

To: Ms. Diane Finley
Minister of Human Resources and Social Development Canada

Dear. Ms. Finley,

My wife and I are expecting twins. Upon checking with Service Canada officials on the policy of EI eligibility, I was bothered to find out that no provisions exist to take into account the special challenges that caring for two newborns simultaneously pose to a family. Everyone I have been talking to on raising twins have told me that we will be needing a lot of help, particularly within the first few months. The workload involved is essentially doubled. But what if I could offer that help as the father of those children rather than relying on hiring a stranger? Is that not what the parental benefits under EI were designed to do?

Both my wife and I are eligible for EI. I fail to understand why as a separate claimant, I would not be entitled to parental benefits above and beyond those available to my wife to care for our second child as she is busy with the other. I reviewed the Employment Insurance Act. I was interested to discover that the law entitles a claimant to receive benefits to care for a child, or children on a per claimant basis, but states clearly that parents can share those benefits on a per child basis. Given that the multiple child, multiple claimant case is not explicitly mentioned in the Act, the one or more child per claimant stipulation should prevail in that case. I believe this interpretation to be consistent with the spirit of the Act as it the loss of income that EI is meant to cover, not the costs of having children. Both articles 12 and 23 of the Act are written on a per claimant basis. The current government policy is not in line with the letter of the law.

The government policy that would deny a second claimant benefits beyond the two parents, one child case seems to rest on assertions that: "A multiple birth or multiple adoption, for purposes of unemployment benefits, is treated as a single birth or a single adoption" and furthermore that "under the EI program, parental benefits are payable to one or both parents to care for one or more new-born children..." [Digest of Benefit Entitlement Principles - Chapter 13]. The references given for these statements are article 12 and article 23 of the Act, which both centre on the claimant. The statements made above are unsubstantiated in the law and lead to a discriminatory outcome. It is absurd to consider two or more children as being one in interpreting any law. Furthermore, two EI claimants should be considered separately and equally just as they are in the case of a job loss. Nothing prevents two people in a relationship from receiving benefits simultaneously if they both lose their jobs.

My interpretation is consistent with the fact that all claimants should be treated equally under the law, and that children should all be recognized as being equal. After all, a claimant can claim for as many children as they want over the course of their life as long as the minimum insurable hours of work are respected between each child. Why deny a separate claimant the opportunity to care for a child just because they happen to have a sibling of the same age? The current government policy discriminates against the second claimant, who also pays into the system and thus should be equitably entitled to its benefits for another child. This is an obvious case of discrimination. My position is argued more fully in the attached 3-page document. Please read it carefully.

At the present time, I believe my case to be solid and one that would stand up in the appeals process and in courts if required. It would provide not only benefits to me but potentially many other future parents faced with the challenging task of caring for two or more newborns at once. However, as a good citizen of this country, I wish to avoid the conflict and resource losses involved an appeals process. This letter to you is my effort to do so.

Thank you very much for your time and your attention. I look forward to reading your response on this matter.

Sincerely,

Christian Martin