retain Talent and Improve Productivity. In his memorandum, President Obama directed departments and agencies to allow federal workers to take six weeks of advanced paid sick leave to care for a the birth or adoption of a child.²⁵⁸ President Obama states as one of his motives for the memorandum, the important link between economic success and an empowered workforce, stating:

“the availability for paid maternity leave has been shown to increase the likelihood that mothers return to their jobs following the birth of a child, and paid maternity and paternity leave has been shown to improve the health and development outcomes of the infant... it is critically important for parents and their newborn or newly adopted child to have the opportunity to form strong family attachments and relationships.”²⁵⁹

Recognizing that only three states have paid sick leave plans that include leave to care for a newborn child, President Obama included in his Fiscal Year 2016 Budget funding to encourage

²⁵⁶ Fagnani. “Work-Family Life Balance: Furutre Trends and Challenges.”. pp. 138

²⁵⁷ *ibid* pp.138

²⁵⁸ President Barack Obama. “Presidential Memorandum – Modernizing Federal Leave Policies for Childbirth, Adoption and Foster Care to Recruit and Retain Talent and Improve Productivity.” *The White House, Office of the Press Secretary*. January 15, 2015. [retrieved March 03, 2015]

²⁵⁹ *ibid*

states to develop their own sick leave programs. The budget set aside “\$2.2 billion in mandatory funding to reimburse up to five states for three years for the administrative costs and roughly half of the cost of benefits associated with implementing a [paid leave] program.”²⁶⁰

Overview of American Families

According to the United States Census Bureau’s American Families and Living Arrangements study, out of the 91,365 American households surveyed, there were a total of 29,287 households with children under the age of six in 2014. Abt Associates, a global research firm that focuses on health, social and economic policy, conducted a survey of 1,812 worksites and 2,852 employees in order to understand the current application of the FMLA.²⁶¹ According to the Family and Medical Leave 2012 survey conducted for the U.S. Department of Labour, only “one in six worksites reports that it is covered by the FMLA (17%); another 30% are unsure.”²⁶² Further still, “only slightly more than half of all employees report meeting all three [eligibility] conditions to be eligible for the protections of the FMLA (59%).”²⁶³ According to the study, of the US employees surveyed, 21% of qualified employees took leave for the purpose of pregnancy in 2012.²⁶⁴ The Abt Associates survey recommended to the Department of Labour two potential adjustments that would improve employee access to FMLA. The first recommendation was to adjust the eligibility requirements from employees at worksites with 50 or more employees to 20 employees. This modification would increase the number of employees eligible for coverage from 59% to 67%.²⁶⁵ The second option put forth by the report as a change to the minimum hours of

²⁶⁰ “Fact Sheet: White House Unveils New Steps to Strengthen Working Families Across America.” *Office of the Press Secretary*. The White House. January 14, 2015 [retrieved March 03, 2015]

²⁶¹ Klerman, Jacob Alex. Kelly Daley. Alyssa Pozniak. “Family and Medical Leave in 2012: Technical Report.” Abt Associates Inc. for the Department of Labour. September 7, 2012. Updated April 18, 2014.

²⁶² Klerman. “Family and Medical Leave in 2012.” pp.i

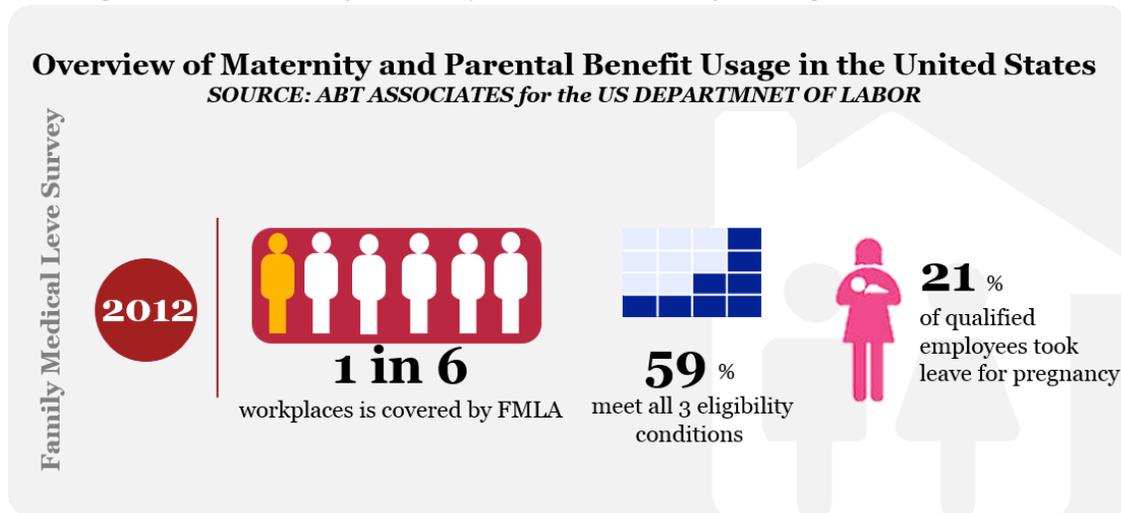
²⁶³ *ibid* pp. i

²⁶⁴ *ibid* pp. ii

²⁶⁵ *ibid* pp 161

service required rather than the number of employees. In the second recommendation, “lowering the hours of service requirement from an average of 24 hours per week (1,250 hours in the 12 months prior to leave) to 15 hours per week (780 hours) would increase eligibility from 59% to 63%.”²⁶⁶

Figure 3G: Overview of Maternity and Parental Benefits Usage in the United States



The United States’ Leave Framework – Eligibility & Flexibility

The United States’ Family and Medical Leave Act provides employees who meet all eligibility requirements with the opportunity to take 12 weeks of family and medical leave within a 12-month period. However, this leave is not specifically designated for maternity. While the birth of a child is one reason for which an employee may be eligible to take the leave, the leave also covers a variety of circumstances including the care of a family member suffering from a medical condition or for a medical condition affecting the employee himself or herself.²⁶⁷ The FMLA ensures an employee who meets the aforementioned criteria the opportunity to take unpaid leave

²⁶⁶ Klerman. “Family and Medical Leave in 2012” Pp. 161

²⁶⁷ “Fact Sheet #28: The Family and Medical Leave Act.”

with the guarantee that they will be able to return to their job or a similar role at the end of the leave period. The job ensures equivalent compensation that includes their benefits packages. Additionally, the FMLA stipulates “employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave.”²⁶⁸ Private employers and non-profits with less than 50 employees are exempt which means that only about 58% of workers in private firms are eligible for FMLA. However, all public sector employees are covered.²⁶⁹

3.2.4 Maternity and Parental Leave in California

The State of California is not alone in offering an enhancement to the FMLA. According to Tremblay, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico offer leave under a disability insurance that can be used for family leave. California is examined here because it was the “first state to adopt a comprehensive paid family leave law in July 2004.”²⁷⁰ As of 2007, the State of Washington joined California by introducing a family leave program that does add some additional leave coverage to eligible residents.²⁷¹ Leave Policy was established within California’s State Disability Insurance Program in 2002.²⁷² Democratic Governor Gray Davis signed Senate Bill 1661 establishing Paid Family Leave in 2002, making California the first state in the United States to offer paid family leave.²⁷³

²⁶⁸ “Fact Sheet #28: The Family and Medical Leave Act.”

²⁶⁹ *ibid*

²⁷⁰ Tremblay, Diane-Gabrielle “Paid Parental Leave” pp. 87

²⁷¹ Tremblay, Diane-Gabrielle “Paid Parental Leave” pp. 87

²⁷² “About the State Disability Insurance Program.” *Employment Development Department*. State of California. 2015. [retrieved 06.02.2015]

[http://www.edd.ca.gov/disability/About_the_State_Disability_Insurance_\(SDI\)_Program.htm](http://www.edd.ca.gov/disability/About_the_State_Disability_Insurance_(SDI)_Program.htm)

²⁷³ *Ibid*

The Paid Family Leave program is administered under the State Disability Insurance Program.²⁷⁴ In the State of California, the Department of Fair Employment and Housing states that it is “unlawful for an employer to discriminate in terms of compensation, conditions, or privileges of employment because of pregnancy.”²⁷⁵ Unlike the majority of states in the United States, California is a progressive leader when it comes to leave policy. According to the California Unemployment Insurance Code Section 3300, “it is in the public benefit to provide family temporary disability insurance benefits to workers to care for their family members. The need for family temporary disability insurance benefits has intensified as the participation of both parents in the workforce has grown.”²⁷⁶ The objective expressed by California legislators in creating an enhanced leave policy was the responsibility of the state to “help families adapt to the competing interests of work and home”²⁷⁷ which was determined to support both workers and “employers by increasing worker productivity and reducing employee turnover.”²⁷⁸ As a result, the State of California adheres to both the Family and Medical Leave Act and the California Family Rights Act, providing job protection to new mothers.



Figure 3H: Historical Development of Leave in California

²⁷⁴ “About the State Disability Insurance Program.”

²⁷⁵ “Pregnancy Leave.” *Department of Fair Employment and Housing*. State of California [retrieved 06.18.2015]. www.dfeh.ca.gov

²⁷⁶ “Unemployment Insurance Code. Section 3300 -3306”. *Official California Legislative Information*. State of California. [Retrieved 06.18.2015] <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=uic&group=03001-04000&file=3300-3306>

²⁷⁷ *ibid*

²⁷⁸ *ibid*

Total Population (2013) ²⁷⁹ ²⁸⁰ ²⁸¹	38,431,393
Children (0-5 years)	7%
Working adults (15 – 64)	63%
Working Females	57%
Household Living Arrangements	
Married-couple families	49%
Children living in 2 parent households	23%
Children living in 1 parent households	14%
Women who had given birth in last 12 months	514,155 1.34%

Overview of California Families

In 2013, the population of California was 38,431,393, approximately 12% of the U.S. population.²⁸² The U.S. Census Bureau gathered the following statistics between 2009 and 2013 for the American Community Survey. The figures in the table to the right provide a snapshot of California households with children. The survey also looked at fertility among the female population.

The Employment Development Department of the State of California collects data on the State Disability Insurance Program, which provides an overview of the total benefits paid, the care

²⁷⁹ About the State Disability Insurance Program.” *Employment Development Department*. State of California. 2015. [retrieved 06.02.2015]

[http://www.edd.ca.gov/disability/About_the_State_Disability_Insurance_\(SDI\)_Program.htm](http://www.edd.ca.gov/disability/About_the_State_Disability_Insurance_(SDI)_Program.htm)

²⁸⁰ <http://www.census.gov/quickfacts/map/LFE041214/06>

²⁸¹ “DP02 – Selected Social Characteristics in the United States.” *2009-2013 5-Year American Community Survey*. U.S. Census Bureau [retrieved 06.07.2015]

<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

²⁸² “California State & Country Quick Facts”. *U.S. Census Bureau: State and County Quick Facts*. United States Census Bureau. 28-May-2015. [retrieved 06.07.2015] <http://quickfacts.census.gov/qfd/states/06000.html>

claims filed, and the bonding claims filed from 2006 until 2014. Figure 3I provides an overview of the claims filed in fiscal year 2013/2014.^{283 284 285}

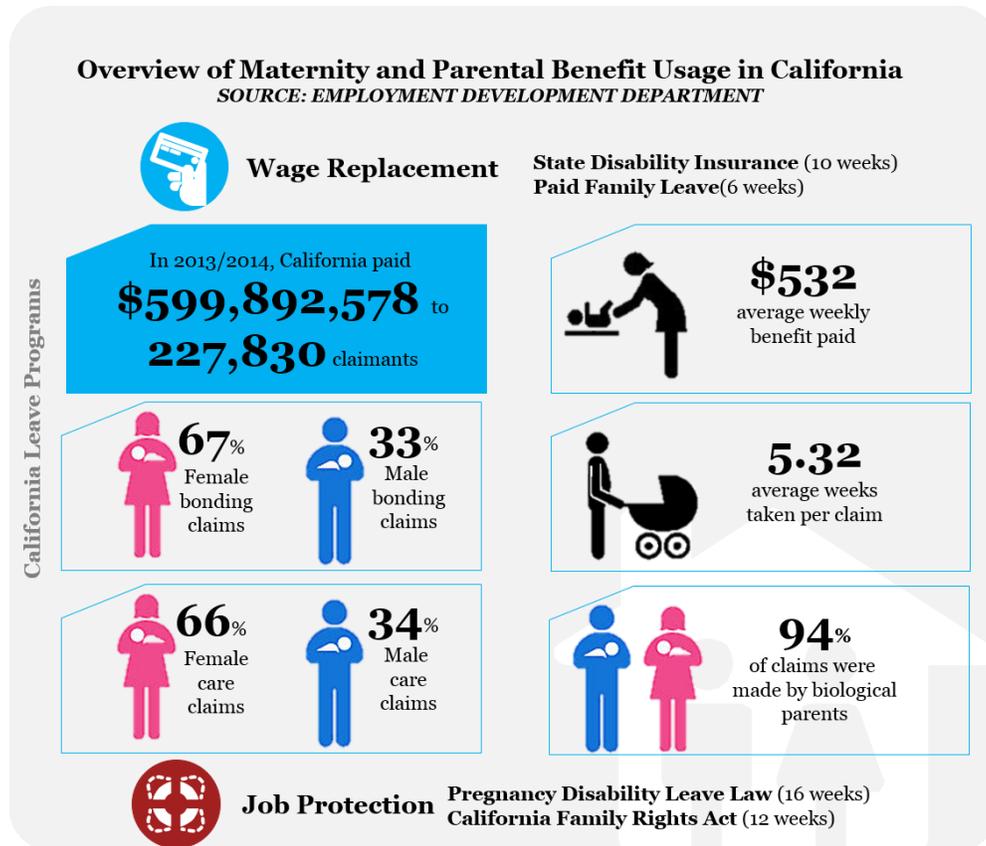


Figure 3I: Overview of Maternity and Parental Benefit Usage in California

Eligibility & Flexibility

California’s Paid Family Leave program has a wider reach than other state programs and is made available to more California employees than employees of states that rely solely on the U.S. Federal Medical Leave Act (FMLA). Under section 3301 (d), California employees are eligible for a total of six weeks of paid family leave to care for a newborn child or adopted child.

²⁸³ “State Disability Insurance (SDI) Statistical Information.” *Employment Development Department*. State of California. [retrieved 06.07.2015] http://www.edd.ca.gov/disability/pdf/qspfl_PFL_Program_Statistics.pdf

²⁸⁴ *ibid*

²⁸⁵ *ibid*

During the six weeks of leave, both male and female workers receive benefits at 55% of their insurable earnings up to a maximum of six times their weekly benefit amount.²⁸⁶ There are two eligibility criteria for the Paid Family Leave program; employees must participate in the State Disability Insurance program to receive Paid Family Leave benefits, which are a result of their contributions to the insurance program. The second eligibility criteria is the rationale for leave, the worker must be taking leave “to bond with a newborn baby, newly adopted or foster child.”²⁸⁷ Eligibility for Paid Family Leave is not dependent on duration or type of employment. Paid Family Leave is not administered by an individual employer.²⁸⁸ Of note is the separation of job protections under California’s various programs and policies. While the FMLA and California Family Rights Act, which covers a portion of workers, does provide both the protection of a worker’s job and the right to return to the same or similar job, California’s Paid Family Leave program does not include any protection provisions. Workers can receive protected job leave under the FMLA, the California Family Rights Act or the Pregnancy Disability Leave program.

California also offers benefits for pregnant women under Pregnancy Disability Leave.²⁸⁹ Under the Pregnancy Disability Leave program, “pregnant employees have the right to take up to 4 months of job-protected leave for disability due to pregnancy, childbirth, or a related health condition.”²⁹⁰ Paired with the U.S. Family and Medical Leave Act and the Paid Family Leave Act, California residents have a number of options that protect their jobs, provide a short leave for both parents, and compensation during that leave. Eligibility for Pregnancy Disability Leave is much

²⁸⁶ “Unemployment Insurance Code.” State of California

²⁸⁷ The California Work and Family Coalition. “Know Your Rights! Family Leave Laws in California.” *Labor Project for Working Families*. 2013. Pp. 9 [retrieved 06.02.2015] http://workfamilyca.org/resources/pdf/ca_family_leave_guide2013.pdf

²⁸⁸ *ibid.* Pp. 11

²⁸⁹ California Work & Family Coalition “Six Key Laws For Parents.” *Pregnancy Disability Leave*. [retrieved 06.02.2015] http://paidfamilyleave.org/pdf/KeyLawPoster_ENG.pdf

²⁹⁰ The California Work and Family Coalition. “Know Your Rights! Family Leave Laws in California.”

less restrictive than FMLA, to be eligible for Pregnancy Disability Leave a Californian worker must work for an employer with a minimum of five employees and must be in need of leave for pregnancy, childbirth or a related medical condition.²⁹¹ There is no minimum length of time that an employee must work to be eligible for Pregnancy Disability Leave.²⁹² In addition to the general leave surrounding childbirth, under Pregnancy Disability Leave, a worker can receive “up to 4 months of leave for complications, [or] severe morning sickness.”²⁹³ The workers must also be provided accommodation at the job site such as modified duties or a chair.²⁹⁴ The California Work and Family Coalition has created the following illustration to demonstrate the type of coverage available during the 22 weeks surrounding the birth of a child.

