

Canadian Labour Policies: How do we measure up?

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Introduction

Labour policies directly impact the lives of the over 18 million formally employed Canadians, but they also contribute indirectly to the quality of life of workers' family members, employed or not (Statistics Canada 2010). For example, the existence of a paid leave policy to care for a sick child or adult family member can make a tremendous difference in ensuring that employed family members can simultaneously meet both economic and familial obligations. Considering the number of people affected by these policies, and their potential to impact the quality of life of workers' families, the policies themselves are worth examining in more detail.

This paper places Canada's labour policies in a comparative context, examining workplace policies and those policies concerned with leave from work. To do so we ask two questions: 'what are the recommended policies that Canada should implement?' and 'which policies have other countries implemented?' To answer these questions, we pursue two lines of inquiry. First, we contrast Canadian labour policies with international standards, as articulated by various conventions and recommendations endorsed by the International Labor Organization. This provides a minimum-level ideal based on international norms and consensus by which to evaluate Canadian policies. Second, we contrast Canada's policies with those implemented by other members of the Organization for Economic Co-Operation and Development (OECD). As we recognize the difference between ideal policies and what is politically and economically viable, comparing Canada with similar political economies provides a base-line for determining if the national policies are sufficient given common political and economic constraints. Such a comparison provides a strong justification for improving policies in areas where Canada is found wanting. Throughout the paper, we also place the Canadian and OECD policies within a global context.

Our analysis focuses on the minimum national level guarantees afforded by Canadian labour policies. In most countries, this minimum is stipulated in national level policies; however, due to Canada's jurisdictional separation of powers, provincial policies are analyzed in order to determine the variation in minimal policy guarantees between Canada and other countries. Thus, we describe the variation between provincial legislation but we take the lowest guarantee as the minimum national guarantee. Some policy areas do have national legislation in Canada, and where they exist, these policies are included in our analysis. For example, while labour is one of the policy areas primarily under provincial or territorial jurisdiction, federal regulations apply to individuals employed in federally regulated industries, and the federal government does set standards and levels of funding for many programs (such as the Employment Insurance Program) which are directly relevant to labour standards.

We do not go into extensive detail concerning provincial policies as a previous in depth analysis focusing on variation in provincial policies was performed using an earlier version of the dataset employed here (Chaussard, Gerecke and Heymann 2008). Our analysis expands on this previous research by placing minimum national guarantees in a comparative context with international norms and standards using an updated version of the dataset containing all 192 UN member countries.

About the dataset

Our analysis relies on data collected by the Institute for Health and Social Policy (IHSP) at McGill University for the World Legal Rights Data Centre's (WoRLD) 'Work, Family, and

Equity Index' (WFEI)¹. The WoRLD global databases project has put together, in a quantitatively analyzable form, legislation and social policies from a diverse range of policy areas for all 192 UN member countries. The WFEI focuses specifically on policies which have been demonstrated to be important to the health and well-being of working adults and their families, either by widespread research evidence, or by international consensus in global treaties, agreements or other legal mechanisms. National labour codes and legislation were collected primarily using the International Labor Organization's (ILO) NATLEX legislation database. These sources were supplemented with additional legislation gathered through individual country websites, and the law libraries of Harvard University, McGill University and the ILO. The national labour policies were further complemented by data gathered from the Social Security Programs Throughout the World (SSPTW) database, a collection of a wide range of social security policies. Data collected from both the national labour laws and the SSPTW were cross-checked with a series of other reliable global sources, including the ILO Maternity Protection Database, the ILO Working Time Database, and the World Alliance for Breastfeeding Action's Status of Maternity Protection by Country dataset.

Data was collected, double coded and reconciled by multiple research team members to ensure validity. In cases where there were discrepancies between the original legislation and secondary sources, the original legislation was given precedence. Data sources and legislation were reviewed throughout the collection process to ensure that the WFEI contained the most recent information available.

A few of the measures employed in this paper deserve further description. For policies which guarantee a certain duration of paid leave, there are several ways of assessing the quality. The first is to look solely at the number of days or weeks guaranteed. Duration provides a measure of the maximum amount of time that an employee may take; however, it does not adequately capture the value of the duration of paid leave. Simply put, 128 weeks of leave paid at ten-percent of a worker's full-time wage is not equivalent to 36 weeks of leave paid at one-hundred percent of a worker's full-time wage. Consequently, in order to better assess the quality of paid leave, we use two additional measures: the wage replacement rate (WRR) and full-time equivalent (FTE) weeks. The WRR is the percentage of an employee's full-time wage which they are eligible to claim under a given policy, and provides an indication of the opportunity-cost incurred in taking a specific duration of leave. Globally, the minimum WRR is reported for the countries in question, while in Canada we provide the minimum levels present in each province in order to capture provincial differences. Finally, the FTE-weeks variable is a simple multiplication of the wage replacement rate and the duration guaranteed by the policy. This gives us a standardized variable for comparison across country cases. By way of an example, if a country guaranteed 10 weeks leave at a 50% WRR, the FTE-weeks variable would be 5 weeks.

Section 1: Policies with ILO Standards

Besides the 1921 'Weekly Rest (Industry) Convention,' Canada has not ratified any of the ILO labour mechanisms discussed below. Regardless, Canada has policies which address many of the same issues that the ILO has produced instruments for. As the ILO conventions are an important indicator of global standards, we begin our analysis with those policy areas which have been addressed by the ILO.

