

OPEN ACCESS

ISSN 2280-4056

*E-Journal of  
International and Comparative*

# LABOUR STUDIES

Volume 9, No. 1, January 2020



**ADAPT**  
www.adapt.it  
**UNIVERSITY PRESS**

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**@ 2020 ADAPT University Press**

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Online Publication of the ADAPT Series  
Registration No. 1609, 11 November 2001, Court of Modena  
*www.adaptbulletin.eu*

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# The Québec Parental Leave Insurance Program: an Innovation in Parental Leave for a Canadian Province

Diane-Gabrielle Tremblay<sup>1</sup>

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## Abstract

*The paper analyses the Québec Parental Leave Insurance Program in order to point out its effects on the behaviour of companies and parents in relation to the use of parental leave to take care of their child. After the individuation of the legal framework of parental insurance plan in Québec comparing it in the context of the Canadian legal system, the contribution deepens through qualitative methodology (i.e. case studies) the condition of parents highlighting both the relevant effects of the Program in promoting the use of parental leave, but also the resistances both from companies and parents that limit the success and the effectiveness of the QPLIP.*

## 1. Introduction

Over the years, my research has focused on work-life reconciliation, parental leave, and the receptiveness of workplaces and organizations to work-life arrangements, particularly towards fathers, whose behaviours towards their own family involvement has undergone significant changes in recent years.<sup>2</sup> The advent of the Québec Parental Leave Insurance Program (QPIP) has been one of the drivers of this change.

This scheme has introduced many innovations in the workplace, the main one being the fact that Quebec fathers now feel legitimate and allowed to

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<sup>2</sup> Tremblay, D.-G., (2019a). *Conciliation emploi-famille et temps sociaux*. Québec, Presses de l'Université du Québec; Tremblay, D.-G. & N. Lazzari Dodeler (2015). *Les pères et la prise du congé parental ou de paternité*, Québec: Presses de l'Université du Québec, 134 pages.

take leave for the birth of a child, thanks to the new paternity leave, which is non transferable to the mother. Indeed, while only one in five Quebec fathers took part of Canadian parental leave until 2006 (and only 10-15% of Canadian fathers outside Quebec<sup>3</sup>), Quebec fathers are now 80% to take paternity leave for either 3 or 5 weeks, about one-third also taking weeks of parental leave, which they can share with the mother.<sup>4</sup>

In total, Quebec fathers take an average of 7 weeks at the time of the birth of their child, those who take paternity leave and part of the parental leave taking on average 13 weeks. Of course, women continue to take longer leave, averaging 29 weeks, according to QPIP data.

## 2. The Legal Framework

Quebec's parental insurance plan is very innovative at the Canadian level, similar to programs offered in the Nordic countries. The following table shows the differences between the Canadian and Quebec parental leave legislation as presented in the Annual Review of Parental Leave programs.<sup>5</sup> According to Canada and Québec legislation, parents must pay premiums through insurable employment to qualify for benefits, and as the Québec program is somewhat more generous, and thus more costly, Québec employers and employees have a little more to pay in comparison with the Canadian premiums. However, as Table 1 shows, the benefits are higher in Québec and are more accessible. Leave can be taken at any time in the 70 weeks that follow birth, but for benefits it is during the 52 weeks following birth.

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<sup>3</sup> Findlay, Leanne C. & Dafna E. Kohen (2012). « Pratiques relatives aux congés des parents après la naissance ou l'adoption de jeunes enfants », *Tendances sociales canadiennes, Statistique Canada*, July 30 th 2012.

<sup>4</sup> Lamalice, O. & H. Charron. 2015. *Pour un partage équitable du congé parental*, Québec, Conseil du statut de la femme.