²⁹¹ The California Work and Family Coalition. “Know Your Rights! Family Leave Laws in California.”

²⁹² Ibid. pp. 6

²⁹³ Ibid pp.6

²⁹⁴ Ibid pp.6



²⁹⁵ The California Work and Family Coalition. “Know Your Rights! Family Leave Laws in California.” Pp. 15

Comparing National and Subnational Systems: United States and California

Based on the history, policy overview and data regarding leave in the United States and California, these jurisdiction's leave policies differ when considered in terms of Esping-Andersen's typology and Leitner's distinctions between familialism and defamilialization. In terms of Esping-Andersen's regime clusters, the United States classified as a liberal regime. Further to the description outlined in Chapter 2, the liberal regime is characterized by limited state interference in favour of market driven programs. The United States promotes market participation, offering less social-assistance than the conservative and social democratic regime clusters. In contrast is California, which has social policies that support residence by providing paid and protected leave to care for infants. While California is less aligned with the United States in terms of its liberal regime type classification, it does have a strong market-driven element to care. In terms of Leitner's familialism model, the United States shows tendencies towards both de-familialism with no formal paid leave policy, however it also demonstrates characteristics of implicit familialism. Implicit familialism is described by Leitner as an approach that "neither offers de-familialization nor actively supports the caring function of the family through any kind of familialistic policy."²⁹⁶ In this case, the family is responsible for care due to the lack of paid leave or public child care. While child care policies and incentives were not considered for this thesis, the absence or presence of child care policies would shift the United States between de-familialism and implicit familialism. Again, considering California without further detail on the child care policies presents alignment with familialism, either explicit familialism or optional familialism depending on the child care policies in place in the state. Chapter 4 will offer further comparison of the four jurisdictions based on leave standards developed by the OECD. It will also present

²⁹⁶ Leitner. Pp. 360

findings from the survey conducted for this thesis. As a preliminary statement based on the survey findings, the majority of American respondents suggested that familism is the approach desired by the majority of mothers. Based on this premise, California has implemented a system which is more consistent with the needs of its residents.

Based on survey findings presented in chapter 4 suggesting that familism is the approach preferred by the majority of mothers, the United States has.... And California has...

3.3 Summary of Key Findings

As predicted in my expected findings and based on the breakdowns of each jurisdiction's maternity and parental leave programs, Canada and Quebec emerge as the familism leaders, providing the most publicly funded time to parents out of the four jurisdictions. The United States is notorious among OECD countries for providing the least amount of time and financial support to new parents, demonstrating a true de-familizing care policy. California's public policy attempts surrounding paid and protected leave are a departure from the United States' market-driven care system, moving closer to a familism system. Based on Chapter 4 findings suggesting that new parents prefer the familism approach for the first year of an infant's life, the jurisdictions with social policies in line with these approaches are presumed to be more in keeping with citizen preferences. Of the three jurisdictions with familism leave policies, Quebec is the clear frontrunner as it goes a step further in attempting to degender its leave policy. The following table Table 1: Parental and Maternity Leave Breakdown outlines the key differences between the maternity and parental leave programs in Canada, Quebec, the United States, and California.

Table 1: Parental & Maternity Leave Breakdown by Jurisdiction

Parental & Maternity Leave Breakdown					
		Canada	Quebec	United States	California
Length & Coverage	Maternity	15 – 18 weeks at 55% of average insured earnings up to a ceiling of C\$48,600	Basic Plan: 18 weeks at 70% of average weekly income up to a ceiling of C\$70,000 Special Plan: 15 weeks at 75% up to C\$70,000	Up to 12 weeks in a 12 month period of unpaid, job protected leave	Under Pregnancy Disability Leave – 16 weeks of job protected leave
	Parental	35 0 37 weeks for one parent or shared between two *Max number of weeks if all time taken by mother is 52 weeks in combination with mat leave)	Basic Plan: 7 weeks at 70% of average insured income plus 25 weeks at 55% up to a ceiling of C\$70,000 Special Plan: 25 weeks at 75% up to a ceiling of C\$70,000	N/A	6 weeks of paid family leave at 55% of either parent's insurable earnings under the Paid Family Leave program.
	Paternal	N/A	3 weeks at 75% of average weekly income up to a ceiling of C\$70,000 or 5 weeks at 70% up to a ceiling of C\$70,000	N/A	N/A
Eligibility		For the majority of provinces, the same employer must have employed an employee for a min. amount of time (between 13 weeks and 12 months). The majority requires continuous employment. An employee must demonstrate 600 hours of continuous employment in the last 52 week.	Employees must have earned an income of C\$2,000 – this enables students and self-employed workers to qualify	Covers employees working for a covered employer and who have worked for that employer for at least 1 year and for at least 1,250 hours over the 12 months. Private employers and non-profits with less than 50 employees are exempt (all public sector employees are covered)	Paid Family Leave; Employees must participate in the State Disability Insurance program Pregnancy Disability Leave: work for an employer with a min. of 5 employees
Funding Vehicle		Federal Employment Insurance program	Quebec Parental Leave Benefits Plan (QPIP)	Family and Medical Leave Act (does not offer funding)	California State Disability Insurance program

3.4 Chapter Summary

This chapter provides an in-depth examination of the key elements of leave policy in the four jurisdictions. Based on this examination, certain conclusions can be made about the political and social tendencies of the respective jurisdictions. In a global context, neither Canada nor the United States have ratified the ILO's Convention 183. While the U.S. does not meet the standards, Canada does meet the requirements. This is the first demonstration of the separation between the two jurisdictions, despite their grouping in Esping-Andersen's liberal classification.

This chapter reviewed the social and economic structures of each jurisdiction, following the historical developments that influenced the creation of their current welfare state policies. While the governments of Canada, Quebec, and to an extent California strive to provide women with the opportunity to take leave without penalty in the workplace, at a national level the United States government does not offer that social support, preferring to leave its citizens to comply with market forces. Research and analysis throughout this chapter has shown that Canada and Quebec have a more robust social support system with both governments playing a larger role in supporting families and in particular women in the workforce. This research and analysis also demonstrates that government policy is essential in creating equitable circumstances for its citizens. The statistics demonstrate that without the paid and protected leave policy, women are less likely to take time to care for their children ultimately influencing their decisions about family planning.

The following chapter will examine the impact of government policy in determining a women's choice to return to work after the birth of her child through a comparison of the benefits outlined in this chapter and a study that I designed for this thesis. It will also touch on corporate social responsibility through the survey questions. This gives a sample of what organizations do to support gender equality in the workplace.

Chapter 4: Comparing the Benefits & Survey Results

4.1 Comparing the Four Jurisdictions Examined

This section of my thesis will rank the four jurisdictions studied in the historical section in the previous Chapter entitled Establishing Maternity Leave in Canada and the United States. In this section, each jurisdiction, Canada, United States, Quebec and California, will be given a ranking in the categories of length of leave, coverage, eligibility for leave, flexibility, and accessibility. Each of these categories will be defined below. Comparing and contrasting the programs will demonstrate the scope and depth of each program compared to their regional counterparts. The countries will be ranked against one another resulting in a ranking out of four, with one being the most comprehensive and four being the least. The following table provides a

	Canada	Quebec	United States	California
Types of Leave	Maternity Parental	Maternity Parental Paternity	Parental	Maternity Parental
Length	Maternity: 15 – 18 weeks Parental: 35 – 37 weeks	Maternity: 18* or 15* weeks Parental: 7* + 25* or 25* weeks Paternity: 3* or 5* weeks * Varying levels of coverage	Parental: up to 12 weeks	Maternity: 16 weeks Parental: 6 weeks **Can be paired with FMLA
RANKING	2	1	4	3
Coverage	Maternity and Parental: 55% of average insured earnings up to a ceiling of C\$48,600	Maternity: 18 weeks at 70% or 15 weeks at 75% (up to a ceiling of C\$70,000) Parental: 7 weeks at 70% + 25 weeks at 55% or 25 weeks at 75% up to an earning ceiling of C\$70,000. Paternity: 3 weeks at 75% or 5 weeks at 70% up to an earning ceiling of C\$70,000.	Parental: unpaid, job protected leave	Maternity: unpaid, job protected leave Parental: 6 weeks at 55% up to a ceiling of US\$55,900 (\$1,075 per week)
RANKING	2	1	4	3
Eligibility	Must pay in to the Employment Insurance program (the majority of Canadians qualify for insurance under EI)	Employees must have earned an income of C\$2,000 – this enables students, part-time workers and self-employed workers to qualify.	Covers employees who have worked for a covered employer for at least 1 year and for at least 1,250 hours over the 12 months Employers with less than 50 employees are exempt (all public sector employees are covered)	Paid Family Leave Employees must participate in the State Disability Insurance program and the leave must be for the purpose of bonding with a new child. Pregnancy Disability Leave: work for an employer with a min. of 5 employees and must request leave for pregnancy related disability.
RANKING	2	1	4	3
Flexibility	May not work without reduction in benefits. May choose amount of time to take within 52 weeks.	May select from two types of plans with varying time and coverage. Paternity leave is offered separate from other leave.	Very little flexibility Provides only job protection	Three plans offer coverage; programs can be selected at employee's discretion to suit their needs.
RANKING	2	1	4	3
Access to information	Provides program details, eligibility criteria, and directions on how to apply to the program and contact information for applicants.	User-friendly. Provides a breakdown of eligibility criteria, length of leave, plan details, user statistics, and compensation over time.	Provides the legal information regarding the Act. Less user friendly, legal language makes the information less accessible.	Very difficult to navigate, information was not readily available.
RANKING	2	1	3	4
Overall RANKING	Canada - Second	Quebec - First	United States - Fourth	California - Third

high-level view of the jurisdictions compared in the five categories and the associated rankings

given as a result of their respective programs. Each of the following categories is presented with a justification for the ranking given.

4.1.1 Ranking System Methodology

The ranking system is based on the following five criteria: length of leave, coverage, eligibility, flexibility, and access to information. These criteria were selected based on a the Organization of Economic Co-Operation and Development (OECD)'s key characteristics of parental leave systems²⁹⁷ and the International Labour Organizations (ILO)'s Maternity Protection Convention. See Appendix D5 for a visual representation of the rankings. Length of leave, coverage and eligibility are highly important criteria and for the purpose of this thesis, rank higher than flexibility and access to information.

Length of Leave

The category of 'length of leave' will compare the length of time, in weeks, provided to a parent after the birth or adoption of a child. The length of time provided to a parent is important in leave policy for a variety of reasons. Time off to care for a newborn child allows parents to bond with their child, for parents to follow Canadian Paediatric Society²⁹⁸ and American Academy of Pediatrics²⁹⁹ recommendations to breastfeed a newborn child, and, as work rather than care is the focus of liberal welfare states, to provide care to children as the care structures are not in place to provide services to newborn children. The longer the length of time offered to the individual, the higher the jurisdiction will rank in the system. Offering at least the minimum duration of leave set

²⁹⁷ PF2.1: Key Characteristics of Parental Leave Systems. OECD Family database. OECD, Social Policy Division, Directorate of Employment, Labour and Social Affairs.
http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

²⁹⁸ Critch, Jeffrey N. "Nutrition for healthy term infants, six to 24 months: An Overview." *Canadian Paediatric Society*. American Academy of Pediatrics. 12.05.2014 <http://www.cps.ca/en/documents/position/nutrition-healthy-term-infants-6-to-24-months>

²⁹⁹ American Academy of Pediatrics. "Breastfeeding and the Use of Human Milk." *Pediatrics*. Vol. 129 No. 3 March 1, 2012. <http://pediatrics.aappublications.org/content/129/3/e827.full?sid=46266acf-6dbe-41cb-aec7-32e9e700188b>

out by the ILO to new parents not only supports in maternal and child health, the time also allows the parent to care for the new born child without worrying about finding care, as it is difficult to find care givers to take on children under one year of age. While longer leave with wage replacement and job protection delays the need for childcare, parents may feel less attached to the labour market after taking an extended leave. Attachment to the labour market is dependent on a variety of factors, including the type of employment held by the parent (part time vs. full time), the employer's flexibility policies, and the ability to obtain proper child care once the leave policy is complete.

Coverage

Coverage will compare the financial compensation provided to a parent after the birth or adoption of a child. The higher the percentage of compensation is, the higher the jurisdiction will rank in the system. Not all leave policies include a wage replacement element. According to the OECD, “the length and availability of paid leave has increased considerably cross OECD countries in recent decades.”³⁰⁰ The OECD has recorded an increase in maternity leave wage replacement programs since the 1970s and notes that “decreases in the availability of paid leave are rare”.³⁰¹ Although the literature does not suggest an exact compensation level that could be a target for countries to reach the ideal state, the compensation level must be high enough to enable the leave recipient to afford to take the time off of work. If the compensation level is too low to be viable for parents to take leave, it becomes unaffordable to care for a child and finding external care services whether through family members, friends, or paid care becomes the only affordable

³⁰⁰ PF2.5 Trends in Parental Leave Policies Since 1970. OECD Family Database. OECD – Social Policy Division – Directorate of Employment, Labour and Social Affairs. p.1

http://www.oecd.org/els/family/PF2_5_Trends_in_leave_entitlements_around_childbirth.pdf

³⁰¹ *ibid* p.1

option. According to the OECD, “most OECD countries provide payments that replace over 50% of previous earnings.”³⁰²

Eligibility

Eligibility refers to the inclusiveness of the program. Eligibility is determined by each program based on a number of factors, including length of employment and type of employment. According to the OECD’s report on leave suggests that “eligibility conditions vary between countries and types of leave, making cross-national comparisons even more difficult.”³⁰³ The report suggests this is based on a number of factors, including the fact that “ineligibility may be related to self-employment, temporary contracts, other conditions related to prior employment history or the exemption of smaller employers from leave policies.”³⁰⁴ The OECD findings report that while fathers do take leave, “generally... leave appears to be extensively and fully used by mothers who are eligible”³⁰⁵ For these purposes, the more inclusive the government policy is, the higher the jurisdiction will rank in the system.

Flexibility

Flexibility refers to the ability for an individual to customize the plan according to their needs. It also refers to the restrictions placed upon individuals when using the programs. In the OECD ‘s June 2012 report reviewing leave policies the report suggests that “there is not much flexibility in Maternity leave... flexibility in use mainly takes the form of some choice about when

³⁰² PPF2.1: Key Characteristics of Parental Leave Systems. OECD Family Database. OECD Social Policy Division, Directorate of Employment, Labour and Social Affairs. pp.2

http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

³⁰³ Moss, Peter. International Review of Leave Policies and Related Research 2012. International Network on Leave Policies and Research. June 2012. pp. 41

³⁰⁴ *ibid.* pp. 41

³⁰⁵ *ibid.* pp. 41

women can start to take leave and how much of the leave period they can take before and after birth.”³⁰⁶

Accessibility

Accessibility refers to the ease of accessing public information and depth of public information available. The information will be judged based on the language used and the target audience for the information. For example legal language is less accessible to the general population. Information on interactive websites that have been updated to new formats and standards is more accessible to general users than plain-text website layouts. This ranking is based on my first hand experience accessing the various government websites and was my personal impression on the accessibility of the public information.

4.2 Comparisons & Ranking

4.2.1 Length

Canada: In Canada there are two types of leave, maternity leave specifically meant for the mother, which is 15 – 17 weeks in length. The second part of Canada’s leave program is parental leave, which provides 35 – 37 weeks of leave for parents to share between both partners. If a mother chooses to take both maternity leave and the couples share of parental leave, her leave can be up to 52 weeks. Based on the length of the leave program, Canada receives a ranking of one out of the four jurisdictions in the study.

Quebec: The province of Quebec offers a basic and special maternity leave plan to its residents, with the biggest difference between the two being the percentage of benefit and length

³⁰⁶ Moss, Peter. International Review of Leave Policies and Related Research 2012. pp.12

of time. The basic maternity leave plan offers 18 weeks of leave while the special plan offers 15 weeks of leave. Fathers have the option of taking three or five weeks of dedicated paternity leave. In addition to maternity and paternity leave, Quebec offers a parental leave program that adds an additional 32 weeks (at a rate of 55%) or 7 weeks (at 70%) and the remaining 25 (at 55%). Ultimately, parents can receive up to 52 weeks of leave after the birth of their child. Based on the length of leave, which can be up to 52 weeks and the various options provided to parents in Quebec and the interest in involving both mothers (maternity leave) and fathers (paternity leave), Quebec receives a ranking of two out of the four jurisdictions in the study.

United States: In the United States, the Family Medical Leave Act (FMLA) legislates the shortest amount of leave time for parents, which gives it a ranking of fourth overall among the four jurisdictions in this study. Employees may take 12 weeks of unpaid, but job protected family and medical leave under the FMLA. As the United States offers the shortest length of leave, it receives a rank of four for the category of length.

California: California offers two programs, covering different aspects of leave. The Paid Family Leave program provides 6 weeks of paid leave while the Pregnancy Disability Leave program offers four months of job protected leave. In addition to California specific leave programs; eligible citizens may use the FMLA leave program, providing 12 weeks of job protection in conjunction with the other two programs. Based on the length of the leave, California receives a rank of three among the jurisdictions compared in this study. However, California is one of the most progressive states in the United States and therefore would rank among top three if it was being ranked only among other states in the United States.