¹ Interactive access to the database is available at: <http://www.raisingtheglobalfloor.org/>

Breastfeeding Policies

Breastfeeding has been positively linked with lower childhood mortality and decreased susceptibility to disease and infection in children. As such, the importance of providing the opportunity to breastfeed children has been recognized by the ILO in the Maternity Protection Convention (2000). The ILO convention calls for the right to “one or more daily breaks or a daily reduction of hours of work to breastfeed,” and stipulates that while the specifics of each country’s policies will be determined by the country in question, that such time shall be remunerated as working time (International Labor Organization 2000a: Article 10). Neither the Maternity Protection Convention nor its accompanying recommendations specify the total amount of time that should be granted for breastfeeding (International Labor Organization 2000a; International Labor Organization 2000b). However, the original 1952 convention suggests a minimum of one-and-a-half hours during the working day (International Labor Organization 1952: Article 3.1). In summary, the ILO recommends that breastfeeding breaks be i) guaranteed; ii) remunerated; and iii) if possible, amount to one-and-a-half hours during the working day.

Globally, national level policies (see Table 1) guarantee the right for working mothers to take breaks during the work day to breastfeed their children. Furthermore, the global norm is that breastfeeding breaks are remunerated, with 90% of all countries which guarantee breaks for breastfeeding also providing remuneration for them. The OECD countries are generally in accordance with the global norms and the ILO recommendations, with 23 of 31 countries guaranteeing the right to breastfeeding breaks, and 20 countries guaranteeing paid breaks.

Table 1: Are breastfeeding breaks guaranteed? If so, are they paid?

	Yes	Yes, paid	No
Americas	21	20	13
East Asia & Pacific	15	13	10
Europe & Central Asia	42	35	7
Middle East & North Africa	14	13	5
South Asia	4	4	4
Sub-Saharan Africa	36	34	10
OECD	23	20	8
Canada	-	-	√
Globally ²	132	119	49

However, **Canada does not guarantee the right to breastfeeding breaks, paid or unpaid.** Not only is there no national legislation for paid breastfeeding breaks, but no legislation guaranteeing breastfeeding breaks exists at the national level.

Maternal Leave Policies

Guaranteeing mothers the right to maternity leave is crucially important for maternal health, child mortality and morbidity and other childhood development outcomes, such as vaccination uptake. The ILO’s standards concerning maternity leave are clearly laid out in the Maternity Protection Convention (2000), which mandates that maternity leave be guaranteed,

² Globally, 11 countries were coded as ‘indeterminate.’

paid, and last no less than 14 weeks (International Labor Organization 2000a: Article 4.1) (International Labor Organization 2000a: Article 6.2).

For the purpose of this analysis, we consider maternal leave as opposed to maternity leave, that is, all leave that is available to the mother, including gender neutral leave. Globally, many countries do not meet the ILO's recommendation of 14 weeks of paid maternal leave. While 180 countries offer a guarantee of paid maternal leave, 83 of these countries guarantee less than the ILO recommended 14 weeks. Of those who offer paid maternal leave, the mean global level is 30 weeks while the modal value is 12 weeks, also less than the ILO recommendation. Globally, 60-percent of countries offer a WRR of 100-percent. This is higher than the OECD countries, where only 46-percent of countries offer 100-percent wage replacement. **Canada guarantees 15 weeks of maternal leave, with an additional 35 weeks available to be taken by either parent, permitting up to 50 weeks of maternity leave if desired.** Furthermore, Canada's policy stipulates that all of this time should be paid at 55% of the employee's regular full-time wage, placing Canada in the lowest quintile globally and amongst OECD countries. Jurisdictionally, all of the provinces and territories offer the above bundle except for Quebec. Quebec offers parents an option of either 12 weeks of leave at a WRR of 70-percent plus an additional 25 weeks at 55-percent or 28 weeks of leave paid at a WRR of 75-percent.

Compared with the OECD, Canada is in the top third when it comes to the amount of time guaranteed. All of the OECD countries guarantee paid maternal leave except for the United States and Australia, and in the cases where it is guaranteed, the modal value is 16 weeks – less than 33% of Canada's guarantee. Combining the level of wage replacement with the duration per country reveals a slightly different picture. As discussed, in order to create a standard for comparison, we use full-time equivalent (FTE) weeks as our measure. In the case of Canada, the FTE-weeks measure is 55 percent of 50 weeks, or 27.5 FTE weeks. The global modal number of FTE weeks is 12, and the global mean is 17.9 FTE weeks. These values are higher in the OECD countries, which exhibit a mode of 16 FTE weeks, and a mean of 26.4 FTE weeks.

Guaranteed annual leave

The importance of providing workers with an annual period of paid leave from work is recognized by the ILO. In 1936, the ILO mandated six working days per year, which was increased in 1970 to “at least two uninterrupted working weeks” of paid vacation per year (International Labor Organization 1936; International Labor Organization 1970: Article 3.1 & Article 8). In summary, the ILO recommends: i) the existence of annual leave; ii) that annual leave be paid; and iii) that annual leave should amount to at least two uninterrupted working weeks.