<sup>5</sup> Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2019) 'Canada country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

**Table 1. Québec Parental Leave Insurance Program characteristics, in comparison with the Canadian Program<sup>6</sup>**

	Canada EI	Québec Basic Plan	Québec Special Plan
Eligibility (in past year) <sup>1</sup>	600 hours	\$2,000 earnings	
Self-employed workers	If opted in the year before, with minimum net income of \$7,121 in self-employed earnings (2018)	Automatically covered (Must have stopped working or seen a reduction of at least 40 per cent of usual income)	
Waiting period	1 week per couple	None	
<i>Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the Maximum Insurable Earnings level)</i>			
Maternity <sup>2,3</sup>	15 at 55%	18 at 70%	15 at 75%
Paternity	None	5 at 70%	3 at 75%
Parental (may be shared)	35 at 55% or 61 at 33%	32 (7 at 70% + 25 at 55%)	25 at 75%
Parental if shared	41 at 55% or 69 at 33%		
Maximum total weeks per couple	76 (84 if shared)	55	43
Adoption (shared) <sup>4</sup>	35 at 55% or 61 at 33%	(12 at 70% + 25 at 55%)	28 at 75%
Low-income supplement <sup>5</sup>	Up to 80%	Up to 80%	
<i>Adjusted annually:</i>			
Maximum insurable earnings, 2018	\$53,100 /year	\$76,500 /year	
Maximum weekly benefit, 2018	\$562	\$1,067	

Source: Doucet, Lero, McKay, and Tremblay, 2019.

The table is adapted from data from “EI maternity and parental benefits: What these benefits offer,” Service Canada (2019), <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html> and “Québec Parental Insurance Plan,” Emploi et Solidarité sociale, Québec, <http://www.rqap.gouv.qc.ca>

Table Notes:

- The 600 hours are of insurable employment in the 52 weeks before the claim is made (or since the last EI claim e.g., for unemployment, sick leave, or Compassionate Care benefits). In Québec, CAD\$2,000 must be earned in the fiscal year but an extension to

<sup>6</sup> Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2019) ‘Canada country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).



104 weeks is allowed if unable to work. Note that the exchange rate as of November 2019 is about 1,5 Canadian dollar to 1 euro.

- Only birth mothers (including surrogate mothers) are entitled to Maternity leave in both plans.

- The benefit calculation for both programmes uses a 'best weeks' formula to determine 'average insurable earnings' up to the Maximum Insurable Earnings level for that year. EI uses previous 52 weeks; Québec uses past 26 weeks (an extension is granted if earnings were lower for certain reasons).

- Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents

- The low-income supplement is for families with a net annual income of less than CAD\$25,921. The amount, up to 80 per cent, is calculated based on net family income and the number of children and their ages.

The Canadian legal framework for parental leave is fragmented; it is not one policy throughout the country. Indeed, through the Employment Insurance (EI) programme, the federal government offers Maternity and Parental leave benefits to the parents who reside in other regions outside Québec. This program is funded by employers and employees and administered by the Department of Employment and Social Development Canada. In Québec, the program is also funded by employers and employees, but administered at the provincial level, with different levels of eligibility and payments. In Québec as in Canada, the right to a job-protected leave from employment is granted in Labour laws (employment standards acts).<sup>7</sup>

In Québec, this is regulated through the 'Loi sur les normes du travail', and in other provinces, this is under the jurisdiction of the ten provinces and three territories. Also, for 7 % of employees in federally regulated industries, the Canada Labour Code applies and ensures the job-protected leave.

There are thus 14 different legislated leave entitlements. The differences between jurisdictions have mainly to do with the access and use of (unpaid) legal entitled leave, whereas the paid leave is regulated by the Québec Parental Insurance Program (QPIP) for the province of Québec, and by the Employment Insurance Program in other provinces.

As mentioned in the Canadian profile presented in the *International Review of Leave Policies and Research 2019*, the concept of "Leave" in Canada therefore refers to unpaid, job protected time off work, or to specific benefit programmes, those of QPIP or that of Unemployment Insurance

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<sup>7</sup> Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2019) 'Canada country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

for the other provinces. As indicated also in the *International Review of Leave Policies and Research 2019*, “In 2011, self-employed parents outside Québec became eligible for federal benefits on an opt-in basis.” This was an important change, brought about by the fact that in Québec, self-employed parents were eligible as of 2006.