Rankings: In summary, in terms of length and coverage, Canada ranks first overall, followed by Quebec, California, and the United States. The following table provides a summarized view of the leave programs by length of leave.

Parental & Maternity Leave Comparison and Rankings - Length of Leave				
Canada		Quebec	United States	California
Types of Leave	Maternity Parental	Maternity Parental Paternity	Parental	Maternity Parental
Length	Maternity: 15 – 18 weeks Parental: 35 – 37 weeks	Maternity: 18* or 15* weeks Parental: 7* + 25* or 25* weeks Paternity: 3* or 5* weeks * Varying levels of coverage	Parental: up to 12 weeks	Maternity: 16 weeks Parental: 6 weeks **Can be paired with FMLA
Ranking	1	2	4	3

4.2.2 Coverage

Canada: Maternity leave, which is 15 – 17 weeks in length, provides 55% of the woman’s average insurable weekly earnings up to a ceiling of \$49,500. Parental leave is taken at the same rate as maternity leave, 55% of an individual’s average insurable earnings. Based on this coverage program, Canada receives a ranking of two out of the four jurisdictions.

Quebec: The province of Quebec’s basic maternity plan offers 18 weeks of leave at 70% up to an insurable earnings ceiling of \$70,000. The special plan offers 15 weeks of leave at a rate of 75% to the same ceiling. Fathers have the option of taking three weeks of leave at 70% of their insurable earnings, up to a ceiling of \$70,000. Additionally, Quebec offers a parental leave program that includes 25 weeks at 55% of insurable earnings up to a ceiling of \$70,000. Based on the options provided to parents in Quebec, Quebec receives a ranking of one out of the four jurisdictions.

United States: The United States’ program offer only job protection, there is no financial coverage under the FMLA. As a result, the United States ranks fourth of the four jurisdictions for the category of coverage.

California: California’s two programs offer both job protection and financial coverage. The Paid Family Leave program provides 6 weeks of paid, but not job protected leave at 55% of their wages, “up to \$1,075 per week in 2014”³⁰⁷ and the Pregnancy Disability Leave program offers four months of job protected leave. Based on the coverage offered, California receives a rank of 3 among the jurisdictions compared in this study.

Ranking: In summary, in terms of coverage, Quebec ranks first overall, followed by Canada, California, and the United States. The following table provides a summarized view of the leave programs by coverage.

Parental & Maternity Leave Comparison and Rankings - Coverage				
	Canada	Quebec	United States	California
Coverage	Maternity and Parental: 55% of average insured earnings up to a ceiling of C\$48,600	Maternity: 18 weeks at 70% or 15 weeks at 75% (up to a ceiling of C\$70,000) Parental: 7 weeks at 70% + 25 weeks at 55% or 25 weeks at 75% up to an earning ceiling of C\$70,000. Paternity: 3 weeks at 75% or 5 weeks at 70% up to an earning ceiling of C\$70,000	Parental: unpaid, job protected leave	Maternity: unpaid, job protected leave Parental: 6 weeks at 55% up to a ceiling of US\$55,900 (\$1,075 per week)
Ranking	2	1	4	3

³⁰⁷ Bartel, Ann; Charles Baum, Maya Rossin-Slater, Christopher Rhum, and Jane Waldfogel “California’s Paid Family Leave Laws: Lessons from the First Decade.” *Paid Leave Deliverables*. June 23, 2014. Pp. 2 [retrieved 04.12.2015] <http://www.dol.gov/asp/evaluation/reports/PaidLeaveDeliverable.pdf>

4.2.3 Eligibility

Canada: Canada has varying eligibility requirements, particularly in terms of length of time an individual has worked for an employer, but the overarching eligibility requirement is for an employee to have paid into the Employment Insurance program. The majority of Canadian employees qualify as insurable under the EI program and therefore are covered by the program. Canada ranks second for eligibility. While most Canadians are eligible for coverage, specific sectors are exempt based on EI requirement regulations on employers. Based on the high level of eligibility, Canada ranks second among the jurisdictions for program eligibility.

Quebec: Eligibility in Quebec is less restrictive than the Canadian Employment Insurance plan. The Quebec Parental Insurance Plan includes a larger group of employed adults. Quebec employees who are salaried workers and self-employed are eligible for benefits this includes the majority of part-time workers. As a result of its inclusiveness, Quebec ranks first among the four jurisdictions for program eligibility.

United States: The United States' leave program is relatively inflexible in comparison to the other jurisdictions studied. An employer must meet specific criteria to qualify and provide the benefits outlined in the FMLA. Private employers and non-profits with less than 50 employees are exempt from FMLA. However, employees who work for public sector employers are covered. The United States ranks last for eligibility, as the majority of Americans are not covered under FMLA based on the restrictions on FMLA qualification based on number of employees.

California: California's Paid Family Leave program has two clear eligibility criteria. Employees must participate in the State Disability Insurance program through a salary contribution. Employees must also provide proof that they are requesting the leave for the purpose of bonding with their new child. Unlike other programs, Paid Family Leave eligibility is not

dependent on duration or type of employment. California’s eligibility is far ahead of the United States, but ranks third behind Canada as employees are still excluded based on organizational size.

Ranking: In summary, in terms of eligibility, Quebec ranks first, followed by Canada, California, and the United States. The following table provides a summarized view of the leave programs by eligibility.

Parental & Maternity Leave Comparison and Rankings - Eligibility				
	Canada	Quebec	United States	California
Eligibility	Must pay in to the Employment Insurance program (the majority of Canadians qualify for insurance under EI)	Employees must have earned an income of C\$2,000 – this enables students, part-time workers and self-employed workers to qualify.	Covers employees who have worked for a covered employer for at least 1 year and for at least 1,250 hours over the 12 months Employers with less than 50 employees are exempt (all public sector employees are covered)	Paid Family Leave Employees must participate in the State Disability Insurance program and the leave must be for the purpose of bonding with a new child. Pregnancy Disability Leave: work for an employer with a min. of 5 employees and must request leave for pregnancy related disability.
Ranking	2	1	4	3

4.2.4 Flexibility

Canada: Canadians have very little flexibility within the maternity leave program. There are restrictions as to the length of time after a child’s birth that a mother can receive maternity benefits. However, beyond 17 weeks, the limit for maternity benefits, Canadians are eligible for parental leave benefits. Another restriction placed upon Canadians receiving maternity or parental benefits is that those individuals may not work during the period they receive benefits. Canada ties California in second for flexibility. While the plans themselves do not offer much flexibility, Canadians can choose the duration of their leave which provides employees with flexibility in determining how much time they will take off with a newborn child.

Quebec: Quebec residents have the flexibility to select from the basic or special plan that best aligns to their lifestyle, however they cannot change plans once they begin to receive benefits. Quebec fathers have separate plans which allocated time for fathers to take off, separate from the maternity and parental leave programs. The options provided by Quebec’s two plans and the opportunity for fathers to take leave as well as to combine the leave with a general parental leave ranks Quebec as the most flexible among the four jurisdictions.

United States: The United States’ Family and Medical Leave Act offer little flexibility to employees, only providing job protection to the employee. The FMLA is the least flexible of the leave programs studied in this paper.

California: With California’s three plans, there is a considerable amount of flexibility for California workers. Having the flexibility to select the program or combination of programs that best suits the needs of the parents makes California’s parental leave programs tied with Canada for second place among the four jurisdictions.

Ranking: In summary, in terms of flexibility, Quebec ranks first, followed by Canada ranking second, California third, and finally the United States ranking fourth. The following table provides a high level overview of the leave programs by flexibility.

Parental & Maternity Leave Comparison and Rankings - Flexibility				
	Canada	Quebec	United States	California
Flexibility	May not work without reduction in benefits. May choose amount of time to take within 52 weeks.	May select from two types of plans with varying time and coverage. Paternity leave is offered separate from other leave.	Very little flexibility Provides only job protection	Three plans offer coverage; programs can be selected at employee’s discretion to suit their needs.
Ranking	2	1	4	3

4.2.5 Accessibility of Information

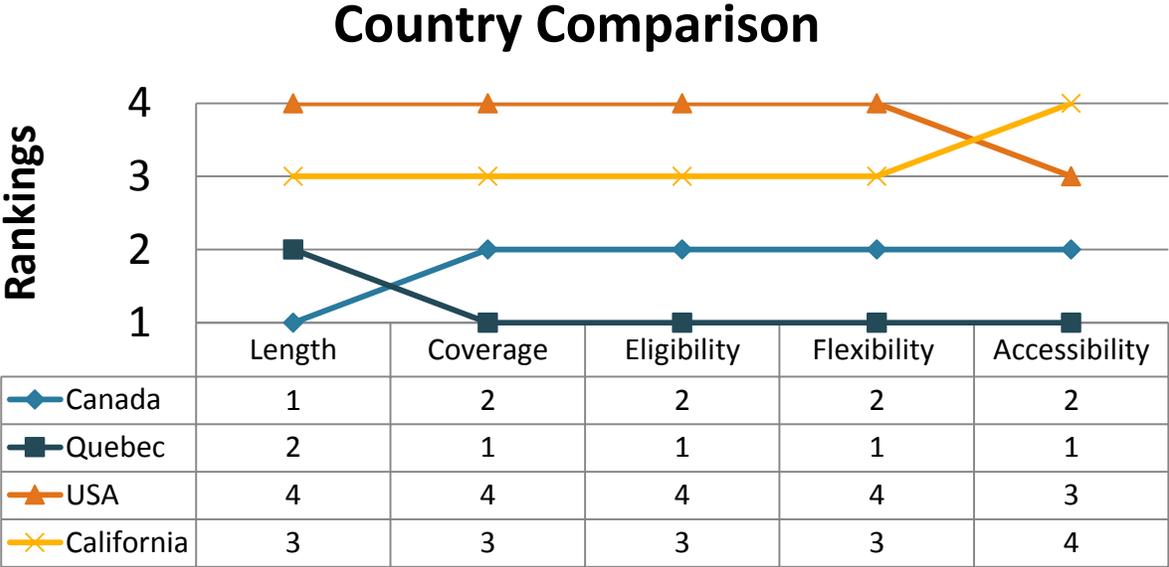
Canada & United States: In terms of accessibility of information, the four jurisdictions studied varied greatly in both ease of accessing public information and depth of public information available. In comparing Canada and the United States' program accessibility, both federal governments provided information online for expecting parents to learn about the programs and understand their responsibilities and how to access the programs available. Program information for both countries' programs were hosted on official government websites, however the Canadian website explicitly detailed the program elements and provided direct and clear directions on how to contact a government representative. The United States FMLA site was less direct and leaned towards the legal language and a legal audience rather than the population in general.

California & Quebec: The California State website was very difficult to navigate and information was very difficult to find. While application can be done online, the actual plan details are not clearly defined in an accessible manner. The most user-friendly government website was the Government of Quebec's plan breakdown, which guides residents through the eligibility criteria, length of leave, the details of the two plans, and provides statistics of use and the change in compensation over time. Of the four programs, the most accessible, clear, understandable, and overall user-friendly is the Quebec system.

Ranking: In summary, in terms of accessibility of information, Quebec ranked first, followed by Canada, the United States, and California. The following table provides a high level overview of the leave programs by accessibility.

Parental & Maternity Leave Comparison and Rankings - Accessibility				
	Canada	Quebec	United States	California
Accessibility	Provides program details, eligibility criteria, and directions on how to apply to the program and contact information for applicants.	User-friendly. Provides a breakdown of eligibility criteria, length of leave, plan details, user statistics, and compensation over time.	Provides the legal information regarding the Act. Less user friendly, legal language makes the information less accessible.	Very difficult to navigate, information was not readily available.
Ranking	2	1	3	4

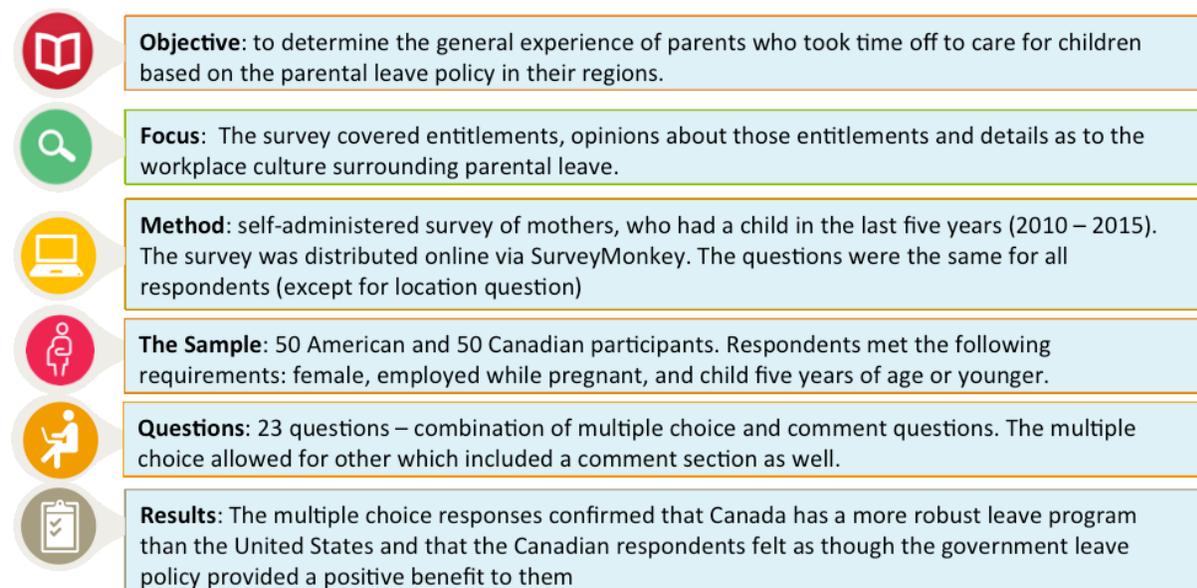
The following Country Comparison table provides a summarized view of the rankings for each country across all criteria.



4.4 Maternity Leave Survey

Based on the objectives of this paper, this survey aims to determine the general experiences of parents who took time off to care for children based on the parental leave policy in their regions. I developed a questionnaire for a survey of mothers, who had through childbirth or adoption, had a child in the last five years, placing the leave taken as falling between the years 2010 and 2015. The survey covered entitlements; opinions about those entitlements and details as to workplace culture surrounding parental leave. The set of questions given to the Canadian and American sample were the same, except for the question of location. In order to maintain clarity, the Canadian sample was asked for their province of residence, while the American sample was asked their state of residence. Appendix A provides the questions and responses from the Canadian survey and Appendix B provides the questions and responses from the American survey. The following section will outline the criteria and method of recruitment as well as an overview of the findings. The following figure provides an overview of the maternity leave survey key points.

Figure 4A: Maternity Leave Survey Overview



4.4.1 The Sample: Criteria & Recruitment

As resources were limited, the study was limited to a maximum of 50 respondents from the United States and 50 respondents from Canada. The respondents recruited for the survey were based on three criteria, the respondents needed to be female, employed full or part time while they were pregnant, and had children five years of age or younger. There were two collection methods used for the survey. The responses from a total of 49 United States respondents were collected using the online survey tool, Survey Monkey. Survey Monkey is an online survey system that provides a service wherein a pre-screened pool of American participants is made available to researchers at a cost that is determined based on the number of criteria requested. As stated above, the participants were selected based on three main criteria. Survey Monkey contacted the participants through their online system and distributed the survey to those who qualified. Results were reported through SurveyMonkeys online database. The Canadian sample was collected through the sharing of the survey among acquaintances that had children less than five years of age. Those women were asked to share the survey with their acquaintances. SurveyMonkey does not have a Canadian respondent pool, as they do for American participants and as a result, the Canadian survey was distributed through grassroots means. The Canadian survey was created on SurveyMonkey, which meant that the responses from Canadian respondents were collected and accessible on SurveyMonkeys website.

The majority of the respondents from the Canadian sample are residents of Ontario with only three respondents living outside of Ontario. As a result, the sample is less reflective of Canada as a whole and is more an example of the experience of new mothers in Ontario. As a result of technical limitations with the Survey Monkey tool, Quebec mothers are underrepresented. The U.S. sample cast a broader net and has representatives from across the United States, however there is a concentration of Californian residents in the sample. Of the American sample, the largest

portion of respondents resided in California followed by Ohio, Maryland, North Carolina, Wisconsin, Arizona, Florida, Pennsylvania, Tennessee, and Virginia. One participant from each of the following states completed the survey: Alabama, Alaska, District of Columbia, Georgia, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Oregon, Rhode Island, Texas, and Washington.

4.4.2 The Study Findings

4.4.2- 1 Socially Progressive Leaders

The hypothesis surrounding leave policy leadership established in my introductory chapter argued that Canada would be found to have a more thorough, well-developed leave policy and a higher level of government involvement in supporting families based on historical policy development than the United States does, despite their shared liberal regime cluster. The findings of the survey that support this hypothesis fall within the following three categories: job history, length of leave, and program satisfaction.