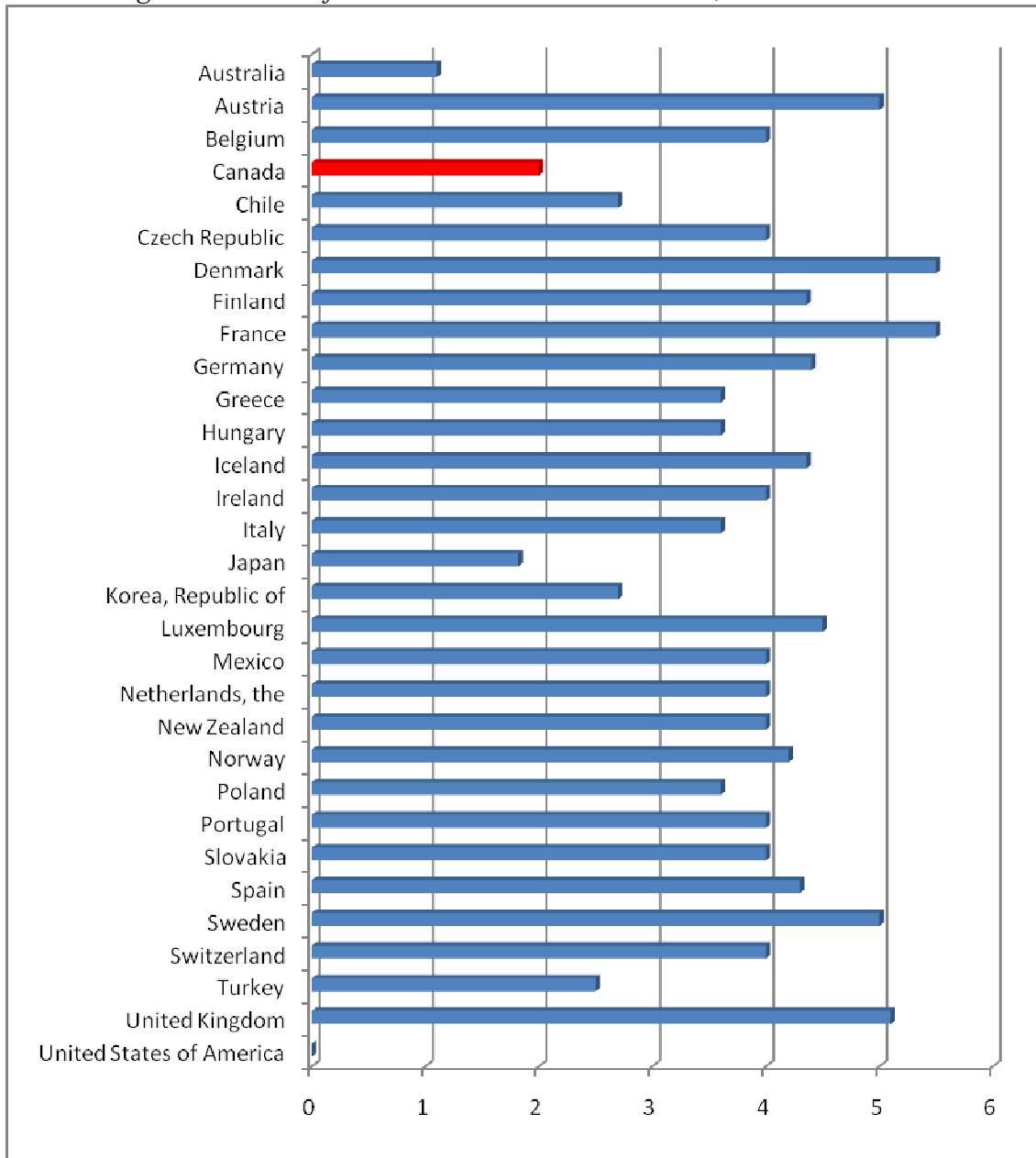
Globally, 163 countries guarantee paid annual leave for formally employed workers. Within the OECD, all countries except for the United States have a policy guaranteeing paid annual leave³. While Canada has not ratified the 1970 ‘Holidays with Pay Convention,’ Canada does meet the ILO recommendations concerning the existence and the paid nature of annual leave.

There is much more variation concerning the length of time guaranteed by national legislation. **Canadian legislation does provide for a minimum of two weeks of paid annual vacation** and thus meets the ILO standards for the amount of time offered. However, there is wide variation between provinces and territories in the amount of time offered, and in the amount of time which can be accrued through tenure. All provinces and territories offer the national

³ The United States does not guarantee the existence of annual leave, let alone that it be paid.

minimum of two weeks after one-year of service. New Brunswick and Quebec allocate one day of vacation per month worked for all employees who have not worked at a place of employment for one year, and Saskatchewan has a minimum of three weeks of vacation after one year of employment. Globally, where annual leave is guaranteed, the guaranteed length is generally longer: the global data exhibits a modal value of four weeks, and a mean of 3.3 weeks compared to Canada's minimum of two weeks (or zero weeks for employees who have been employed in a place for less than a year).

Figure 1: Weeks of Guaranteed Paid Annual Leave, OECD Countries



Looking only at the OECD (see Figure 1), Canada appears in the bottom third of countries when it comes to the amount of time guaranteed. The OECD data exhibits a modal

value of 4 weeks, and a mean of 3.85 weeks – almost double the amount of time guaranteed in most of Canada.