A few other elements on Québec Maternity leave regulation, again from our collective article in the *International Review of Leave Policies and Research 2019*<sup>8</sup>, in its most recent version. The benefits offered in Québec are equivalent to 70 per cent of average weekly income up to an earnings ceiling of CAD \$76,500 [ about 50 000€; the € is worth about 1.5CAN\$ ] per year in 2018 for 18 weeks of Maternity leave. Also important to mention, there is also no waiting period<sup>9</sup>. There is some flexibility in use of Maternity leave. It is possible to receive a higher income replacement rate for a shorter period, or a lower income for a longer period. Also, under the ‘special’ plan, Maternity leave benefits can be paid at 75 per cent of weekly income for 15 weeks, while under the ‘basic’ plan they are 70 per cent of weekly income for 18 weeks. The Basic plan is more frequently used, but it is possible for mothers who wish to return to work sooner to use the Special plan, which is shorter, but offers higher benefits.

Benefits in Québec are financed by contributions from employers and employees and self-employed, who pay the standard contribution to EI; they have a reduction in EI contribution but a supplementary contribution to cover the higher benefits offered in Québec. In 2019 contributions are 0.526 per cent for employees, 0.736 per cent for employers and 0.934<sup>10</sup> per cent for self-employed (maximum contributions respectively of CAD\$405.52 , CAD\$567.58 and CAD\$720.02 , up to a maximum insurable income of CAD\$76,500<sup>11</sup> compared with 0.36 per cent of insurable income, up to a maximum of CAD\$53,100 as an EI premium in other parts of Canada.

In Québec, self-employed workers became eligible for Maternity, Paternity, Parental and Adoption benefits if they had a minimum of CAD\$2,000 in self-employment earnings in the previous year. However, in the other

<sup>8</sup> Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2019) ‘Canada country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>9</sup> Government of Québec (Travail, Emploi et Solidarité Social). Information on QPIP available at: [http://www.rqap.gouv.qc.ca/Index\\_en.asp](http://www.rqap.gouv.qc.ca/Index_en.asp).

<sup>10</sup> <http://www.rqap.gouv.qc.ca/employeurs/cotisations.asp>

<sup>11</sup> [http://www.csst.qc.ca/glossaire/Pages/salaire\\_maximum\\_annuel\\_assurable.aspx](http://www.csst.qc.ca/glossaire/Pages/salaire_maximum_annuel_assurable.aspx)

provinces and territories of Canada, it was only in 2010 that EI special benefits (Maternity, Parental, Sickness and Compassionate care leave benefits) were extended to the self-employed on a voluntary ‘opt-in’ basis. Until 2011, most self-employed parents (outside Québec), especially women, were not eligible for benefits as they usually work under business contracts and are not seen as having insurable employment. Since 2011, self-employed persons residing outside of Québec can receive Maternity/ Parental benefits, but for this, they must have registered one year previously. They qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth/caring, if they have paid contributions to the regime, and earned at least CAD\$ 7121 (in 2018) from self-employment in the reference period of the previous 52 weeks<sup>12</sup>.

As for Paternity leave, it is only in Québec that there is a statutory leave under QPIP. Indeed, Québec fathers are the only Canadian fathers who are entitled to Paternity leave, and this has been a great success story since 2006. While only one in 5 fathers took leave under the Canadian parental leave system, they are now 80 % taking the paternity leave in Québec, and some also take part of the parental leave, which can be shared.

For fathers, Québec offers up to five weeks after the birth. Indeed, paternity leave may be taken for three weeks at 75 per cent of average weekly earnings or for five weeks at 70 per cent up to an earnings ceiling of CAD \$76,500 [50 000 € approximately] per year. Funding is the same as for Maternity leave. Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAD\$2,000 in the 52 preceding weeks.

As concerns costs, Québec has reduced by 4 per cent the employer-employee contributions to the regime for 2019, as they found the QPIP no longer needed as high contributions. The contributions are now the following:

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<sup>12</sup> Employment Insurance Maternal and Parental Benefits, Service Canada, 2018, <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html>. Cited in Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2019) ‘Canada country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2019*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

Table 2. contributions for QPIP, in percentage of wages or wage bill, 2019

Type of contributor	Level of contribution in 2018	Level of contribution in 2019
Employees	0,548 %	0,526 %
Employers	0,767 %	0,736 %
Self-employed	0,973 %	0,934 %

The new Quebec parental leave policy is thus a major change in parental leave policy, as there are very few countries that offer Paternity leave, outside the Nordic countries (Sweden, Norway, Finland and Denmark). It thus is important to note that such a policy could be developed outside the Nordic countries, often seen as exceptional in parental leave and family policy, and all the more so in the North-American context.