4.4.2 -1.1 Job History

Based on the responses from survey participants, job history is a minor factor in women's experience with maternity leave. American and Canadian respondents were almost evenly split when it came to the sector in which they work. The predominate industries were health care, government, and education for both groups of respondents. In terms of length of employment, the majority of respondents worked for the same employer for five to ten years prior to taking leave. These findings suggest that job history – sector, industry, and length of employment – has little effect on maternity leave participation and experience. Tables 4A and 4B below demonstrate the distribution of public and private sector employees and the length of employment (with the same

employer) prior to leave. The survey suggests that the private sector is not any more likely to be flexible than public sector, these findings differ greatly from much of the literature.

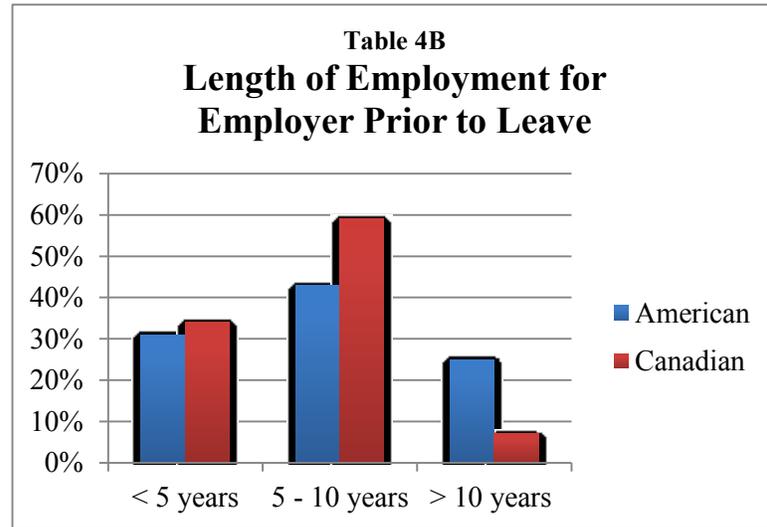
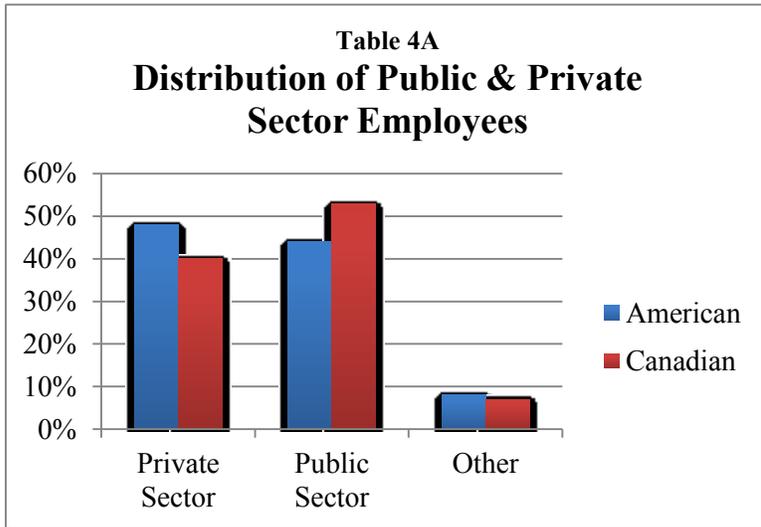


Table 4A: Distribution of Public & Private Sector Employees
Table 4B: Length of Employment for Employer Prior to Leave

4.4.2 - 1.2 Job History Details

The U.S respondents are a sample of both private sector and public sector employees, with 48% reporting having worked in the private sector at the time of their child’s birth and 44% reporting having worked in the public sector. The remainder of the respondents reported self-employment. The respondents came from a range of sectors, the most prevalent being education and health care, followed by manufacturing and retail, and the remainder from a variety of public sector (government, military etc.) and private sector (law firms, telecommunications etc.) organizations. In terms of the length of time a respondent worked for their employer before requesting leave, the respondents were mixed with the majority (43%) working five to ten years, followed by 31% working less than five years and 25% working over ten years for same employer.

The Canadian respondents are a sample of both private sector and public sector employees, with 40% reporting having worked in the private sector at the time of their child's birth and 53% having worked in the public sector. The remaining 7% reported working for Non-Governmental Organizations at the time of their child's birth. The Canadian respondents came from a range of sectors. The majority of respondents worked in the medical field, followed closely by various levels of government and NGO's in the field of international development. The remainder of the respondents were a combination of education, consulting, sales, and the legal sector. In terms of length of time a respondent worked for their employer before requesting leave, the majority of respondents (59%) worked 5 – 10 years for the employer, followed by 34% working less than five years, and 7% of the respondents working more than 10 years.

4.4.2 -1.3 Length of Leave & Program Satisfaction

Based on the responses from survey participants, length of leave is a major factor in program satisfaction. Over half of American women took less than three months of leave, which is most likely, a consequence of the FMLA time allotment. In contrast, the majority of Canadian respondents took the 9 – 12 months of maternity leave available as part of the Canadian employment insurance maternity leave policy. In terms of program satisfaction, the majority of American respondents indicated that they were not satisfied with the leave program available to them, while just over half of Canadian respondents indicated that they were satisfied with the program.

4.4.2 -1.4 Length of Leave & Program Satisfaction Details

59% of the American respondents surveyed reported taking less than three months of maternity and parental leave, most likely based on the FMLA time allotment. 37% of the

respondents reported taking three to six months of leave. 67% of American respondents viewed the federal and/or state maternity and parental leave plan to be insufficient. Comments regarding the current leave plans were focused on the need for a longer leave period and better compensation during the leave period. One respondent even suggested following the Swedish model “US should develop maternity leave laws as in other countries (i.e. Sweden) where mothers are given a substantial amount of paid leave after birth/adoption – up to one year & at minimum 6 months.”³⁰⁸ Another respondent commented in the additional comments section “It’s very hard to come back after only 6 weeks. A lot of people quit.”³⁰⁹ Other comments included “it was a terrible experience and I ended up leaving the company as a result;”³¹⁰ and, “I felt ashamed of taking off the number of days I needed. I felt rushed into coming back.”³¹¹

82% of Canadian respondents took 9 – 12 months of maternity leave after the birth of their child. 2% reported taking 3-6 months, 2% reported taking 6-9 months and 14% of respondents took over 12 months of leave. Respondents were split 51% no to 49% yes on whether the maternity and parental leave provided to them was sufficient commenting that maternity and parental leave recipients should receive higher pay and more opportunities for both partners to take time off simultaneously. Other comments focused on additional assistance for multiple births, support for students and those not employed in jobs that qualify for QPIP or EI benefits. One respondent expressed the difficulty in navigating two systems, as she lives in Quebec but works in Ontario and commented that improvement in the flow of information between the two systems was required.

³⁰⁸ US Maternity Leave Benefits: Survey: Question 22 Respondent (7/12/2015 5:57pm) Appendix B

³⁰⁹ US Maternity Leave Benefits: Survey: Question 23 Respondent (7/12/2015 7:36pm) Appendix B

³¹⁰ US Maternity Leave Benefits: Survey: Question 23 Respondent (7/12/2015 5:18pm) Appendix B

³¹¹ US Maternity Leave Benefits: Survey: Question 23 Respondent (7/12/2015 2:44pm) Appendix B

4.4.2 -1.4 Canada is Progressive

The survey findings support my hypothesis that Canada typically has a higher level of government involvement in supporting families than the United States, with some exceptions; however it is important to note that the Canadian sample was predominately from Ontario which biases the private sector results in Canada. Overall, participant satisfaction with the available leave programs is heavily dependent on length of leave and compensation during leave. Job history was reported to only have a minor influence on these findings, suggesting that among the sample there is no distinct advantage to working in the public sector or the private sector, nor a particular industry that offers more leave opportunities. Another instance to note the greater portion of Ontario residents in the sample is in the private and public sector differences, as Ontario has one of the largest number of public sector employees in the country. With this in mind, these findings demonstrates the need to consider further government involvement in these policies as governments create policies that set the standard and affect employees regardless of their employer.

4.4.2 - 2 Government Policies Supporting Gender Equality

The second hypothesis outlined in my introductory chapter is that government policy is required in order to support the goal of gender equality in the workplace, enabling women to make the same decision about their careers as men, without being penalized for their roles within the family. The findings of the survey that support this hypothesis fall within the following four categories: eligibility of both parents for leave, general support for both parents to take leave, workplace-specific support for both parents to take leave, and the reality of shared leave opportunities. Of the survey findings eligibility of both parents for leave and general support for both parents to take leave are the two findings that can be affected by the government legislation.

4.4.2 – 2.1 Eligibility & Support

Eligibility for a program without a high degree of support from employers to take the leave results in infrequent sharing of leave. The findings demonstrate that a majority of American and Canadian respondents were eligible for maternity or parental leave benefits and indicated feeling supported in taking this leave regardless of the type of leave they were eligible to take. Notably, American respondents differed from Canadian respondents in the level of support for both men and women to take leave. While just over half of American respondents indicated that both men and women are eligible to take parental leave, less than half reported that both men and women were equally supported in taking parental leave. In contrast, the majority of Canadian respondents indicated that both partners are eligible for leave, with three quarters of Canadian respondents indicating support for both parents to take parental leave.

4.4.2 – 2.2 Eligibility & Support Details

The majority (71%) of American respondents surveyed were eligible for maternity or parental leave benefits. Of the maternity leave taken by American families, only 14% of respondents reported sharing the leave between themselves and their partner. Yet while a minority of the respondents shared the leave, the majority of the respondents (92%) reported that they believed both men and women should take parental leave. Comments regarding the current leave plan were focused on the need for improvements in workplace infrastructure for when the employee returned to work such as flex-time and opportunities to work from home. Notably, many of the comments pointed to the need for equality among partners, suggesting that fathers should have more access to leave options, and suggesting a mandatory leave program or more

encouragement from employers to take leave. Other comments included “Men need to have the same options as women.”³¹²

Of the 71% of American respondents eligible for leave, the majority of the respondents were provided with a formalized process by their employer describing their leave options and were required to notify their direct supervisors of their intentions to take leave. The majority (86%) of respondents expressed that their organization was supportive of them taking leave, however, while 66% of respondents indicated that both men and women are eligible to take parental leave in their organizations, only 48% answered that both men and women were equally supported in taking parental leave. This suggests that there remains a cultural barrier to both partners taking leave during the birth of a child.

The majority (91%) of Canadian respondents surveyed were eligible for maternity or parental leave, while only 10% were ineligible. While the majority of Canadian respondents took the maximum amount time allotment for parental leave under Canada’s leave framework, only 29% of respondents reported sharing their leave with their partner. Despite the lower instances of leave taken by both partners, the overwhelming majority of respondents believed that both men and women should take parental leave. The majority of respondents were required to provide notification to their employers however; the respondents were divided on the question of whether a formalized process was provided to them by their employer with 71% responding yes and 27% responding no. The majority of respondents felt that their organizations were supportive of their leave requests, with 90% reporting that both men and women were equally supported in taking

³¹² US Maternity Leave Benefits: Survey: Question 23 Respondent (7/12/2015 5:05pm) Appendix B

parental leave. Table 4C below, demonstrates the differences between the United States and Canada in terms of eligibility, support, and the reality of the partners sharing leave.

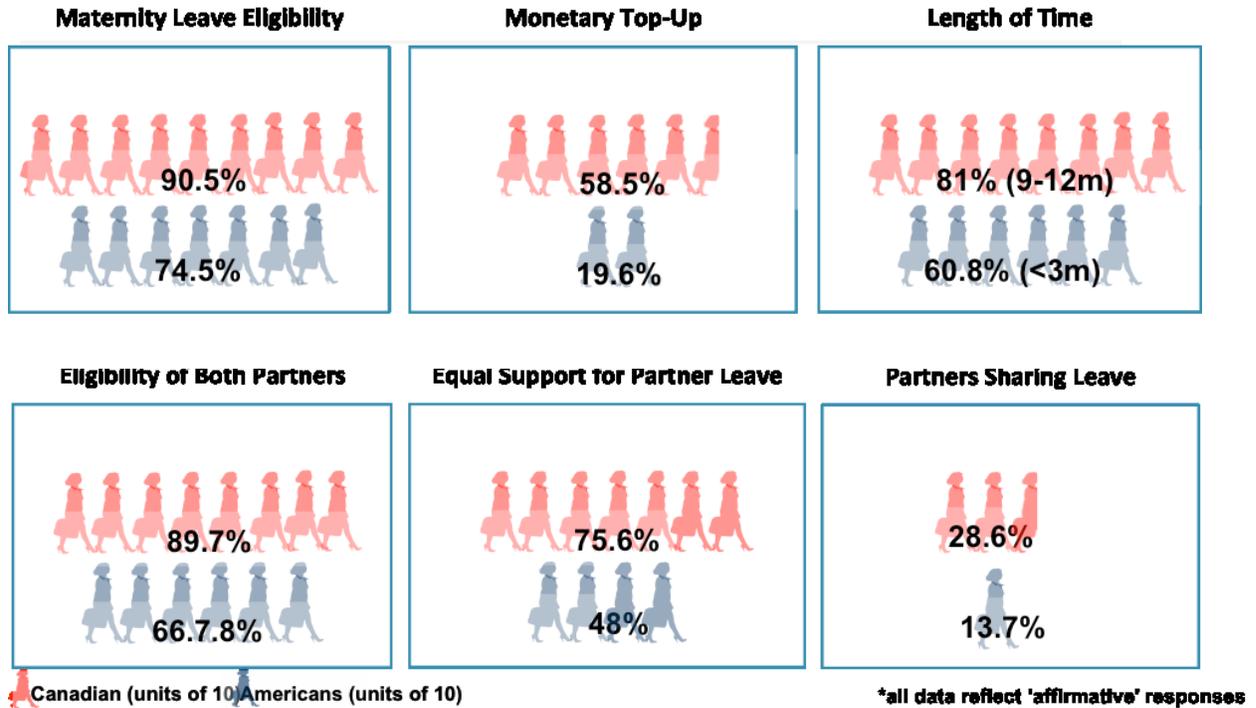


Table 4C: Maternity Leave Respondents

4.4.2 – 2.3 Government Policy is required

The survey findings prove my hypothesis that government policy is required in order to support the goal of gender equality in the workplace, enabling women to make the same decision about their careers as men, without being penalized for their roles within the family. The findings also demonstrate that policy and practice are two separate elements that require continued support from all stakeholders if cultural change is to take hold. While the findings demonstrate that both

partners are eligible for leave under the Canadian and American programs, and that support exists for both partners to take leave, the reality is still that women are the overwhelming participants in leave programs. Women are still viewed as the primary care takers. In the case of the American system, a reluctance to share such a small allotment of time is understandable, but in the Canadian system where there is a year of leave to share, only a quarter of men are sharing leave with their partners.

4.4.2 – 3 Corporate Responsibility & Additional Findings

The third hypothesis outlined in my introductory chapter is that that corporate responsibility is a contributing factor in the shifts in cultural ideas and expectations of the role of parents in providing care and is necessary to complement government policy. Essentially, corporate responsibility refers to the degree of ‘buy-in’ from organizations that demonstrate support of government policies through enhancements and the creation of a culture of support. Corporate social responsibility can be seen in two main areas of the survey results, top-up programs and conditions for eligibility, as well as workplace flexibility policies.

4.4.2 – 3.1 Workplace Flexibility

Participant responses demonstrate that workplace flexibility policies have had a slow implementation. While Canadian respondents, primarily representing Ontario, experienced more opportunities for flexible work than American respondents, in both instances less than half of respondents were given these opportunities.

When American employees returned to their workplaces, 20% of respondents reported their employers offering workplace flexibility options. Flexibility options included the opportunity to bring their child to work with them, changing of their schedule, flexible hours and opportunity to work from home, and the opportunity to gradually return to work, starting with reduced hours.

Canadian respondents were more likely to receive workplace flexibility options than American employees, with 32% responding that they did receive accommodations such as change of hours and opportunities to work from home. Yet, 68% of respondent's employers did not offer flexible work arrangements.

4.4.2 – 3.2 Employee Support & Top-Up Programs

Demonstrations of support by employers through active approaches such as leave top-up programs send a message to employees that their contribution is valuable and that they are appreciated members of the organization. While the majority of American women receive no monetary top-ups from their employers during their leave, just over half of Canadian women received a top-up benefit. While more Canadian participants reported receiving top-ups, Canadian women reported that the program was inconsistent, often receiving top-up for only one child. In contrast, American participants who did receive top-ups reported a higher level of consistency, receiving top-up benefits for more than one leave.

American respondents overwhelmingly did not receive any form of monetary top-up program for any duration of their leave from their U.S. employers with 71% reporting no top-up programs. However, of the 30% of respondents that did qualify for a top-up program from their employer, 80% received a top-up for multiple childbirths during the duration of their employment, suggesting that when an employer did offer top-up, it was a policy that was for the most part applied consistently to all employees' parental leaves. Conditions were only placed on 40% of those employees who received employer top-up.

In terms of employee top-ups for those who did take maternity leave, 59% of Canadian respondents reported receiving a top-up benefit from their employer while 42% did not receive any form of top-up. Results were mixed on the questions of consistency of top-up application where of the respondents with more than one child, 46% only received top-ups for one child. Top-up conditions such as requirements to return to work for an established amount of time, were only placed on 46% of those who receive top-ups.