Restrictions on Night work for all workers

Night work, as defined by the ILO, is any work that lasts seven hours and includes the interval from midnight to five o'clock in the morning. While the ILO does not have any blanket limitations on night work as such, they do recognize the importance of restricting night work for certain categories of workers. Originally, the 1948 Convention on Night Work prohibited the employment of women “during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed” (International Labor Organization 1948: Article 3). However, this limitation was replaced in 1990 by a new Night Work Convention (C171). Combined with the pre-existing convention on night work for young persons, recommended limitations now exist only for working mothers and minors.

Mothers and expectant mothers are to be given an alternative to night work, at the very least during the eight weeks before and eight weeks after child birth or longer if medically necessary (International Labor Organization 1990: Article 7.1). Minors – children under fourteen, or over fourteen and subject to compulsory education – are prohibited from working between eight o'clock at night, and eight o'clock in the morning (International Labor Organization 1946: Article 2.1). This limitation is reduced slightly for minors over the age of 14 and no longer subject to compulsory school attendance, and to persons under the age of 18. For such minors, work is prohibited between ten o'clock at night and six o'clock in the morning (International Labor Organization 1946: Article 3.1). In summary, the ILO recommends that night work be limited in the case of two groups: minors and mothers / expectant mothers.

Globally, only 14 countries have a blanket prohibition on night work, and Canada is not one of them. The original ILO restriction of night work by women is also not widely enacted. Only twenty-four countries globally prohibit women from working at night, and none of these countries belong to the OECD.

In terms of the limitations on night work by mothers, there is little evidence that the recommendations have been given much weight by the global community: 126 countries do not provide national legislative limitations on night work for mothers or expectant mothers. The story is slightly different in the OECD⁴ countries, where 45-percent of the countries do limit night work by mothers in some way. **Canada does not have any national legislation limiting mothers or expectant mothers from working nights.**

Globally there is a clear consensus concerning the limitations on night work by minors, as 123 countries provide for some kind of limitation on night work for minors. This is less true of the OECD countries, where 19 countries have specific nationally legislated limits, but 12 countries do not (see Table 2). **Canada does have a limitation on night work for minors.** However, this limitation applies only to workers under 17 years of age, and thus falls short of the ILO's guidelines.

⁴ The story is also different in Europe and Central Asia, where 58% (28 / 48) of all countries provide a limit to night work by mothers or expectant mothers.

Table 2: Where Limitations on Night Work for Minors Exist, OECD

Limitations of Night Work for Minors		No Limitations to Night Work for Minors	
Austria	Japan	Australia	New Zealand
Belgium	Republic of Korea	Finland	Portugal
Canada	Luxembourg	Greece	Slovakia
Chile	Mexico	Iceland	Spain
Czech Republic	Norway	Ireland	Sweden
Denmark	Poland	The Netherlands	United States of America
France	Switzerland		
Germany	Turkey		
Hungary	United Kingdom		
Italy			

Rest Days

The ILO has several instruments which stipulate the necessity of a weekly day of rest for workers. In industrial employment, employment in commerce and offices, as well as employment in road transport, there is a minimum standard of 24 hours per week (with additional stipulations for daily rest for road transport workers) (International Labor Organization 1921; International Labor Organization 1957; International Labor Organization 1979). In general, the ILO recommendations amount to a guarantee of one 24-hour rest period per week for all employees.

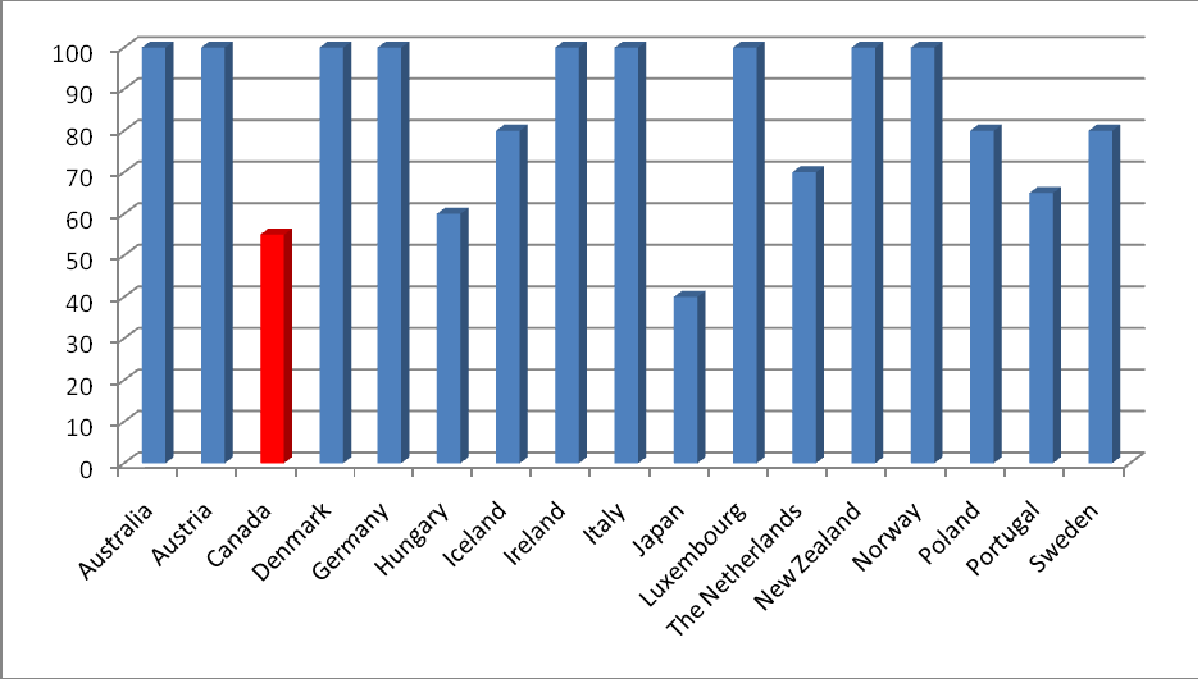
A 24-hour rest period is in fact the global norm, as 157 countries mandate one or more days of rest per week. All of the OECD countries, except for Australia, New Zealand and the United States, have national policies guaranteeing one or more days of rest. While **Canada does guarantee 24 hours of rest** (which is the global and the OECD modal value), many countries do offer more guaranteed time per week. In the OECD countries, the mean value of guaranteed hours of rest per week is 29.7, with 11 countries guaranteeing 35 hours of rest or more over a week-long period. No province or territory offers less than 24 hours of weekly rest. However there is some variation between jurisdictions, with Quebec and British Columbia guaranteeing a minimum of 32 hours, and the Yukon Territory guaranteeing a minimum of 48 hours of rest per week.