This new leave has made it possible to change habits within the family, including the gendered division of labour between women and men<sup>13</sup>, fathers being increasingly active in children's education, not all workplaces seem to have evolved as much as families. This is a major change and brings about other changes in firms, for example fathers asking for working time arrangements to be more present within the family and take on more responsibilities and chores. Many advocates across Canada had been asking for some improvements to the Canadian parental leave regulation, including a reserved paternity leave, but there have not been as many changes as might have been expected with the return of a Liberal government in place of the Conservative government in place previously. While this new paternity leave is indeed a great realization, we have investigated the actual practices within firms and the second part of our paper will present some elements of this research in order to show how some elements still need to be followed as concerns the application of the paternity leave.

### 3. Paternity Leave's Application in Workplaces

While the QPIP has clearly brought about major and very welcome changes in the participation of fathers in parental leave and parental care, there are some resistances in Québec workplaces, as there still are some in

<sup>13</sup> Tremblay, D.-G. & N. Dodeler (2015). *Les pères et la prise du congé parental ou de paternité*, Québec: Presses de l'Université du Québec, 134 pages.

the Nordic countries and Sweden<sup>14</sup>, where paternity leave dates back a few decades.

These resistances can manifest themselves in a variety of ways, from asking the father to postpone his weeks of leave, to a time when the company will need him less, or asking him to reduce the length of the leave, or to be allowed to contact them to ask them work a little or follow their files or tasks during the leave. Sometimes, firms will also ask the father not to take any weeks of parental leave, but to limit himself to paternity leave (which can be shared at will between father and mother), firms considering the paternity leave is enough for the father! Fortunately, Quebec fathers, at least the most progressive, claim their right to take this leave, whenever and for as long as they wish, even if it may affect their careers, or have an impact on promotions, or at least that's what they're made to feel.<sup>15</sup>

However, our research with fathers has shown great progress over more than 16 years<sup>16</sup>, but also some challenges for fathers who want to fully play their role as fathers. We see, however, that colleagues and employers sometimes show some resistance, asking the father to work a little while on leave....and some will even call the period of leave a "vacation"!

### *3.1. Work during leave, a form of employer resistance to fathers' paternity leave*

Some employers do not hesitate to call or e-mail fathers on paternity leave, asking them to do some work. Also, some fathers worked a few hours or even days here and there during their leave. A few fathers worked one day a week, many went to the office to introduce their child to their colleagues but they sometimes got caught up in the game and had to talk about work!

"I worked a little during the leave, something like a day a week at home sometimes, if my partner took a day, I worked in the evenings too sometimes. I have never worked more than one day a week however."

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<sup>14</sup> Haas, L., K. Allard et C. P. Hwang. 2002. « The impact of organizational culture on men's use of parental leave in Sweden », *Community, Work & Family*, vol. 5, no 3, p. 319-342.

<sup>15</sup> Tremblay, D.-G. & N. Dodeler (2015). *Les pères et la prise du congé parental ou de paternité*, Québec: Presses de l'Université du Québec, 134 pages.

<sup>16</sup> Tremblay, Diane-Gabrielle (2003). *Articulation emploi-famille : Comment les pères voient-ils les choses ?* *Politiques sociales*. Bruxelles et Madrid. Vol. 63, no 3-4. Automne 2003. Pp.70-86.

"Yes, there were little glitches and I had to settle small cases, maybe a day or two of work."

"I was able to work during naps, often on my few hours of work, there were students calling for things and I'm in a field where journalists call, so I took 2 or 3 calls a week."

An employer insisted on a father trying to get back to work earlier than expected. This father had to insist on stopping his employer's increasingly urgent phone calls and email, and he managed to prevent them from taking advantage of his leave with his child.

"During the first two weeks of the home leave, I was called at least three times a week, I was asked "don't you want to come back to work ? you must be tempted to come back to work ? " and then I wrote and told them not to contact me for any more until the end of my paternity leave."