4.4.2 – 3.3 Organizations have a role to play

The survey findings demonstrate my hypothesis that organizations can play an important role in encouraging cultural change and supporting gender equality by demonstrating that women are important members of the workforce through leave enhancement programs. While respondents experiences with leave enhancement programs were mixed, comments by respondents found in Appendix D: Maternity Leave Survey – Additional Findings for finding breakdown and respondent comments, demonstrate the positive experience of respondents who did experience flexible workplace policies or receive top-ups.

A notable finding of the survey was that in the case of the respondents, there was very little difference between the public sector and private sector when it came to additional incentives such as top-ups or flexible workplace policies. This finding would be a good candidate for further study and analysis. Some elements that must be considered when reviewing this data are that most of the data for the Canadian sample comes from Ontario. Based on the findings, Ontario respondents like the current policies. Less of the data is from Quebec, but from secondary research, the policies in Quebec appear to be more expansive in certain matters, but not all. Generally, the United States

leave policies are not well liked by respondents. This is due to a lack of federal leadership and the lack of funding of the current program.

Chapter 5: Conclusion - Parental Leave and Equality

Maternity and parental leave policies are socially and economically valuable policies designed to enable families to make decisions regarding the care of their children. The aim of these policies is to ensure equality of opportunity and equality of treatment for male and female workers. Governments design their policies based on various ideological and theoretical frameworks. As a result, they vary on their approaches to the three core elements of leave policy: the duration of leave, provision of a paid benefit, and funding scheme. The research question posed in this paper was what is the impact of government policy in determining a women's choice to return to work after the birth of her child? The overall answer is that government policy plays an enormous role and has a serious impact on the options available to women after the birth of a child. Government policies established to provide women with paid time away from work and guaranteed employment upon return allow women to make the decision as to whether and for how long they will care for their child after they are born. The less time, coverage, and flexibility provided to a woman will significantly reduce her options and ultimately impact her choices surrounding her career and family planning.

This thesis has examined the government's role in creating legislation that supports its citizens by providing the opportunity for, primarily women, to take time off to provide care for their newborn child. This cross-national comparative analysis has shown that only some jurisdictions provide enough time for a woman to make the decision between caring for their child at home and finding care for their child in order to return to work. Where a country like Canada provides subsidized time to care for a newborn, the United States provides so little unpaid time, that there is no real choice for mothers.

5.1 My Findings

5.1.1 Socially Progressive Leaders

Through my assessment of the current leave policies I found that as expected, Canada has a more thorough and well-developed leave policy and a higher level of government involvement in supporting families, which can be contributed to historical policy development. Quebec is further evolved in this area due to historical policy development since the 1970s, active political participation of women and interest groups and their concerns with the dropping birth rate in the province. Within the categories of leave, coverage, eligibility for leave, and program flexibility, I found that overall, Quebec was the most progressive leader and shared the fewest characteristics of the liberal regime classification. Unlike the other jurisdictions, Quebec was the only government to offer a choice between two leave plans. While the choice was not drastic, it does mean that parents can make a decision about the length of time they will take off to spend with a newborn child. The two types of plans offered to Quebec parents have distinct financial coverage allocations, which also plays a factor in the parent's decision between the basic or special plan. While Quebec offered a degree of choice, Canada is not far off from Quebec in terms of coverage and length of leave. There is no choice between plans, but mothers have leave entitlements and then parents have an option of extending the mother's leave to a year or sharing the leave between the partners, as is the case in Quebec. In terms of eligibility, Quebec again is the least restrictive of the governments, followed by Canada. While both governments require residents to pay in to an insurance plan, Quebec's qualifications for the plan included self-employed and part-time workers, where Canada tends to have limits on those job categories.

Comparatively, California has made strides to improve the experience of motherhood in the state. In order to offer enhancements to the United States' Family Medical Leave Act which only provides 12 weeks of unpaid, but job protected leave to those limited citizens who qualify, California has included an insurance system to cover more residence. Employees in California participate in a State Disability Insurance program through salary contributions that in turn gives mothers 6 weeks of paid, but unprotected leave. Their second program, the Pregnancy Disability Leave program, provides four months of unpaid, job protected leave. When used in combination, Californian residents receive a combination of paid, job protected leave.

Ultimately, as expected, the United States federal government is the least socially active and supportive of the jurisdictions compared in my thesis. True to Esping-Andersen's regime type, the United States leaves care to market influences, providing very little, unpaid leave to those few who qualify. These findings were further supported by the results of my survey in which the majority of American respondents took less than three months of leave after the birth of their child. Compared to their Canadian counterparts who took on average nine to twelve months of leave. American respondents expressed their desire for a longer, compensated leave program. They also expressed the need for an improvement in workplace infrastructure in the absence of a national program that would allow for more opportunities to work from home.

As a result of the comparative analysis of the four governments that fall within Esping-Andersen's liberal regime category, issues with the regime classifications became clear. Canada and Quebec are confirmed as clear leaders in the development of government legislation to support women in taking leave to care for their children. Unlike the pure liberal regime type, which would default to market-driven programs, the governments in Canada and Quebec in particular, assume a more active role in ensuring support for female workers. While Canada and Quebec demonstrate

tendencies outside of the liberal regime type, the United States and for the most part California, fit very well within the liberal regime category. This is largely due to the fact that they leave the majority of the social and economic support networks to market forces.

5.1.2 Government Policy Supporting Gender Equality

The second major finding is the confirmation that government policy is required in order to support the goal of gender equality in the workplace, enabling women to make the same decision about their careers as men, without being penalized for their roles within the family. As many scholars reviewed in this paper argue, the workplace has not evolved to reflect the changing demographics of the workforce. Men are no longer the sole breadwinners, yet the male model of work remains the standard. Government legislated leave policies have an impact on equality in the workplace, which encompasses everything from the hiring of female employees, to setting a career path, and determining an employee's earnings. The solution to this problem may also be within the corporate world and require organizational changes to workplace culture. To ensure a work culture that sees parenthood as a responsibility shared equally between partners, the next step may be to provide more comprehensive leave for both parents.

Social norms still play a role in deterring men from taking greater advantage of the leave allocated to them. In their study on Fatherhood, Haas and Hwang argue that corporate culture continues to be a deterrent for men, suggesting that often "fatherhood [is] invisible at work."³¹³ According to Haas and Hwang gender equality will only be reached when parenthood is understood to be a responsibility of both parents, and not a gendered role, with expectations placed solely on the mother.³¹⁴ Haas and Hwang quote several studies in their argument that support the

³¹³ Haas. "Making Fatherhood Visible at Work" Pp.46

³¹⁴ *ibid* Pp.46

idea that the more cultural change that encourages fathers to take active roles in parenting, the more likely the men will be to take paternity or parental leave.³¹⁵ These findings complement Sigrid Leitner's description of familialism and de-familization systems. While the four jurisdictions studied in this thesis are categorized within Esping-Andersen's liberal regime cluster, their classifications on the familialism and de-familiaization scale demonstrate different typology. As is suggested in the literature review, according to Leitner's argument that the presence of paid parental leave is indicative of familialism, Canada, Quebec and California, show strong tendencies in this category. This is further supported by Canada, Quebec, and California's gendering of leave which is also indicative, according to Leitner, of familialism. In contrast, the absence of paid parental leave and the degendering of care through market driven care policies indicates de-familization, which is the observed in the policies of the United States.

Leave programs still create a delicate policy landscape as they have unintended effects on gender equality in the workplace and in the private sphere of the home. This is particularly true when legislators and employers create policies based on cultural norms, which continue to enforce the gender stereotypes that challenge work-life balance rather than support its achievement. Without a deliberate acknowledgement of the cultural biases at play and an attempt to create policies that challenge the stereotypes, many of the challenges faced by women in the workforce will continue despite legislative and corporate efforts. If work-life balance policies do not also include a gender equality dimension, women will continue to be discriminated against in the workplace, particularly in the hiring process and in terms of promotion and task assignment. Weak

³¹⁵ Haas. "Making Fatherhood Visible at Work" Pp.46

policies can also cause issue, limiting women in the workforce and further reinforcing traditional gender divisions within families.

5.1.3 Corporate Social Responsibility

Government policy can play a major role in insuring that women have the supports in place to develop within the workplace while providing suitable care for their children. Within the study I conducted, respondents expressed an interest in further study and development of maternity and parental policies in order to improve their options when deciding on the leave program that fit their needs and requirements. They also expressed a desire for their organizations to match the government programs by providing income top-ups and flexible work arrangements when they returned from leave. Corporate social responsibility was found to be a contributing factor in the shifts in cultural ideas and expectations of the role of parents in providing care.

The findings from my survey suggest that employer top-up programs are a positive support mechanism used by employers to improve employee retention and demonstrate support for work-life balance. In the United States, the majority of the survey respondents were not eligible for top-ups. However, of the American respondents who did receive employer top-ups, they reporting receiving top-ups for more than one child, demonstrating a consistent and well-maintained top-up program was in place at their place of work. With 70% of respondents not receiving top-up, the majority of American respondents did not benefit from the United States' liberal approach to market-influence. Respondents even reported saying that employees were forced to quit if they could not find proper care for their children within the 12 weeks of job protected leave. In contrast, just over half of Canadian respondents reported receiving employee top-up benefits from their employer. While those Canadian respondents, who did receive top-ups, reported that they did not

consistently receive top-up for every child, they were all eligible for the government maternity and parental leave program and were covered under Employment Insurance benefits.

5.2 Further Research

Further research is required as this subject area is extensive and deserves further study and analysis. For instance, when examining the details of Quebec's leave policies, distinctions were made within the program on the duration and coverage of leave for adoptive parents as opposed to birthparents. Further study into the responsibilities of the state towards adoptive parents should be conducted in order to determine if policies surrounding adoption require review and reconsideration.

An issue that surfaced during my research was that there was a significant lack of data on maternity leave programs collected by the various governments. In Canada for example, maternity leave was properly documented until the late 1990s, which means that there is a serious lack of data to determine the use of the maternity leave program in Canada since its introduction. Data is critical in analyzing these programs as it provides a real understanding of the number of women who used the maternity leave program and the length of time they used it. If this data existed, it would be possible to provide a better evaluation of the effectiveness and popularity of the policy.

Finally, it is important to note that policy development is slow, but as mentioned above, gathering information supports better policy. A stronger focus on gender equality at the political level through the election of more female representatives to the Executive and Legislative branches of government will support change. As will the promotion of more women to higher levels within the policy development framework of the government bureaucracy. With women in more key roles in government and taking on leadership roles, change could be on the forefront. With Hillary Rodham Clinton as a candidate for President in the United States and Justin Trudeau elected the

Prime Minister of Canada, gender equality is a popular topic of discussion. Prime Minister Justin Trudeau for example, has instructed in his mandate letter to the newly appointed Minister of Families, Children and Social Development that the Minister should “work with the Minister of Employment, Workforce Development and Labour to fulfill our commitment to provide more generous and flexible leave for caregivers and more flexible parental leave.”³¹⁶ This campaign promise and mandate instruction marks the Prime Minister’s intentions to understand the needs of families and demonstrates his intentions to update important policies.

³¹⁶ Trudeau, Justin. Mandate Letter to the Minister of Families, Children and Social Development. Office of the Prime Minister. November 4, 2015. <http://pm.gc.ca/eng/minister-families-children-and-social-development-mandate-letter#sthash.jD3ZVS0n.dpuf>

Bibliography

1. “2011 Census of Canada: Topic Based Tabulations: Household Living Arrangements.” Statistics Canada [retrieved 06.18.2015] <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/tbt-tt/Geo-index-eng.cfm?TABID=5&LANG=E&APATH=3&DETAIL=1&DIM=0&FL=A&FREE=0&GC=0&GID=0&GK=0&GRP=1&PID=102078&PRID=0&PTYPE=101955&S=0&SHOWWALL=0&SUB=0&Temporal=2011&THEME=89&VID=0&VNAMEE=&VNAMEF=&D1=0&D2=0&D3=0&D4=0&D5=0&D6=0>
2. “38.02 Maternity Allowance.” Agreement between the Treasury Board and the Public Service Alliance of Canada. Treasury Board Secretariat. [retrieved 03.07.2015] http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/pa/pa04-eng.asp#toc288724992
3. “About PSAC.” Public Service Alliance of Canada. 2013. [retrieved 03.07.2015] <http://psacunion.ca/about>
4. “About the State Disability Insurance Program.”. Employment Development Department State of California. 2015. [retrieved 06.02.2015] [http://www.edd.ca.gov/disability/About_the_State_Disability_Insurance_\(SDI\)_Program.htm](http://www.edd.ca.gov/disability/About_the_State_Disability_Insurance_(SDI)_Program.htm)
5. Acker, Joan. “Hierarchies: Jobs, Bodies: A Theory of Gendered Organizations.” *Gender and Society*, Vol. 4, No. 2 (Jun, 1990), pp. 139-158. Accessed 13-07-2015. <http://www.jstor.org/stable/189609>
6. American Academy of Pediatrics. “Breastfeeding and the Use of Human Milk.” *Pediatrics*. Vol. 129 No. 3 March 1, 2012. <http://pediatrics.aappublications.org/content/129/3/e827.full?sid=46266acf-6dbe-41cb-aec7-32e9e700188b>
7. “Background.” 2009-06-11. Travail, Emploi et Solidarite sociale. Québec. [Retrieved 06.15.2015] http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/historique_en.asp
8. Bartel, Ann; Charles Baum, Maya Rossin-Slater, Christopher Rhum, and Jane Waldfogel “California’s Paid Family Leave Laws: Lessons from the First Decade.” Paid Leave Deliverables. June 23, 2014. Pp. 2 [retrieved 04.12.2015] <http://www.dol.gov/asp/evaluation/reports/PaidLeaveDeliverable.pdf>

9. Berdal, Jennifer and Sue H. Mood. "Workplace Mistreatment of Middle Class Workers Based on Sex, Parenthood and Caregiving." *Journal of Social Issues*, Vol. 69, No. 2, 2013, pp. 341-366

10. Berger, Lawrence M., and Jane Waldfogel. 2004. "Maternity Leave and the Employment of New Mothers in the United States". *Journal of Population Economics* 17 (2). Springer: 331–49. <http://www.jstor.org.proxy.library.carleton.ca/stable/20007911>

11. Blair-Loy, Mary. "Work Without End? Scheduling Flexibility and Work-to-Family Conflict Among Stockbrokers." *Work and Occupations* November 2009 vol. 36 no. 4 pp.279-317

12. Blair-Loy, Mary. "Competing Devotions: Career and Family Among Women Executives." Cambridge, MA: Harvard University Press. 2003. Pp. 228

13. Blair-Loy, Mary and Stacy. J. Williams. "The Male Model of the Career." *Sociology of Work: An Encyclopedia*. V. Smith. (Thousand Oaks, California. Sage Publications)

14. Booth, Williams. Rene Sanchez. In Key State of California, Democrats Bask in Victories. *The Washington Post*. November 4, 1998. Page A29. Retrieved November 21, 2015

15. Bourne, Kristina A. and Pamela J. Forman. "Living in a Culture of Overwork: An Ethnographic Study of Flexibility." *Journal of Management Inquiry* 2014. 23:68.