Leave with regards to the needs of the child

In addition to leave surrounding the birth of a child, the ILO recognizes the importance of providing additional leave for family responsibilities. The ‘Workers With Family Responsibilities Convention’ of 1981 mandates that “each Member shall make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities” (International Labor Organization 1981a: Article 3.1). Specifically, the ILO recommends that any worker with family responsibilities should be able to obtain leave in order to care for a sick child (International Labor Organization 1981b: Article 23.1). Beyond this, the ILO does not offer any specific recommendations concerning the duration or any remuneration that should be attached to such leave, leaving such decisions up to individual countries.

Globally, there is a low-level of adherence to the ILO standard of guaranteeing leave for child health needs. Where there is data, only 65 countries provide such a guarantee, while 118 countries do not. The OECD fares much better, with 27 countries guaranteeing leave for the purposes of caring for a sick child⁵. Furthermore, of the OECD countries that do guarantee such leave, 21 countries guarantee some kind of remuneration⁶, of which Canada is one. **Canada guarantees six weeks of paid leave for the health of the child** and does so at the same level of wage replacement as is guaranteed for maternal leave (55-percent of full-time wages). Of the OECD countries, most offer more than 31 days of paid leave, and as such, Canada is in line with its peers concerning the duration of paid leave for children’s health needs. When the wage replacement rate is taken into account, however, a different picture emerges (see Figure 2).

Figure 2: Minimum Wage Replacement Rate for Child Health Related Leave, OECD



Nine out of the 17 OECD countries which specify a wage replacement rate offer a rate of 100-percent, and out of the 40 countries globally which specify a wage replacement rate, 20 of them offer 100-percent, with the global mean sitting at 84-percent of full-time wages.

⁵ Only Chile, Korea, Mexico and Turkey do not guarantee any leave for the health of the child.

⁶ The Czech Republic, Finland, Greece, Switzerland, the United Kingdom and the United States do not guarantee paid leave for child health.

Section 2: Policies with Recommendations or Consensus

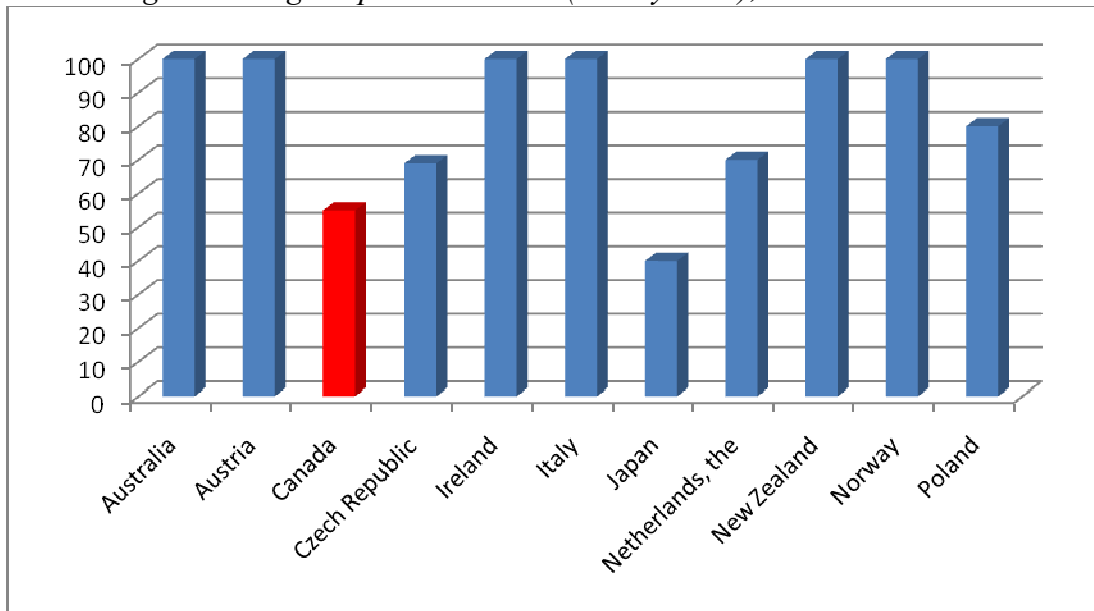
Even in issue areas where the ILO has not produced binding instruments, the ILO has often produced a set of recommendations for the issue in question. Furthermore, there often exists a *de facto* policy standard in regional and global policies. The following section discusses those policy areas for which recommendations or consensus exists regarding adult labour policies.

