



MULTIPLE BIRTHS CANADA DISAGREES WITH FEDERAL COURT OF APPEAL DECISION

NEWS RELEASE

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OTTAWA, ONTARIO

Multiple Births Canada (MBC) was disappointed by the decision announced today by the Federal Court of Appeal. The judgement by Nadon J.A., Dawson J.A. and Stratas J.A. dismisses the appeal for judicial review of a previous Umpire decision between Christian Martin (applicant) and the Attorney General of Canada (respondent).

The on-going focus of this issue is the Employment Insurance (EI) Act; specifically whether two qualified EI claimants are each entitled to individual parental benefits (35 weeks) if each multiple-birth parent is claiming for a different infant. MBC believes Mr. Martin has a strong argument which is being ignored by the federal government because they are not identifying the intent of parental leave. It is our opinion EI benefits directed to parents of newborns are allocated in two categories – maternity and parental – because each was designed for a different purpose.

In section 12, the act reads as follows:

(3) The maximum number of weeks for which benefits may be paid in a benefit period

(a) because of pregnancy is 15;

(b) because the claimant is caring for one or more new-born children of the claimant or one or more children placed with the claimant for the purpose of adoption is 35;

(c) because of a prescribed illness, injury or quarantine is 15; and

(d) because the claimant is providing care or support to one or more family members described in subsection 23.1(2), is six.

Further, the wording clearly indicates benefits are for the “claimant” and not the children. Therefore, if two qualified claimants wish to apply for EI parental leave to provide for a child – the father claiming Baby A and the mother claiming Baby B – then, each should be entitled to parental benefits. If all multiple-birth parents could do this, then they would be providing the same level of care for their newborns that most parents currently provide for their newborns. That is all Mr. Martin is asking for – to be treated the same as parents having their babies born in different years.

MBC will continue to support Mr. Martin in his position and appreciates his efforts in drawing attention to this inequality of EI Parental benefit allocation.

MEDIA CONTACTS

Gail Moore
MBC Advocacy Coordinator
Mobile: 1-705-647-2135
gail.moore@multiplebirthscanada.org

Kimberley Weatherall
MBC Acting Executive Director
Toll Free: 1-866-228-8824
kimberley.weatherall@multiplebirthscanada.org

**Multiple Births Canada /
Naissance multiples
Canada**

613-834-TWIN (8946)

Toll Free in Canada:
1-866-228-8824

office@multiplebirthscanada.org

www.multiplebirthscanada.org

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