16. Brescoll, Victoria L. and Jennifer Glass and Alexandra Sedlovskaya. "Ask and Ye Shall Receive? The Dynamics of Employer-Provided Flexible Work Options and the Need of Public Policy." *Journal of Social Issues*, Vol. 69, No. 2, (2013) pp. 367-388

17. Brescoll, Victoria. L. "Who takes the Floor and Why: Gender, Power and Volubility in Organizations." *Administrative Science Quarterly*. 56 (4) 6 22-641

18. Budget 2000 Enriches Funding for Health Care and Education, Cuts Taxes and Invests in Innovation. Ottawa, February 28, 2000. 2000-015. [retrieved 4/28/2016] <http://www.collectionscanada.gc.ca/webarchives/20071122055341/http://www.fin.gc.ca/news00/00-015e.html>

19. "C183- Maternity Protection Convention, 2000" (No. 183). International Labour Organization. NORMLEX. [Retrieved January 29, 2015] http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183
20. "California State & Country Quick Facts". U.S. Census Bureau: State and County *Quick Facts*. United States Census Bureau. 28-May-2015. [retrieved 06.07.2015] <http://quickfacts.census.gov/qfd/states/06000.html>
21. Chaussard, M., M. Gerecke, et al. (2008). "The Work Equity Canada Index: Where the Provinces and Territories Stand." M. University. Montreal, Institute for Health and Social Policy.
22. Collier, Cheryl N. "Feminist and Gender-Neutral Frames in Contemporary Child-Care and Anti-Violence Policy Debates in Canada." *Politics & Gender*. 8.3 (Sep 2012): 283-303
23. Correll, Shelley J. and Erin L. Kelly, Lindsey Trimble O'Connor and Joan C. Williams. "Redesigning, Redefining Work." *Work and Occupations*. 2014. 41:3
24. Critch, Jeffrey N. "Nutrition for healthy term infants, six to 24 months: An Overview." *Canadian Paediatric Society*. American Academy of Pediatrics. 12.05.2014 <http://www.cps.ca/en/documents/position/nutrition-healthy-term-infants-6-to-24-months>
25. Deloitte Canada's: The Lost Decade, Unsustainable Prosperity or the Northern Tiger? Canada Works 2025 Report
26. Diaz-Uda, Anesa and Carmen Median and Beth Schill. "Diversity's New Frontier: Diversity of Thoughts and the Future of the Workforce." Deloitte University Press.
27. Doucet, A., D.S Lero, and D.G. Tremblay. "Canada Country Note", in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. 2014. Retrieved 06.18.2015 http://www.leavenetwork.org/lp_and_r_reports/.
28. Doucet, Andrea. Lindsey McKay and Diane-Gabrielle Tremblay. "Canada and Québec: Two Policies, One Country." In. Sheila B. Kamerman, Peter Moss's *The Politics of Parental Leave Policies: Children, Parenting, Gender and the Labour Market*. Policy Press, 2011. Pp. 33- 50
29. "DP02 – Selected Social Characteristics in the United States." *2009-2013 5-Year American Community Survey*. U.S. Census Bureau [retrieved 06.07.2015] <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

30. Edmondson, Amy. C. "Teaming: How Organizations Learn, Innovate, and Compete in the Knowledge Economy." Jossey-Bass. 2012
31. "Employment By Age, Sex, Type Of Work, Class Of Worker And Province (Monthly) (Canada.)" Statistics Canada, Tables 282-0087 and 282-0089. 2015-06-05 [retrieved 06.18.2015] <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labr66a-eng.htm>
32. "Employment by Age, Sex, Type of Work, Class of Worker and Province (monthly) (Québec)." Statistics Canada, Tables 282-0087 and 282-0089. 2015-06-05 [retrieved 06.18.2015] <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/labr66f-eng.htm>
33. Employment Equity Act. 1995. 12-15. S.C. 1995, c.44. Government of Canada. [retrieved 29/01/2015]
34. "Employment Insurance Coverage Survey, 2013." *The Daily*. Statistics Canada, Government of Canada. 2015. 01 19. [Retrieved 06.18. 2015] <http://www.statcan.gc.ca/daily-quotidien/150119/dq150119b-eng.htm>
35. "Employment Insurance Maternity and Parental Benefits." Services Canada. Government of Canada. 2014.2.13. [Retrieved January 15, 2015] <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml>
36. "Employment Insurance Coverage Survey, 2013." *The Daily*. Statistics Canada, Government of Canada. 2015. 01 19. [Retrieved 06.18. 2015] <http://www.statcan.gc.ca/daily-quotidien/150119/dq150119b-eng.htm>
37. "Employer Top-Ups To Paid Maternity And Parental Leave." *Perspectives on Labour and Income*. Vol. 11, No. 2 February 2010. Statistics Canada. Government of Canada [retrieved 06.18.2015] <http://www.statcan.gc.ca/daily-quotidien/100224/dq100224c-eng.htm>
38. Esping-Andersen, Gosta. "The Three Worlds of Welfare Capitalism." Blackwell Publishing Ltd. 1990.
39. Esping-Andersen, Gosta. "Why We Need a New Welfare State". Oxford Scholarship Online. November 2003
40. Esping-Andersen, Gosta. "Women in the New Welfare Equilibrium." *The European Legacy*, Vol. 8, No. 5, pp. 599 – 610. 2003

41. "Fact Sheet #28: The Family and Medical Leave Act." U.S. Department of Labor Wage and Hour Division. (2012) [Retrieved June 1, 2015.] <http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>
42. "Fact Sheet: White House Unveils New Steps to Strengthen Working Families Across America." *Office of the Press Secretary*. The White House. January 14, 2015 [retrieved March 03, 2015]
43. Fagnani, Jeanne. "Work-Family Life Balance: Future Trends and Challenges." *The Future of Families to 2030*. OECD (2012). OECD Publishing.
44. Family and Medical Leave Act. Wage and Hour Division. United States Department of Labour. [Retrieved January 5, 2015] <http://www.dol.gov/whd/fmla/>
45. Flam, Helena. "Authentic Emotions as Ethical Guides: A Case for Skepticism." Edited by Salmela, Mikko and Verena E. Mayer. *Emotions, Ethics, and Authenticity*. John Benjamins Publishing. 2009. Pp 237
46. Giullari, Susanna and Lewis, Jane. "The Adult Worker Model Family, Gender Equality And Care: The Search For New Policy Principles And The Possibilities And Problems Of A Capabilities Approach." *Economy and Society*, 34:1, 76-104
47. Haas, Linda; Hwang, C. Philip. "Making Fatherhood Visible at Work: Trends in Corporate Support for Fathers Taking Parental Leave in Sweden." Edited by Peter Moss and Marta Korintus. *International Review of Leave Policies and Related Research* 2008. Employment Relations Research Series No. 100. Department for Business Enterprise & Regulatory Reform. July 2008.
48. Hall, Douglas T. and Mary Dean Lee. Ellen Ernst Kossek. Mireia las Heras. "Pursuing Career Success while Sustaining Personal and Family Well-Being: A Study of Reduced-Load Professional Over Time." *Journal of Social Issues*, Vol. 68, No. 4. 2012 pp. 742-766
49. Hawkesworth, Mary. "Political Worlds of Women: Promoting Equality Through Policymaking and Policy". Westview Press. 2012.
50. Higgins, Chris and Linda Duxbury, Sean Lyons. "Coping with Overload and Stress: Men and Women in Dual-Earner Families." *Journal of Marriage and Family*. Volume 72, Issue 4. Pp. 847-859, August 2010.

51. Hill, Rachelle and Eric Tranby, Erin Kelly and Phyllis Moen. "Relieving the Time Squeeze? Effects of a White-Collar Workplace Change on Parents." *Journal of Marriage and Family*. August 2013. 1014-1029
52. "HP 2013 Living Progress Report." Hewlett Packard Company. [Retrieved 02.08.2015] <http://h20195.www2.hp.com/V2/GetDocument.aspx?docname=c04674965>
53. Jenson, Jane. "Lost in Translation: The Social Investment Perspective and Gender Equality." *Social Politics: International Studies in Gender, State and Society*. Volume 16, Number 4, Winter 2009
54. Kelly, Erin L. and Phyllis Moen, Eric Tranby and Quinlei Huang. "Changing Work, Changing Health: Can Real Work-Time Flexibility Promote Health Behaviours and Well-Being?" *Journal of Health and Science Behaviour*, 2011 52:404
55. Kelly, Erin L. and Phyllis Moen. "Rethinking the Clockwork: Why Schedule Control May Pay off at Work and at Home." *Advances in Developing Human Resources*. Vol. 9, (2007) pp. 487
56. Kelly, Erin L. and Phyllis Moen. "Changing Workplaces to Reduce Work-Family Conflict: Schedule Control in a White-Collar Organization." *American Sociological Review*. 2011 Apr; 76(2): 265–290.
57. Kelly, Erin L. and Phyllis Moen, Wen Fan. "Team-Level Flexibility, Work-Home Spillover, and Health Behavior." *Social Science & Medicine* 84 (2013) 69-79
58. Kelly, Erin. L and Phyllis Moen and Rachelle Hill. "Does Enhancing Work-Time Control and Flexibility Reduce Turnover? A Naturally Occurring Experiment." *Social Problems*, Vol. 58, Issue 1. Pp. 69-98
59. Kelly, Erin. L and Phyllis Moen, and Jack Lam. "Healthy Work Revisited: Do Changes in Time Strain Predict Well-Being?" *Journal of Occupational Health Psychology* 2013, Vol. 18, No. 2, 157-172
60. Kelly, Erin L. and Phyllis Moen, Jack Lam, Samantha Ammons. "The Work by Overworked Professionals: Strategies in Response to the Stress of Higher Status." *Work and Occupations* 2013. 40:79
61. Kelly, Erin L. and Leslie A Perlow. "Towards a Model of Work Redesign for Better Work and Better Life." *Work and Occupation*. 2014. 41:11

62. Keogh, Tracy. "The HP Way Now." August 29, 2014. <http://www8.hp.com/hpnext/posts/hp-way-now#.VMK68MaRPzI>
63. Klerman, Jacob Alex. Kelly Daley. Alyssa Pozniak. "Family and Medical Leave in 2012: Technical Report." Abt Associates Inc. for the Department of Labour. September 7, 2012. Updated April 18, 2014.
64. Leitner, Sigrid. Varieties of Familialism: The Caring Function of the Family in Comparative Perspective. *European Societies*. 5 (4) 2003: 353 – 375
65. Lewis, Jane. "Gender Equality And Work-Family Balance In A Cross-National Perspective." Edited by Scott, J., Dex, S., Plagnol, A.C. *Gendered Lives: Gender Inequalities in Production and Reproduction*. Edward Elgar Publishing. July 2012.
66. Lin, Zhengxi. Employment Insurance in Canada: Policy changes. Summer 1998. *Perspectives*. Statistics Canada – Catalogue no. 75-001-XPE.
67. *Maternity at Work: A Review of National Legislation* / International Labour Office, Conditions of Work and Employment Branch, Second Edition, Geneva: ILO, 2010.
68. Marshall, Katherine. "Employer Top-Ups." *Perspectives on Labour and Income*. Vol. 11, No. 2 February 2010. Statistics Canada. Government of Canada
69. Mazur, Amy. "Reconciliation Policy." *Theorizing Feminist Policy*. Oxford Scholarship. 2002 pp. 102 – 120
70. Miljan, Lydia. "Public Policy in Canada, An Introduction." Fifth Edition. Oxford. University Press. 2008
71. Moss, Peter. International Review of Leave Policies and Related Research 2012. International Network on Leave Policies and Research. June 2012.
72. Moss, Peter. "Making Parental Leave Parental: An Overview of Policies to Increase Fathers' Use of Leave." In Moss, Peter, and Marta Korintus. *International Review of Leave Policies and Related Research* 2008. Employment Relations Research Series No. 100. Department for Business Enterprise & Regulatory Reform. July 2008.
73. Myles, John. "How to Design a 'Liberal' Welfare State: A Comparison of Canada and the United States." *Social Policy & Administration*. Vol. 32, No. 4, December 1998. Pp. 341-364

74. Negrey, Cynthia. "A New Full-Time: Promoting Work-Life Integration Through Work-Time Adjustment." Institute for Women's Policy Research. August 2004. IWPR Publications #C357
75. Orloff, Ann. "Gender in the Welfare State." *Annual Review of Sociology*, Vol. 22 (1996), pp. 51 – 78
76. "Our Employees." *Living Progress*. Hewlett Packard Company. [retrieved 02.08.2015] - <http://www8.hp.com/us/en/hp-information/global-citizenship/society/hppeople.html#footnote-1>
77. PF2.1: Key Characteristics of Parental Leave Systems. OECD Family database. OECD, Social Policy Division, Directorate of Employment, Labour and Social Affairs. http://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf
78. Packard, Dave. "The HP Way: How Bill Hewlett and I Built Our Company." Harper Business. 1995. Kobo Edition pp. 8 of 21
79. "Paid Family Leave Benefits." *Employment Development Department*. State of California [retrieved 06.02.2015] http://www.edd.ca.gov/pdf_pub_ctr/de2511.pdf
80. "Population By Broad Age Groups And Sex, 2011 Counts For Both Sexes, For Canada, Provinces And Territories." *2011 Canada Census*. 2015.04.17. [Retrieved July 17, 2015] <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hltfst/as-sa/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&Sex=1&View=1&tableID=21&queryID=1>
81. "Population of the Federal Public Service". Treasury Board Secretariat. 2014.07.14 [retrieved 03.07.2015] <http://www.tbs-sct.gc.ca/res/stats/ssen-ane-eng.asp>
82. "Portrait of Canada's Labour Force." *National Household Survey 2011*. [Retrieved 06.18.2015] <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-012-x/99-012-x2011002-eng.cfm#a5>
83. "Pregnancy Leave." *Department of Fair Employment and Housing*. State of California [retrieved 06.18.2015]. www.dfeh.ca.gov
84. President Barack Obama. "Presidential Memorandum – Modernizing Federal Leave Policies for Childbirth, Adoption and Foster Care to Recruit and Retain Talent and Improve

Productivity.” *The White House, Office of the Press Secretary*. January 15, 2015. [retrieved March 03, 2015]

85. QPIP Benefits – Summary Table. Government of Quebec. [Retrieved June 26, 2015] http://www.rqap.gouv.qc.ca/includes/tableaux/tab_synthese_prestations_en.html
86. “Québec Parental Insurance Plan.” *Québec Parental Insurance Plan’s Conseil de gestion*. Government of Quebec. 2009.06.11. [Retrieved June 26, 2015] http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/caracteristiques_en.a.sp
87. Québec Parental Insurance Plan. About the Plan: Features. Government of Quebec. 2014.12.18. [Retrieved June 26, 2015] http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/caracteristiques_en.a.sp
88. Québec Parental Insurance Plan. Premiums and Maximum Insurable Earnings. Government of Quebec. 2014.12.18 [Retrieved June 26, 2015] http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/caracteristiques_en.a.sp
89. Rothwell, William and Jacqueline Stavros, Roland Sullivan, Arielle Sullivan. “Practicing Organizational Development: A Guide For Leading Change.” 3rd Edition. Pfeiffer. October 2009. Pp. 704
90. Sainsbury, Diane. “Gender, Policy Regimes, and Politics.” *Gender and Welfare State Regimes*. 1999. Oxford Scholarship Online November 2003.
91. “Section 2: Findings and Purposes” United States Department of Labour. [Retrieved January 15, 2015] www.dol.gov
92. “State Disability Insurance (SDI) Statistical Information.” *Employment Development Department*. State of California. [retrieved 06.07.2015] http://www.edd.ca.gov/disability/pdf/qspfl_PFL_Program_Statistics.pdf
93. Stockton, Heather and Jeff Schwartz, Mary Ann Stallings, and Stephen Harrington. “Beyond Yahoo: Breaking Down the ‘Virtual’ Versus “Campus” Debate.” *Deloitte Review*, Issue 14, 2014

94. “Study: Leave Practices Of Parents After The Birth Or Adoption Of Young Children, July 2012.” *The Daily*. Monday July 30, 2012. Statistics Canada. Government of Canada. [retrieved 06.18.2015] <http://www.statcan.gc.ca/daily-quotidien/120730/dq120730a-eng.htm>
95. Su, Zhongfeng and Donglao Yang and Jianjun Yang. “The Match Between Efficiency/Flexibility Strategy and Organizational Culture.” *International Journal of Production Research*. Vol. 50. No. 19, 1 October 2012, 5317-5329
96. The California Work and Family Coalition. “Know Your Rights! Family Leave Laws in California.” *Labor Project for Working Families*. 2013.[retrieved 06.02.2015] http://workfamilyca.org/resources/pdf/ca_family_leave_guide2013.pdf
97. The California Work & Family Coalition “Six Key Laws For Parents.” *Pregnancy Disability Leave*. [retrieved 06.02.2015] http://paidfamilyleave.org/pdf/KeyLawPoster_ENG.pdf
98. “Timeline of our History” *HP History – HP Timeline*, Hewlett Packard Company. [Retrieved 02.06.2015] <http://www8.hp.com/us/en/hp-information/about-hp/history/hp-timeline/timeline.html>
99. Tremblay, Diane-Gabrielle. “Paid Parental Leave: An Employee Right or Still An Ideal? An Analysis of the Situation in Quebec in Comparison with North America.” *Employ Respons Rights J* (2010) 22:83 – 100.
100. Trudeau, Justin. Mandate Letter to the Minister of Families, Children and Social Development. Office of the Prime Minister. November 4, 2015. <http://pm.gc.ca/eng/minister-families-children-and-social-development-mandate-letter#sthash.jD3ZVS0n.dpuf>
101. Turiel, Elliot and Serena A. Perkins. “Flexibilities of Mind: Conflict and Culture.” *Human Development* 2004; 47: 158-178
102. “Unemployment Insurance Code. Section 3300 -3306”. *Official California Legislative Information*. State of California. [Retrieved 06.18.2015] <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=uic&group=03001-04000&file=3300-3306>

103. Waiter, is That Inclusion in My Soup? A New Recipe to Improve Business Performance. Research Report. November 2012. Deloitte
104. Walby, Sylvia and Jo Armstrong. "Developing Key Indicators of 'Fairness': Competing Frameworks, Multiple Strands and Ten Domains – and Array of Statistics." *Social Policy & Society*. 10.2 205-218
105. Walby, Sylvia. "Gender Mainstreaming: Productive Tension in Theory and Practice." *Social Politics: International Studies in Gender, State and Society*, Volume 12, Number 3, Fall 2005, pp. 321-343
106. Walby, Sylvia and Jo Armstrong, Sofia Strid. "Intersectionality and the Quality of the Gender Equality Architecture." *Social Politics: International Studies in Gender, State and Society*. Vol. 19. No. 4. Winter 2012 pp. 446-481
107. "What is the Québec Parental Insurance Plan?" 2009-06-11. *Travail, Emploi et Solidarité sociale*. Québec. [Retrieved 06.15.2015]
http://www.rqap.gouv.qc.ca/a_propos_regime/information_generale/index_en.asp
108. Work absences: new data, new insights [Akyeampong, Ernest B. Perspectives on Labour and Income 10.1](#) (Spring 1998): 16.