Family Care

In addition to needs revolving around the health of the child, the ILO also recognizes in their ‘Workers with Family Responsibilities Recommendations’ the importance of providing leave for other family responsibilities, including the care of members of the worker’s immediate family who have fallen ill (International Labor Organization 1981b: Article 23.2). However, there is little support for family care in global policy.

Globally, 49 countries guarantee some leave for family care, while 134 do not. Of those who do, only 33 guarantee leave for family care with pay. The OECD countries fare slightly better. Most (22) of the countries have a guarantee in national legislation, and 15 of those countries guarantee leave for family care with pay. **Canada guarantees six weeks of leave for family care, with remuneration.** However, as is the case with leave for the health of the child, Canada’s wage-replacement rate for family leave is 55-percent. This is considerably lower than the global (modal value of 100-percent, mean of 82-percent) and the OECD levels (modal value of 100-percent, mean of 83-percent). Figure 3 displays the wage replacement rates for those OECD countries which guarantee paid leave for family care.

Figure 3: Wage Replacement Rate (Family Care), OECD Countries



Mandatory Overtime

The ILO does not have a convention which specifically addresses the issue of mandatory overtime, however there is global consensus surrounding the need to place limits on it. Globally, 110 countries have national legislation which ban mandatory overtime, either completely or after a certain number of hours (see Table 3).

Table 3: Does National Legislation Ban Mandatory Overtime?

	Yes, completely or after a specified number of hours	Yes, completely	No
Americas	21	2	13
East Asia & Pacific	12	3	13
Europe & Central Asia	31	0	16
Middle East & North Africa	13	0	6
South Asia	2	0	6
Sub-Saharan Africa	31	2	12
OECD	18	0	13
Canada	-	-	√
Global	110	7	66

However, there is less agreement amongst the OECD countries. 13 of the 31 OECD countries do not stipulate protections against mandatory overtime in national legislation, and Canada is one of them, as **Canada does not have a national policy which protects workers against mandatory overtime.** Further, Canada does not offer protection against mandatory overtime for specific groups such as minors, mothers or expectant mothers. While such protection is also absent in all of the OECD countries which do not offer blanket protections, globally there is a limitation on mandatory overtime (either universally or directed towards a specific group) in 127 countries.

Paternity Leave Policies

While there are currently no ILO standards concerning paternity leave, there is a recognition of its importance and a recommendation for its existence: “Either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without relinquishing employment and with rights resulting from employment being safeguarded” (International Labor Organization 1981b). To be clear, here we are looking only at paternity leave – that is leave that is *only* available to the father – as opposed to paternal leave, which includes gender-neutral leave that the father may take.

As noted above, Canada does offer 35 weeks of post-maternity leave which may possibly be taken by the father. However, there is no legislation that specifically guarantees (or requires) time taken off by the father. Guaranteed paternity leave is not a global norm, with only 65 countries globally guaranteeing leave for the father. Paid paternity leave is even scarcer (57 countries), and where it does exist, it is most frequently less than a week. **Canada does not guarantee paid or unpaid paternity leave**, with the exception of Quebec, which offers for the exclusive use of the father the option of either 5 weeks of leave at 70-percent, or 3 weeks at 75-percent of wages. The majority of OECD countries do. 18 countries in the OECD guarantee paternity leave (modal value of 2 weeks) and of those, 15 guarantee that such leave is paid.

Personal Health

While there are no ILO standards for the existence of paid sick leave, globally countries overwhelmingly provide such a guarantee for employees. 163 countries guarantee paid leave,⁷ though there is significant variation in the length of time allowed and the wage replacement rates offered. The majority of countries which offer paid leave for personal health offer more than 31 days (124 countries), however a sizable number offer less than a month (36 countries). Again, the OECD countries fare better. Only the Republic of Korea does not have a guarantee of any sick leave, and the remaining OECD countries (except for the United States) all guarantee paid leave for personal health. In terms of duration, the ratio is similar to the global norms, with 25 countries offering more than 31 days, and only four offering less than a month of paid leave for personal health.