However, it must be recognized that some fathers do not want to isolate themselves from the workplace and even, as some say, it feels good to "see what is happening in the world (besides the child!)", to "open up to something else"! They therefore have a rather positive and voluntary attitude towards this connection to the workplace<sup>17</sup>.

"I loved doing a day's work a week, it felt good to see a few people, to change my mind even I actually thought it was ideal, everyone should be able to do that if possible."

In our research, only one father experienced major career problems, but perhaps these fathers volunteered less to speak on leave, or did not have time to do so. This father claimed to have been considered an "absolute plague", these are his terms, because he had taken paternity leave. He said he had been changed position within the organization, saying his boss now hated him because he had taken paternity leave. Another father also said he had a nasty surprise upon his return, as a replacement had been hired and he had finally taken his place, which had created conflicts. It must be recognized that the situation of Quebec fathers is much more

<sup>17</sup> See also : Harvey, Valérie & Diane-Gabrielle Tremblay (2019). The workplace: challenges for fathers and their use of leave. In Peter Moss, Ann-Zofie Duvander & Alison Koslowski (2019). *Parental Leave and Beyond: Recent developments, current issues, future directions*. London: Palgrave. Pp. 223-240.

Harvey, Valérie & Diane-Gabrielle Tremblay (2018): Paternity leave in Québec: between social objectives and workplace challenges, *Community, Work & Family*, ISSN: 1366-8803 (Print) 1469-3615 DOI: 10.1080/13668803.2018.1527756; link to this article: ; <https://doi.org/10.1080/13668803.2018.1527756>; <https://www.tandfonline.com/doi/full/10.1080/13668803.2018.1527756?scroll=top&needAccess=true>

advantageous than that observed in other countries, notably in Japan, where it is very frowned upon for fathers to take leave<sup>18</sup>, but even if it is generally seen positively in Québec, there were a few issues here and there.

For women, our research has shown that, in general, they are rarely disturbed while on leave. On the other hand, among women with low wages, they are often the ones who will try to get back to work as quickly as possible, because they need a full salary and cannot afford the reduction during maternity and parental leave. However, in professional and executive circles, the company sometimes wants them to maintain the link with customers... or sometimes they are the ones who wish to do so, knowing that the employer will not necessarily preserve their "personal clients", and they might have to reconstruct their client base upon their return. This is also common in large lawyer firms.<sup>19</sup>

### 3.2. A Case Study of Lawyers

In our research on lawyers,<sup>20</sup> we did not see this type of situation for all women, but many left large law firms because of this. Indeed, in the case of lawyers in large offices, women will sometimes hesitate to move away from their cases for too long, and it is not uncommon for them to be called back to work during their leave. In this case, it is often the employers who put pressure on the lawyer to maintain a certain working relation with the client, but it is also sometimes the lawyer herself who

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<sup>18</sup> Harvey, Valérie et D.-G. Tremblay (2015) Le père japonais dans une société ultramobile de célibataires. *Alterstice - Revue Internationale de la Recherche Interculturelle*. vol. 5 no 1. pp. 7-22.

<sup>19</sup> Tremblay, Diane-Gabrielle (2013): Can Lawyers take parental leave and if so, with what impacts? The case of Québec. *Employee Responsibilities and Rights Journal*. Volume 25, Issue 3 (2013), Page 177-197. SpringerLink:<http://www.springerlink.com/openurl.asp?genre=article&id=doi:10.1007/s10672-013-9214-1>;

<sup>20</sup> Tremblay, Diane-Gabrielle (2013): Can Lawyers take parental leave and if so, with what impacts? The case of Québec. *Employee Responsibilities and Rights Journal*. Volume 25, Issue 3 (2013), Page 177-197. SpringerLink:<http://www.springerlink.com/openurl.asp?genre=article&id=doi:10.1007/s10672-013-9214-1>;

Tremblay, D.-G. & E. Mascova (2013). *Les avocats, les avocates et la conciliation travail-famille*. - Montréal : Éditions du Remue-Ménage. 175 p.