Appendices

Appendix A: Canada – Maternity Leave Benefits Survey

Final Collection Date: August 21, 2015		
Canada - Maternity Leave Benefits Survey		
1. Have you had a child in the last five years either through adoption or natural childbirth?		
Answer Options	Response Percent	Response Count
YES	100.0%	42
NO	0.0%	0
<i>answered question</i>		42
<i>skipped question</i>		0
2. Were you employed at the time of your child's birth or adoption?		
Answer Options	Response Percent	Response Count
YES, full time	90.5%	38
YES, part time	7.1%	3
NO	2.4%	1
<i>answered question</i>		42
<i>skipped question</i>		0
3. If you have had more than one child in the last five years, how many did you have while working for the same employer?		
Answer Options	Response Percent	Response Count
n/a	69.2%	27
2	25.6%	10
3	2.6%	1

4	0.0%	0
Other (please specify)	2.6%	1
answered question		39
skipped question		3
4. In which state/province were you employed at the time of your child's birth or adoption?		
Answer Options	Response Count	
Ontario	38	
Quebec	1	
Alberta	1	
New Brunswick	1	
answered question	41	
skipped question	1	
5. At the time of your child's birth (adoption or natural birth) did you work for a private sector or public sector employer?		
Answer Options	Response Percent	Response Count
Private Sector	40.0%	17
Public Sector	52.5%	21
Other (please specify)	7.5%	2
Response: NGO		
	<i>answered question 40</i>	
	<i>skipped question 2</i>	

Table 0-1

6. Please describe the industry in which you worked at the time of your child's birth/adoption:		0
Answer Options	Response Count	

Total Responses	41
Health Care	11
Government (various levels)	5
NGO	5
Education	4
Consulting Services	4
Financial Services	3
Energy / Manufacturing	3
Legal	2
Retail	2
Social Services	2
<i>answered question</i>	41
<i>skipped question</i>	1

7. What is the length of time you have worked for this employer?

Answer Options	Response Percent	Response Count
Less than 5 years	34.1%	14
5 - 10 years	58.5%	24
More than 10 years	7.3%	3
<i>answered question</i>		41
<i>skipped question</i>		1

8. Were you eligible for an employee maternity/parental benefit?

Answer Options	Response Percent	Response Count
YES	90.5%	38

NO	9.5%	4
answered question		42
skipped question		0

9. Was a formalized process provided to you as an employee through an employee manual or other similar documentation describing your leave options?

Answer Options	Response Percent	Response Count
YES	70.7%	29
NO	26.8%	11
Other (please specify)	2.4%	1
<i>Response: some options were defined, others were missing</i>		
answered question		41
skipped question		1

10. Was notification provided to your direct supervisor?

Answer Options	Response Percent	Response Count
YES	95.0%	38
NO	5.0%	2
Other (please specify)		

Table 0-2

11. Was the organization supportive of your leave?

Answer Options	Response Percent	Response Count
YES	97.6%	40
NO	2.4%	1

Other (please specify)	0.0%	0
<i>answered question</i>		41
<i>skipped question</i>		1

12. Are both men and women eligible for parental leave in your organization?

Answer Options	Response Percent	Response Count
YES	89.7%	35
NO	10.3%	4
<i>answered question</i>		39
<i>skipped question</i>		3

13. Are both men and women equally supported in taking parental leave?

Answer Options	Response Percent	Response Count
YES	75.6%	31
NO	14.6%	6
Other (please specify)	9.8%	4
<i>Response: unsure or never had a male employee take leave</i>		
<i>answered question</i>		41
<i>skipped question</i>		1

14. Did your employer provide any form of monetary top-up program for any or all of the duration of your leave?

Answer Options	Response Percent	Response Count
YES	58.5%	24
NO	41.5%	17
Other (please specify)	0.0%	0

<i>answered question</i>	41
<i>skipped question</i>	1

15. If you have more than one child, did your employer provide a top-up program for each leave?

Answer Options	Response Percent	Response Count
YES	35.5%	11
NO	42.0%	13
Other (please specify)	22.5%	7

Responses: 6 - N/A; 1 mat leave period (for twins)

*answered question 31
skipped question 11*

16. Did the employer provide any conditions in order to receive the top-up?

Answer Options	Response Percent	Response Count
YES	45.9%	17
NO	54.1%	20
If yes, please describe the condition		13

Response: must return to work, and for a specified length of time

<i>answered question</i>	37
<i>skipped question</i>	5

17. Did your employer offer any workplace flexibility options for when you return to work? (i.e. flexible hours, opportunity to work from home, etc.)

Answer Options	Response Percent	Response Count
YES	31.7%	13
NO	68.3%	28
If yes, specify the option provided		8

Response: flexible work hours, compressed work weeks, work from home

<i>answered question</i>	41
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skipped question **1**

18. How much time did you take for maternity and parental leave?

Answer Options	Response Percent	Response Count
Less than 3 months	0.0%	0
3 - 6 months	2.4%	1
6 - 9 months	2.4%	1
9 - 12 months	81.0%	34
Other (please specify)	14.3%	6
<i>Response: over 12 months</i>		
<i>answered question</i>		42
<i>skipped question</i>		0

19. Was the leave shared between you and your partner?

Answer Options	Response Percent	Response Count
YES	28.6%	12
NO	71.4%	30
<i>answered question</i>		42
<i>skipped question</i>		0

20. Should both men and women take parental leave?

Answer Options	Response Percent	Response Count
YES	90.5%	38
NO	9.5%	4
<i>answered question</i>		42
<i>skipped question</i>		0

21. Did you feel that the maternity and parental leave provided to you by the national/provincial plan was sufficient?

Answer Options	Response Percent	Response Count
YES, it was sufficient	48.8%	20
No, it was insufficient	51.2%	21
answered question		41
skipped question		1

22. If you could make a change to the maternity and parental leave benefits provided, what would that change be?

Answers/ Comments	Response Count
<i>Extend the time to 18 months</i>	32
<i>Deduct taxes from benefits, reducing the amount to pay in income tax</i>	
<i>Increased leave for fathers - to provide more bonding time</i>	
<i>(rephrased) increase the percentage of earnings - it is often too low to take the full amount of time off</i>	
<i>Increase the amount of time off - it was difficult to find childcare at 12 months (18 months would be easier)</i>	
<i>Extend the amount of time off to 13 - 18 months (most daycare center's will not accept children under 15-18 months)</i>	
<i>Not enough financial compensation, EI takes too long to fall into place</i>	
<i>Longer period of time, I took extended leave as I found 1 year too short</i>	
<i>Better prepare us for our top-up not being taxed at the correct pay scale. Should include tax information up front</i>	
<i>Longer time with job protection, even if a portion was unpaid. Infant daycare spots are few, an 18 month leave would make finding care a lot easier. Also I would support longer leaves for parents of twins</i>	
<i>Offer more (i.e. compensation, leave, etc.) to parents of multiples</i>	
<i>Maternity leave benefits should be higher at least for the first few months when it would be very difficult to return to work even if a mother wanted to. If there is no other household income and the employer does not provide a top-up then the amount provided by EI does not cover all that much</i>	

Top up should be mandated across the board within the Ministries. Teachers (who are Ministry of Education workers essentially) only get 8 weeks top up with most school boards.

Extend the benefit to cover up to 18 months or at least 15 months. Most daycare centers do not accept babies at the age of 1 or only have very limited spaces. This essentially forces parents to find alternate care (nanny, grandparents, take unpaid leave themselves, or unlicensed home daycare)

Increased EI, men should be able to take some parental leave immediately after the child's birth without taking away from their spouse's parental leave

Higher pay and both parents off at the same time

Provide additional assistance (i.e. longer leave) for parents with multiples. At this time, we don't receive any additional aid and it would be so beneficial if there was a different policy in place for parents of multiples.

A top up of salary would be nice as opposed to just going on EI for the allowable amount of time off

Top up from employer for longer than 4 months (e.g. 6 months)

No changes. I was able to submit my 23 highest earning weeks from two different employers from the given time frame and maternity unemployment used that to determine my income. It worked out great for me.

There should be top up from employers and better return work conditions (flexible work hours, part time etc.)

There were no benefits provided at my employer, just EI, which does not pay very much of part time people. The institution of a program of any kind would be a positive change

Shared leave in at least the first 3 months. The EI rate should be increased to at least 80% of salary.

For salary top ups to be provided. Even if it required for the employee to return to work for a minimum amount of time to avoid having to pay back any benefits received

My work forced me to fax, scan a copy of each cheque received from EI prior to releasing my top up benefit cheque. This was very inconvenient and made it that my payments were sporadic.

Students and the unemployed should get some kind of financial aid so they can focus on the baby instead of finding work within the early months of becoming a parent,

full pay, more than 55%

full income replacement

I am quite grateful for maternity leave. I'm originally from the U.S. and when I compare my mat leave with theirs, I am so happy I can have the peace of mind knowing I get to spend

the most beneficial time with my baby. I would not change anything. I feel like it is a good system.

More % of \$ per month

Have full 12 months top up from my employer. Tax break especially when paternity leave ends near tax month (and you've been on maternity leave for over 9 months).

100% for everyone for 6 months

answered question 32

skipped question 10

23. Please provide any other relevant information or comments about the maternity leave process that occurred between you and your employer.

Answer Options	Response Count
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Process was extremely smooth

I feel very fortunate working for federal government in Canada. They are doing it right!

My employer is very accommodating, aside from the no working from home policy.

My employer tops employees up for 4 months for maternity leave (This is fairly standard for private organizations but top up for a longer duration would be nice). The condition associated with the leave is that you have to return to work for 1 year after your leave to receive the benefit (which is fair).

My employer was very supportive. I was only working part-time so I was not eligible for maternity leave through my workplace. I was able to collect it through Maternity Unemployment because I had completed 600 hours+ between two jobs in the past year before having my child.

did not receive correct information especially as live in Quebec but work in Ontario

I was told that the organization could not justify to donors spending money on maternity leave benefits (i.e. they would see it as a waste of money).

I was provided the option to continue with my health benefits but I had to pay for my share in the same way as when they deduct it from my pay cheque. Since no top up was provided I would have had to pay from my own money.

All of the benefit options were not clearly provided by my employer concerning pension time : payback and not counting maternity leave as pensionable time

The wait to get your money is too long. 2 weeks of no pay is not necessary.

Very much appreciate my mat leave.

Met with HR to be told all of the information. Emailed them with any questions and it was up to me to notify them of when I wanted to return and set up education / reorientation

Quicker communication between employer and province so there is no time gap for first payment	
I had to return to work for 12 months or else I would have to repay the benefits on a pro-rated basis	
Should top-up for second child	
answered question	16
skipped question	26

Appendix B: U.S. Maternity Leave Benefit Survey

U.S. Maternity Leave Benefits

1. Have you had a child in the last five years either through adoption or natural childbirth?

Answer Options	Response Percent	Response Count
YES	90.7%	49
NO	9.3%	5
answered question		54
skipped question		0

2. Were you employed at the time of your child's birth or adoption?

Answer Options	Response Percent	Response Count
YES, full time	94.3%	50
YES, part time	1.9%	1
NO	3.8%	2
answered question		53
skipped question		1

3. If you have had more than one child in the last five years, how many did you have while working for the same em

Answer Options	Response Percent	Response Count
n/a	69.8%	37
2	26.4%	14
3	1.9%	1
4	1.9%	1
Other (please specify)	0.0%	0
<i>answered question</i>		53
<i>skipped question</i>		1

4. In which state were you employed at the time of your child's birth or adoption?

California	10
Ohio	4
Maryland	4
North Carolina	3
Wisconsin	3
Virginia	2
Arizona	2
Tennessee	2
Florida	2
Pennsylvania	2

Alabama; Alaska; District of Columbia; Georgia; Illinois; Indiana; Kansas; Michigan; Minnesota; Missouri; Nebraska; New York; New Jersey; Oregon; Rhode Island; Texas; Washington

5. At the time of your child's birth (adoption or natural birth) did you work for a private sector or public sector employer?

Answer Options	Response Percent	Response Count
Private Sector	48.1%	25

Public Sector	46.1%	24
Other (please specify)	5.7%	3
<i>answered question</i>		52
<i>skipped question</i>		2

Number	Response Date	Other (please specify)
1	Jul 13, 2015 12:16 AM	?
2	Jul 12, 2015 8:56 PM	N/A
3	Jul 12, 2015 7:40 PM	Self employed

6. Please describe the industry in which you worked at the time of your child's birth/ adoption:

Answer Options	Response Count
	52
<i>answered question</i>	52
<i>skipped question</i>	2

Number	Response Text	Number Responses	of
	Education	12	
	Retail & Sales Services	5	
	Energy & Manufacturing	6	
	Government	3	
	Health Care	11	
	Consulting Services	2	
	Financial Services	4	
	Telecommunications & Media	3	
	Legal Services	1	

Military & Police	2
Church	1
other	2
Total	52

7. What is the length of time you have worked for this employer?

Answer Options	Response Percent	Response Count
Less than 5 years	31.4%	16
5 - 10 years	43.1%	22
More than 10 years	25.5%	13
<i>answered question</i>		51
<i>skipped question</i>		3

8. Were you eligible for an employee maternity/parental benefit?

Answer Options	Response Percent	Response Count
YES	74.5%	38
NO	23.5%	12
Other (please specify)	2.0%	1
<i>answered question</i>		51
<i>skipped question</i>		3

Number	Response Date	Other (please specify) Categories
1	Jul 12, 2015 7:40 PM	Self employed

9. Was a formalized process provided to you as an employee through an employee manual or other similar documentation describing your leave options?

Answer Options	Response Percent	Response Count
----------------	------------------	----------------

YES	66.7%	34
NO	31.4%	16
Other (please specify)	2.0%	1
answered question		51
skipped question		3

Number	Response Date	Other (please specify)	Categories
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1 Jul 12, 2015 7:40 PM Self employed

10. Was notification provided to your direct supervisor?

Answer Options	Response Percent	Response Count
YES	82.4%	42
NO	13.7%	7
Other (please specify)	3.9%	2
answered question		51
skipped question		3

Number	Response Date	Other (please specify)	Categories
1	Jul 13, 2015 1:15 AM	I am not sure what you mean by notification. I notified them that I was taking FMLA, but I don't believe that the University provided anything to my supervisor	
2	Jul 12, 2015 7:40 PM	Self employed	

11. Was the organization supportive of your leave?

Answer Options	Response Percent	Response Count
YES	86.3%	44
NO	11.8%	6
Other (please specify)	2.0%	1
answered question		51

<i>skipped question</i>	3
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Number	Response Date	Other (please specify)	Categories
1	Jul 12, 2015 7:40 PM	Self employed	

12. Are both men and women eligible for parental leave in your organization?		
Answer Options	Response Percent	Response Count
YES	66.7%	34
NO	33.3%	17
<i>answered question</i>		51
<i>skipped question</i>		3

13. Are both men and women equally supported in taking parental leave?		
Answer Options	Response Percent	Response Count
YES	48.0%	24
NO	44.0%	22
Other (please specify)	8.0%	4
<i>answered question</i>		50
<i>skipped question</i>		4

Number	Response Date	Other (please specify)	Categories
1	Jul 13, 2015 12:29 AM	unsure	
2	Jul 13, 2015 12:00 AM	I don't know	
3	Jul 12, 2015 9:47 PM	Only offered FMLA	
4	Jul 12, 2015 7:40 PM	No employees	

14. Did your employer provide any form of monetary top-up program for any or all of the duration of your leave?

Answer Options	Response Percent	Response Count
YES	19.6%	10
NO	70.6%	36
Other (please specify)	9.8%	5
<i>answered question</i>		51
<i>skipped question</i>		3

Number	Response Date	Other (please specify)	Categories
1	Jul 13, 2015 12:11 AM	I was paid my full salary for my full maternity leave (13 weeks).	
2	Jul 13, 2015 12:00 AM	I don't know what monetary top-up is	
3	Jul 12, 2015 11:31 PM	FMLA	
4	Jul 12, 2015 9:36 PM	Paid leave-yes; monetary compensation based in conditions, no.	
5	Jul 12, 2015 7:40 PM	Self employed	

15. If you have more than one child, did your employer provide a top-up program for each leave?

Answer Options	Response Percent	Response Count
YES	18.4%	9
NO	61.2%	30
Other (please specify)	20.4%	10
<i>Response: 9 - only have 1 child</i>		
<i>Response: What is top up?</i>		
<i>answered question</i>		49
<i>skipped question</i>		5

16. Did the employer provide any conditions in order to receive the top-up?

Answer Options	Response Percent	Response Count
----------------	------------------	----------------

YES	8.3%	4
NO	91.7%	44
If yes, please describe the condition		2
<i>Response: Based on length of employment</i>		
<i>Response: doctor note</i>		
answered question		48
skipped question		6

17. Did your employer offer any workplace flexibility options for when you return to work? (i.e. flexible hours, opportunity to work from home, etc.)