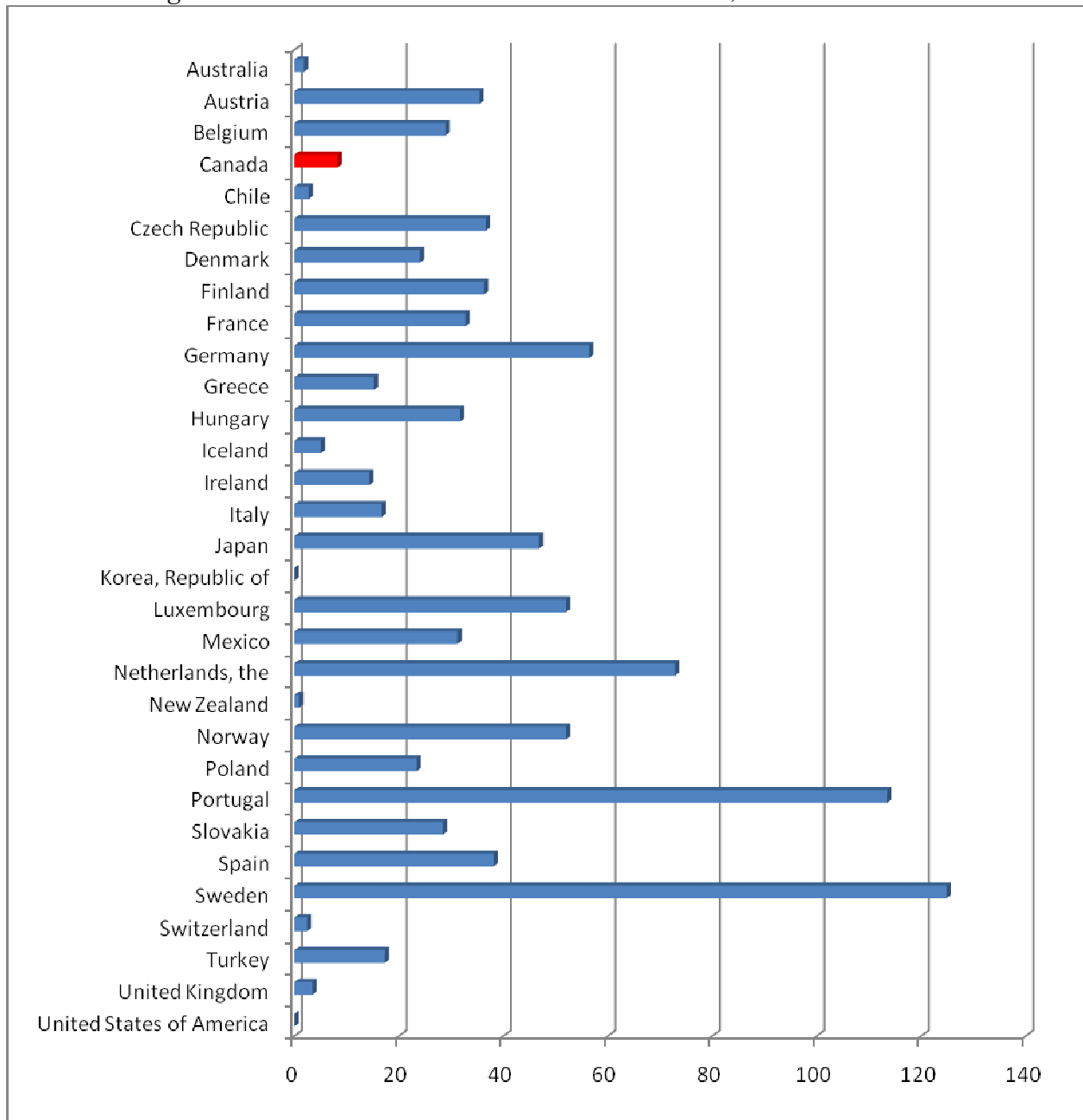
Canada does guarantee paid leave for personal health for up to 15 weeks,⁸ however, Canada does not offer a wage replacement rate that is on par either with global or OECD levels. For personal health leave, Canada offers a wage replacement rate of 55-percent of full-time wages. In contrast, globally, two-thirds of the countries which offer paid leave for personal health offer a wage replacement rate of greater than 60-percent. Amongst the OECD countries, 19 of the 27 countries which guarantee paid personal leave offer wage replacement rates above 60-percent. When FTE weeks are taken into account, the discrepancy between Canadian and OECD levels becomes evident (see Figure 4). **Canada offers 8.25 FTE weeks of paid leave for personal health, well below the global mean of 23.3 weeks, and the OECD mean of 30.7 weeks.**

Due to the separation of powers, outside of federally regulated industries, there is no national policy in Canada guaranteeing that an employee's job is protected if they must take sick leave. There is wide variation amongst provinces in terms of job protection, with only Saskatchewan and Quebec offering job protection of more than 12 days.

⁷The United States, Chad and the Maldives also provide a guarantee for unpaid leave.

⁸ An employee's job is protected for 15 weeks, and the benefit is paid after a 2-week waiting period, for up to 15 weeks.

Figure 4: Paid Personal Health Leave in FTE Weeks, OECD Countries



Section 3: Discussion

Canada's labour policies can be grouped according to how well they meet international standards and peer-established norms. According to these criteria, there are clear areas where Canada is excelling, where the policies are meeting standards and norms, and where they are lagging behind.