Tremblay, D.-G. & E. Mascova (2014). La gestion des temporalités familiales et domestiques et la carrière des avocats et avocates : différents modèles de conciliation? *SociologieS*. <http://sociologies.revues.org/4449>.

does not want to "lose her client" to co-workers by taking too much time off. For example:

"At the office, I felt the need to say, "I'm not sure I'm going to take a year, I'm going to share the leave with my spouse. I'm going to take eight months. I felt that need. I think it was very well received anyway, for sure they are aware of the impact it has on the firm's income, but at the same time, it is a reality that we cannot escape. »

"Certainly for work it's... It's not that it's suicidal, but honestly it's not ideal to take a year, but it's not just work in life. »

In some cases, women continue to be under pressure to shorten their maternity leave, as is also the case for men. It would seem that it is not so much the environment that plays, but the attitude of the supervisor and the very limited, if not inexistent organizational support, for example the fact that professionals and managers can hardly delegate their files and are often not replaced during their leave. A lawyer employed in the legal department of a large company said she was pressured by her superior to take a six-month leave instead of twelve; otherwise, her clients would be transferred to others and she would have to rebuild her clientele.

"Actually, my boss thought I was going to take six months, she wanted me to take six months, but she couldn't say anything, it was clear that I had the choice to take a year. She wasn't very happy, but she had no choice, it's the law."

Parental leave is still a reality that is beginning to be well accepted in Quebec, both among women and men. However, the issues related to this leave are not the same for men and women. Among lawyers, we encountered few women who were unable to take maternity leave, regardless of the type of practice or organization, although they often paid the price for this. Only a few female lawyers were forced to return to their professional activities in the months following delivery. There seems to be a good acceptance of these leave by lawyers as well as other professional women and managers, although this is less obvious in large organizations, and sometimes also for self-employed lawyers, who have no one to transfer their clients to, for a temporary period. There is always the risk the clients won't come back after their leave. As a result, many executives and professionals, including lawyers, maintain some level of work activity throughout the leave (calls, email follow-ups or other). Also, the return to work sometimes brings some nasty surprises...

Private lawyers appear to be the most penalized by their maternity leave, both in terms of their day-to-day activities and their prospects for career advancement. Indeed, in this environment where advancement is subject among other things to the requirement to preserve its clientele and



develop it (with the associated results in terms of turnover), the prolonged absence has a destabilizing effect. Current files are usually assigned to other colleagues, and absentees should expect to lose their clients and, despite promises to the contrary, never recover them.

"Certainly when you go on maternity leave and when you come back, since I left for a year, all my clients have been transferred to another lawyer. [...] big customers, and there are not 50 who come by every week. The fact that I'm gone a year makes it more difficult for me to return, because I have to recreate a clientele. [...] At the moment, I am not entirely autonomous in the sense that I work on other people's files."

Indeed, difficulties arise when returning from leave, particularly with regard to the advancement and recovery of cases: some of the lawyers we met described to us the negative effects that their leave had on their professional activity and their advancement, including the requirement to participate in evening outings to look for new clients, due to files transferred to others and therefore lost. The negative effects of parental leave on career development would therefore be real, and it is especially women who pay the price<sup>21</sup>. In general, women use strategies to postpone certain activities and intensify their work (no coffee break or lunch, or processing files during breaks, etc.) to achieve work-family balance, and this is even more true when you return from a leave of absence, when you have to make up for the time that is somehow lost.<sup>22</sup>.

On the other hand, the system of informal relations, which are crucial not only for obtaining interesting and well paying mandates, but also for being able to rely on colleagues in the event of an overflow, is also called into question. Thus, the lawyer who has just returned from maternity leave is somehow forced to "start over".

On the male lawyers' side, those who are self-employed are those for whom the interruption of work is the most difficult, although they are

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<sup>21</sup> Tremblay, Diane-Gabrielle (2013): Can Lawyers take parental leave and if so, with what impacts? The case of Québec. *Employee Responsibilities and Rights Journal*. Volume 25, Issue 3 (2013), Page 177-197. SpringerLink:<http://www.springerlink.com/openurl.asp?genre=article&id=doi:10.1007/s10672-013-9214-1>;

Tremblay, D.-G. & E. Mascova (2013). *Les avocats, les avocates et la conciliation travail-famille*. - Montréal : Éditions du Remue-Ménage. 175 p.