Answer Options	Response Percent	Response Count
YES	20.0%	10
NO	80.0%	40
If yes, specify the option provided		7
<i>Responses:</i>		
changed days off, brought child with me for a while		
flexible hours and occasional work from home		
Flexible hours		
Flexible hours, when from home when child sick, take child to Dr without taking paid time off		
work at home		
Reduced hours to ease back into schedule		
Work from home, reduced hours		
answered question		50
skipped question		4

18. How much time did you take for maternity and parental leave?

Answer Options	Response Percent	Response Count
Less than 3 months	60.8%	31
3 - 6 months	39.2%	20
6 - 9 months	0.0%	0
9 - 12 months	0.0%	0
Other (please specify)	0.0%	0
<i>answered question</i>		51
<i>skipped question</i>		3

19. Was the leave shared between you and your partner?

Answer Options	Response Percent	Response Count
YES	13.7%	7
NO	86.3%	44
<i>answered question</i>		51
<i>skipped question</i>		3

20. Should both men and women take parental leave?

Answer Options	Response Percent	Response Count
YES	92.2%	47
NO	7.8%	4
<i>answered question</i>		51
<i>skipped question</i>		3

21. Did you feel that the maternity and parental leave provided to you by the national/provincial plan was sufficient?

Answer Options	Response Percent	Response Count
YES, it was sufficient	33.3%	17
No, it was insufficient	66.7%	34

<i>answered question</i>	51
<i>skipped question</i>	3

Table 0-3

22. If you could make a change to the maternity and parental leave benefits provided, what would that change be?

Answer Options	Response Count
	43
<i>answered question</i>	43
<i>skipped question</i>	11

Paid maternity and paternity leave, with job security and encouragement to take the full amount

More flexible hours upon return o work from home options

at least 6 months paid leave

no change

Paid leave available for both parents.

Longer duration

All people should get 3 months paid leave.

Much longer with job security even without pay. Better insurance options with leave.

Mandatory paid 90 days minimum

Companies should be required to give a minimum 12 week paid maternity leave as 6 weeks is barely long enough to bond with a newborn and as a bank teller getting away to nurse was impossible

More time off and more payment while you are off

full pay

Allow fathers more paid time off.

Make them paid leave at least a portion of the time. I saved my time and had FMLA to hold my position.

Longer paid time, longer time off. I was barely recovered after 6 weeks.

time

longer

Allow for additional time off and flexible time once you start back to work to ease back into.

I wish that maternal leave was 100 percent paid up to 6 month's after birth

That it lasts longer!

both man and woman want to be with the baby both should be able to share the responsibility

US should develop maternity leave laws as in other countries (i.e. Sweden) where mothers are given a substantial amount of paid leave after birth/adoption - up to one year & at minimum 6 months

Longer time to hold your position for maternity leave

That we would actually have something besides FMLA and join the rest of the civilized world.

More financial help while on leave

My employer did the best she could. We are a small school.

9or 12 weeks paid

One year with pay would be sufficient to ensure growth of a really top notch human.

More time

Minimum 3 months paid for mom and 4-6 weeks for dad

That it would be paid and year long

Paid leave instead of having to use sick days and vacation days first.

Longer paid leave

Have everyone be able to take paid leave for six weeks

Some paid leave, not inclusive of annual/sick leave

I was forced to use sick days that I had accumulated and then "borrow" sick days from a sick bank. This left me with a negative balance when I went back to work. I would change that because then I felt like I didn't have any days to take off if I were sick or my child my sick. We are only given one sick day per month so it has taken me years to pay back the negative balance.

I think women should get 8 weeks instead of 6.

Be supported financially even if it's not equal to the full salary for up to 6 months.

23. Please provide any other relevant information or comments about the maternity leave process that occurred between you and your employer.

Answer Options

Response Count

**Response
Text**

I had the summer off when my child was born.

state benefits were available for FMLA in my states

It's very hard to come back after only 6 weeks. A lot of people quit.

they did not know I was pregnant until I had the baby I left for one month then came back to full responsibility

If I hadn't accumulated & used my own sick leave I would have only received 6 weeks exhausting all of my accrued leave enabled me to have 10 weeks of leave but I was left with no sick days & had to rebuild my time

I exhausted all of my PTO and was without pay for a few weeks during my 12 week leave. It sucked and I hate the way the country screws parents.

Six weeks paid for mothers, two weeks for fathers

It was a terrible experience and I ended up leaving the company as a result.

Men need to have the same options as women

No support for leave after three months.

I felt ashamed of taking off the number of days I needed. I felt rushed into coming back.

I was able to take the rest of the school year off and keep my position but I did not qualify for any of the benefits because I did not work for them for more than a year.



Questionnaire/Survey Online Consent Form

Title: Maternity and Parental Leave in Canada and the United States

Date of ethics clearance: To be determined by the REB (as indicated on the clearance form)

Ethics Clearance for the Collection of Data Expires: To be determined by the REB (as indicated on the clearance form)

This is a study on Maternity and Parental Leave policy in Canada and the United States. This study aims to compare the leave policy in Canada and the United States and determine whether further enhancements need to be made to the current policies in order to improve gender equality. **The researcher for this study is Michelle Cochrane in the Political Science Department at Carleton University.** She is working under the supervision of Dr. Melissa Hausman in the Political Science Department at Carleton University.

This study involves one 15-minute survey that will take place online.

While this survey might involve some risks, you have the right to refuse to answer any of the questions. Should you feel some distress, you are encouraged to speak to the researcher who will direct you to support services.

You have the right to end your participation in the survey at any time, for any reason, up until you hit the "submit" button. You can withdraw by exiting the survey at any time before completing it. If you withdraw from the study, all information you provided will be immediately destroyed. (As the survey responses are anonymous, it is not possible to withdraw after the survey is submitted.)

All research data will be encrypted. The company running the online survey is Survey Monkey based in the United States. The survey company will keep a copy of the survey responses on its servers in the United States. Research data will be accessible by the researcher, the research supervisor and the survey company.

Once the project is completed, all research data will be kept for five years and potentially used for other research projects on this same topic. At the end of five years, all research data will be deleted.

If you would like a copy of the finished research project, you are invited to contact the researcher to request an electronic copy, which will be provided to you as long as the safety of all participants will not be comprised by doing so.

The ethics protocol for this project was reviewed by the Carleton University Research Ethics Board, which provided clearance to carry out the research. Should you have questions or concerns related to your involvement in this research, please contact:

REB contact information:

Professor Louise Heslop, Chair
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Supervisor contact information:

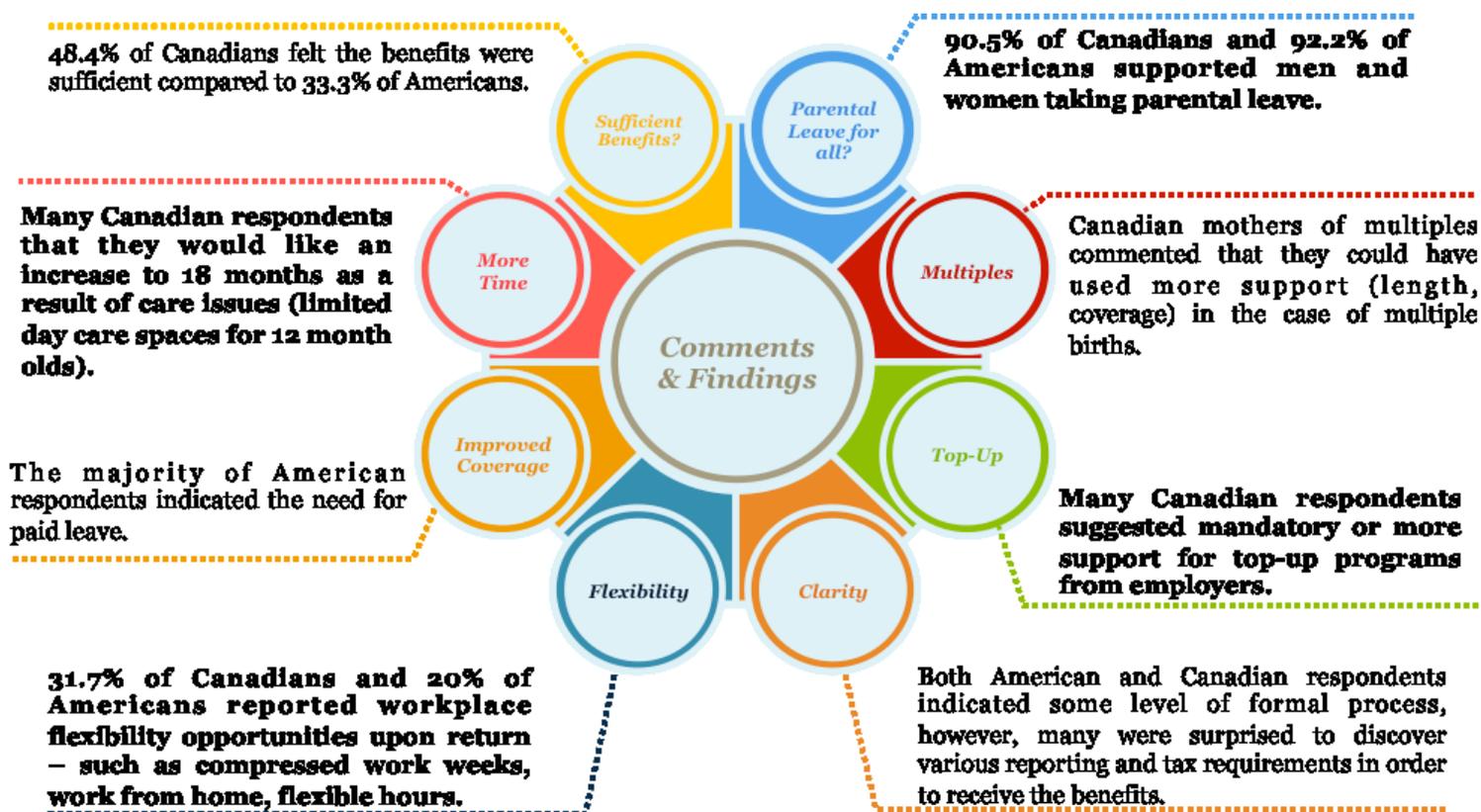
Dr. Melissa Hausman
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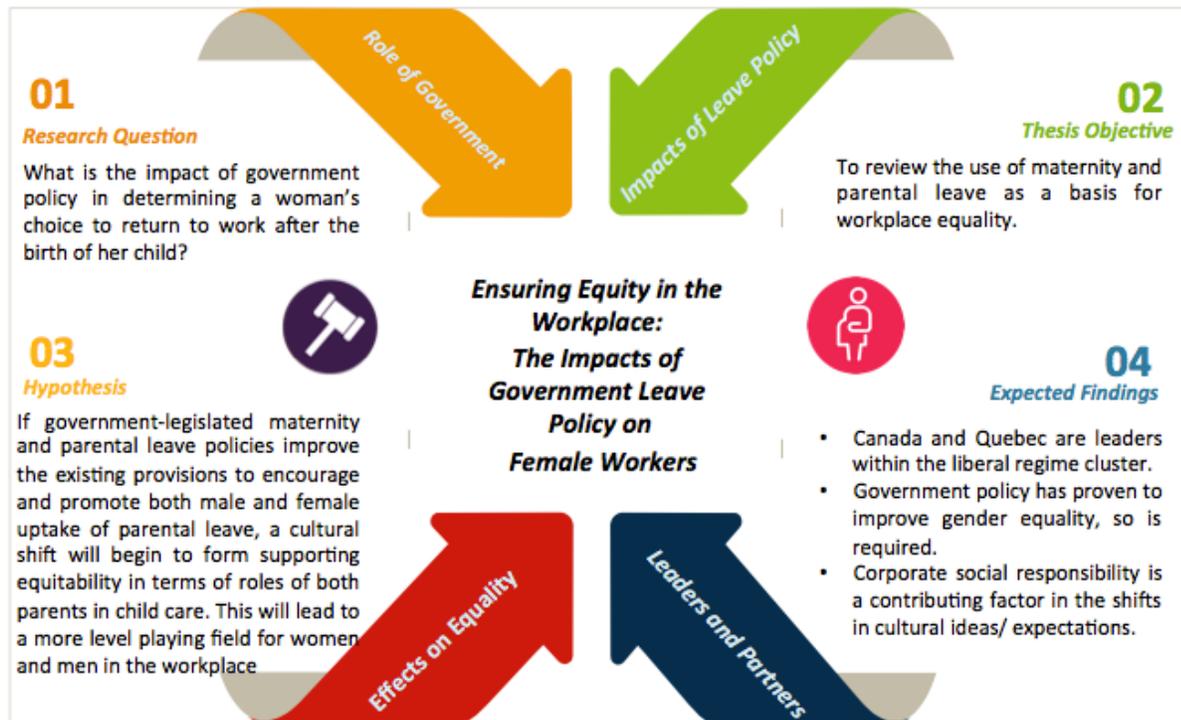
By clicking "submit", you consent to participate in the research study as described above.

Appendix D: Defence Presentation

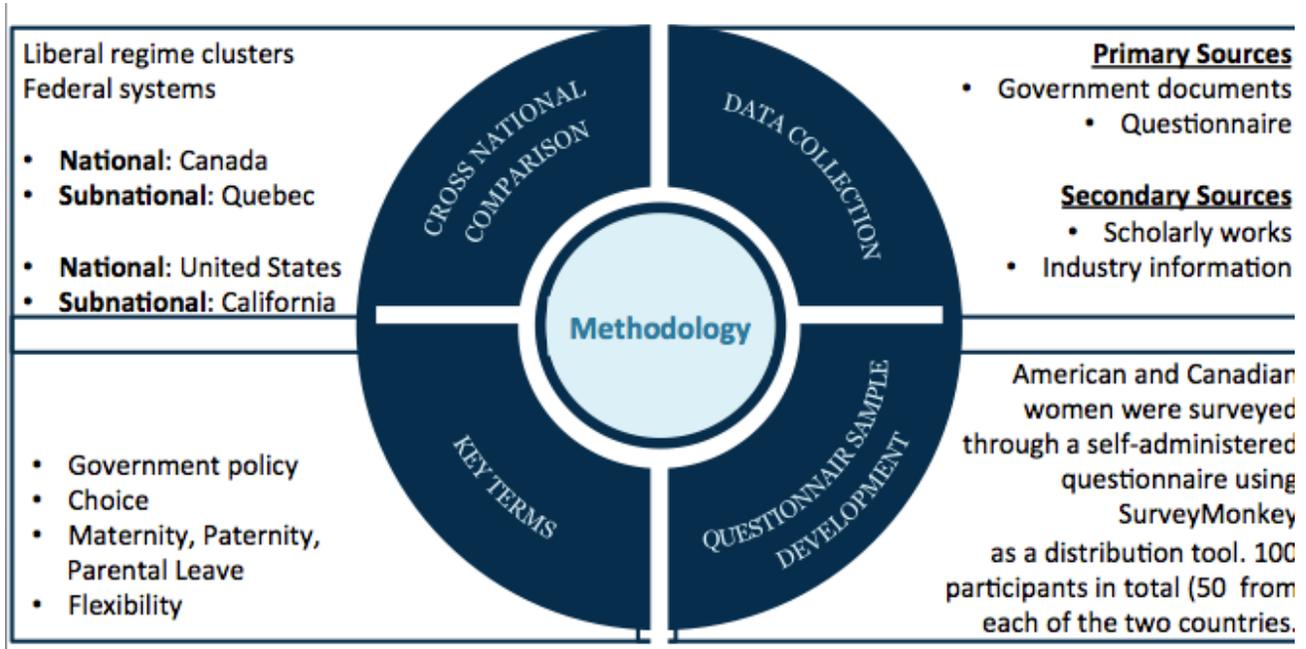
D.1: Maternity Leave Survey – Additional Findings



D2: Introduction



D3: Methodology



D4: Literature Review & Theory

	REGIME CLUSTERS			CRITIQUES	
	LIBERAL	CONSERVATIVE	SOCIAL DEMOCRATIC		
	<ul style="list-style-type: none"> • Minimum state interference (less social assistance) • Market-guided services • Welfare programs targeted at lowest income bracket • USA, Canada, Australia 	<ul style="list-style-type: none"> • State provision of welfare • Church-centric • Small role for market-based welfare • Focus on motherhood, encouragement of care vs. work • France, Germany, Italy 	<ul style="list-style-type: none"> • Dual emphasis on work and welfare • Provision of significant public services • Reduction of class and status-based benefits • Social rights for all citizens • Norway, Sweden, Iceland 	Diane Sainsbury	Ann Orloff
				<ul style="list-style-type: none"> • Absence of care major factor in regime clusters 	<ul style="list-style-type: none"> • Women must play a role in development of legislation
				Jane Jenson	Jane Lewis
				<ul style="list-style-type: none"> • State focus on children instead of women 	<ul style="list-style-type: none"> • Governments provide either time to care or time to work
				Amy Mazur	Jeanne Fagnani
				<ul style="list-style-type: none"> • Reconciling policy aimed at tackling socially constructed inequalities 	<ul style="list-style-type: none"> • The pros and cons of leave – often missing gender balance dimension
	WORK CULTURE				
	Correll et al	Brescoll et al	Mary Blair-Loy	Deloitte	Cynthia Negrey
	<ul style="list-style-type: none"> • Modifying the workday to accommodate shifting requirements 	<ul style="list-style-type: none"> • Role of public policy in supporting gender balanced policy 	<ul style="list-style-type: none"> • Impact of culture on flexibility policy and the issue of devotion 	<ul style="list-style-type: none"> • Positive outcomes of diversity and inclusion in the workplace 	<ul style="list-style-type: none"> • Work expectations causing a famine of time

D5: Conclusions, Findings, and Other Research