Canada is leading the way in terms of maternal leave. As discussed, national policy guarantees 15 weeks of maternity leave with an additional 35 weeks available to either parent. The net result is 50 weeks of maternal leave available to the mother, which places Canada amongst the top-third globally in terms of duration of paid maternal leave. While Canada's WRR is less than OECD and global levels, when calculated in terms of FTE weeks, Canadian policy fares very well. In contrast with global offerings, Canada's 27.5 FTE weeks of maternal leave fall in the highest quintile, while in comparison with OECD countries, Canada's offering is higher than the mean.

Canadian policy meets ILO standards in terms of weekly rest. Nationally, 24 hours of weekly rest is guaranteed, with some jurisdictions offering 32 or 48 hours. While Canada's minimum does fall below the OECD and global level, they are meeting standards and the difference between Canada and the OECD mean is less than 6 hours. Canadian policy also meets ILO standards in terms of the amount of paid annual vacation (two weeks), and meets the ILO requirement of providing leave for the health of the child (six weeks of paid leave). However, on both counts, Canadian policy falls short of OECD country norms.

In terms of the duration of paid annual vacation, excluding Saskatchewan which offers three weeks of paid leave, Canada is lagging behind the rest of the OECD. The duration of paid annual leave in the OECD countries is double the rest of Canada's base guarantee of two weeks (modal value of 4 weeks, mean of 3.85 weeks). There is variation between jurisdictions, however even when the variation is taken into account, the levels of leave in each jurisdiction are still below OECD and global levels. While Canadian policies do meet the ILO's minimum standards, it is clear that it is possible – and common – for countries to exceed them. In terms of providing leave for the health of the child, Canada falls short of global and OECD norms due to their relatively low wage replacement rate. Where a wage replacement rate is specified for leave for the health of the child, the majority of OECD countries offer 100-percent of full-time wages, and half of all countries worldwide do so as well. Canada's wage replacement rate of 55-percent is thus another area where higher levels have been demonstrated as possible amongst Canada's peers, as well as within the global community at large.

Indeed, Canada's wage replacement rate of 55-percent is also below the established norms for other forms of leave. Most notably, Canada's low wage replacement rate, when combined with their relatively low duration of leave for personal health (15 weeks), makes for a situation where remuneration for sick leave is well below the global and OECD means. This situation could be improved by either increasing the wage replacement rate (over two-thirds of countries who offer paid leave for personal health have wage replacement rates over 60-percent), or by increasing the number of weeks an employee may claim for personal health related reasons. However, it is clear that an increase in both would be required to bring Canada up to OECD norms. By doubling the duration of leave and increasing the wage replacement rate to 100-percent, Canada would bring its level of FTE weeks offered up to 30 weeks and be more in line with the OECD mean of 30.7 weeks. In terms of leave for family health, Canada is already in the top-third of OECD countries when it comes to the duration, however an increase in the

wage replacement rate to 100-percent would be necessary to bring Canada's policies into alignment with OECD and global norms.

When it comes to limitations on night work, Canada fails to meet the ILO recommendations for restrictions for minors (ILO recommends that all workers under the age of 18 be protected, while Canada ends this protection at 17), and also fails to adequately protect mothers and expectant mothers. The ILO recommends that mothers and expectant mothers be guaranteed an alternative to night work eight weeks before, and eight weeks after, birth, however Canada does not offer any limitations on night work for mothers or expectant mothers.

Excluding Quebec, Canada also falls short of OECD norms in terms of offering a guarantee of paternity leave. The majority of OECD countries offer some kind of guaranteed paternity leave, normally approximately two-weeks, and of those that do the vast majority also ensure that it is remunerated. Canada, by contrast, does not guarantee paid or unpaid leave specifically for the father. While Canada does offer gender neutral leave of 35 weeks which may be taken by the father if desired, there is evidence that gender neutral parental leave is overwhelmingly taken by women, thus there is no guarantee that men will have or take the opportunity provided by such leave (Kamerman and Gatenio 2002). Some level of paternity leave has been demonstrated to be feasible, and desirable, for many of Canada's peers, and thus represents another area where improvement is possible.

Finally, the clearest area where Canada is not meeting international standards or norms revolves around the right to breastfeeding breaks. Nationally, Canada does not guarantee any such breaks – paid or unpaid – to nursing mothers. Global and OECD data demonstrate that guarantees for such breaks are common – indeed 69% of countries worldwide and 74% of OECD countries have a guarantee for breastfeeding breaks: Canada is clearly in the minority on this issue.

This brief examination demonstrates how Canadian policies measure up when placed alongside international standards and OECD norms. Such a comparison is useful to identify policy areas where Canada lags behind its peers, but we are hesitant to draw too many conclusions from this examination. First, this paper does not look at what is present globally at the sub-national level. Sub-national policy may meet or exceed the standards put forth by the ILO, and the norms of the OECD. Regardless, in the absence of a national policy, not all citizens of a country will have guaranteed access to specific guarantees, so while we are hesitant to make specific policy recommendations, it is clear that an effort should be made to ensure that adequate minimum guarantees are established for all jurisdictions. Second, because we do not examine the content of these policies with an eye to desired outcomes, we cannot offer a prescription for which policies should be improved and why. Instead, by offering an assessment of what is generally considered to be possible and desired amongst similar political economies, we delimit the scope of what should be considered viable for Canada. Future calls for Canadian labour policy reform should take into account Canada's performance vis-à-vis its peers in an effort to dispel claims that such reforms are not economically viable, or normatively desirable.

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