<sup>22</sup> Tremblay, D.-G. & E. Mascova (2013). *Les avocats, les avocates et la conciliation travail-famille*. - Montréal : Éditions du Remue-Ménage. 175 p. ;

Tremblay, D.-G. & E. Mascova (2014). La gestion des temporalités familiales et domestiques et la carrière des avocats et avocates : différents modèles de conciliation? *SociologieS*. <http://sociologies.revues.org/4449>.

often less engaged than women in family responsibilities and tasks, which reduces the difficulties for them compared to women. Nevertheless, both self-employed women and men tend to shorten paternity or parental leave. As one lawyer-father told us:

"Unfortunately, births are more or less planned. What I do at that time, I don't set a trial a little before and a little after. I try not to have too many court cases, to put as few as possible, but I have to do some of them. In those cases, there is no long paternity leave, two weeks, and it is a part-time job during those two weeks, I am not at home all the time, as much as possible, but not totally. But these are not long holidays, I find it very bad for my wife and children."

With trial dates set in advance, it was difficult for him to transfer the files and get replaced, although he stated that he had a real desire to be present during the month following the birth.

In fact, while most organizations are beginning to open up to this issue of parental leave, including some large offices that are under pressure from women and men regarding the length of leave, there is still a phenomenon self-censorship among lawyers who are also parents as well as many professionals or executives with respect to leave. This is mainly about the length of leave and when they will take the time off. The reasons can be diverse, but many of them limit these leaves without the employer asking them so as not to hinder their careers and not lose their reputation as professionals fully invested in work. So it's not just the employer and co-workers who are lobbying, but also the lawyers themselves who sometimes limit themselves.

### *3.3. It Also Depends on the type of Couple*

However, these decisions also depend on the type of couple you're dealing with. Indeed, people will be more or less open or more or less resistant to their employer's requests depending on the type of couple in which they are.

Lapeyre distinguishes three models of couples: traditional, transitional and egalitarian models<sup>23</sup>. These models seemed relevant to the study of the Quebec and Canadian cases and to work-life issues in general. According to our research, the models most often observed among lawyers,

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<sup>23</sup> See : Lapeyre, N. (2006). *Les professions face aux enjeux de la féminisation*, Toulouse, Octarès. Lapeyre, N. et Le Feuvre, N. (2004). « Concilier l'inconciliable? Le rapport des femmes à la notion de "conciliation travail-famille" dans les professions libérales en France ». *Nouvelles questions féministes*, 23(3), 42-58.

executives and professionals are the traditional model and the transitional model. The egalitarian model is also present, although rarer.

The traditional model refers to couples with a traditional gender-sharing of roles, which is not challenged by spouses. In this model, employment is more valued the man while the family takes precedence for the woman. The employer will tend to take advantage of this situation for fathers on leave, as we have seen above. Women secretaries or nurses are more often found in this traditional model and they will not be bothered by their employer for a quicker return to work, nor to do some work while on leave.<sup>24</sup> In this model, for women, professional strategies, but also professional temporalities are systematically adapted according to domestic and family requirements. The role of wife and mother is considered to be fundamental, and superior to professional identity, or perhaps it is also sometimes that the underinvestment of their spouse in the family forces women to overinvest in the family. We have sometimes observed this pattern among nurses, who sometimes work part-time to maintain a strong presence in the family; it is often under constraint that they 'choose' part-time work, due to the difficulty of reconciling nursing work schedules with the family, especially evening and night hours, or changing schedules.<sup>25</sup>

The transitional model is characterized by attempts at more egalitarian arrangements within couples, with a revision of the causes of the dominant traditional assignments. The professional sphere is not seen as the space dominated only by men, with aspirations for legitimate careers. It is considered also open to women, who can achieve it, as we have observed for example among police women and social workers<sup>26</sup>. In such a case, the employer may try to limit the woman's leave, but this is rather rare, as women are considered to be the first "natural" beneficiaries not only of maternity leave, but also of parental leave, that some employers barely distinguish. Women may also want to take advantage of the leave, but among professionals and managers, this may conflict with career projects. This model is developing more and more in Quebec, and in

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<sup>24</sup> See : Tremblay, Diane-Gabrielle (2014). *Infirmière : vocation, engagement et parcours de vie*. Montréal : Éditions du Remue –ménagement. 153 pages.

<sup>25</sup> See : Tremblay, Diane-Gabrielle (2014). *Infirmière : vocation, engagement et parcours de vie*. Montréal : Éditions du Remue –ménagement. 153 pages.

<sup>26</sup> See : Tremblay, D.-G., (2012). *Articuler emploi et famille. Le rôle du soutien organisationnel au cœur de trois professions (infirmières, travailleuses sociales, policiers)*, Québec, Presses de l'Université du Québec. Tremblay, Diane-Gabrielle (2014). *Infirmière : vocation, engagement et parcours de vie*. Montréal : Éditions du Remue –ménagement. 153 pages.

other countries, with women often insisting on pursuing their own careers, as we have observed for police women and social workers, but also among executives and professionals in Québec.

In the so-called egalitarian model, there is a greater symmetry of behaviour between men and women, on all levels: professional, domestic and family. This model values an equal division of labour between spouses, although this is often done at the cost of ongoing negotiations. This model often characterizes couples where both partners have the same status and share the same vision of the couple, where roles are interchangeable and where there are no male or female tasks, reserved for one or the other. These couples operate on the basis of a certain *despecialization* of roles and tasks, but they are much less common than others. In this case, both the employer and co-workers will be more reluctant to try to change this fragile "balance". However, it may happen, more often for fathers, that the employer will try to impose his needs by asking to transfer domestic duties to the spouse, saying something like, "But your wife can do it, can't she?". This may encourage some men to agree to work on leave, return to work earlier or later to accommodate the employer, essentially to preserve their career opportunities thereafter. This also happens for women executives and professionals, and the model is also spreading in society, where many young women claim an egalitarian model of couple, without it being generalized of course.

For example, in the case of Quebec female lawyers, as in the majority of women's professions and occupations, we found that they are found in all three types of configurations. On the other hand, while most of our respondents in the field of law are in the transitional type, both men and women seem to think that the legal community is dominated by the traditional model, especially for male lawyers in the large offices. Women tend to reject this model and leave for smaller offices, as self-employed workers, or for the public service, where they find more regular schedules and fewer employer requests, and certainly no demands to reduce their maternity leave. The same kind of behaviour is found in executives, with some large companies offering more flexibility and allowing two executive careers for both spouses<sup>27</sup>, but this is often more difficult when the company offers little support or flexibility of schedules to executives.

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<sup>27</sup> Grodent, F., D.-G. Tremblay et A. Linckens (2013). La conciliation vie privée-vie professionnelle des gestionnaires hommes et femmes: le cas d'une société de transport. *Revue @GRH*. No 6-/2013-1, pp. 117-147.

#### 4. Conclusion

In conclusion, while it must be recognized that employers rarely exert very strong pressure for people on leave to work or make themselves somewhat available to the employer, our research has found that it is still sometimes the case. This is more often the case for fathers than for mothers, but the quotes above show us that some men do not necessarily see it as an intrusion into their leave, some even find contact with the workplace rather welcome. If women are less likely to be subjected to such pressures, to shorten leave or to return to "help" at work, professional women and managers sometimes feel compelled to maintain contact with clients, at the risk of losing them and having to start from scratch on the way back. This is particularly the case in professional settings where clients are somehow attached to a person, such as in law firms, accountants or in certain executive positions.

Thus, the leave associated with the QPIP has largely been accepted in Quebec, and that this is clearly an important advance, unique in North America, and even infrequent in Europe outside the Nordic countries. On the other hand, it should be noted that there is still sometimes resistance in the workplace, to get fathers to reduce the length of their leave or to move it at a time that is more suitable for the company. On the mothers' side, it is mainly professional women and managers who can be pressured to do so. It is also observed that both men and women managers and professionals have often internalized the norms and requirements of their workplace, so that they impose on themselves constraints in terms of the length of leave or the maintenance of the link with workplace. We consider that it is then the professional ethos that intervenes.

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