

When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities*

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ABSTRACT

When academic faculty become parents, how do their employers respond? This paper addresses that question through a review of family leave policies current in Canadian universities as of March 21, 2000. An analysis of pregnancy, parental, adoption, and partner ('paternity') leave policies reveals that most Canadian university policies produce income loss and disruption and are discriminatory, characterized by gender regulation and familialism. We assess some normative criteria for improved family leave provisions, and propose that improving faculty family leave policies would benefit all academics. In particular, improved family leave has the potential to eliminate one dimension of systemic discrimination that creates "chilly climates" for female faculty. We predict that family leave issues are likely to emerge as significant concerns on Canadian campuses.

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RESUMÉ

Comment réagit l'employeur quand les professeures deviennent parents? Ce travail aborde cette question en examinant les politiques des congés familiaux des universités canadiennes en date du 21 mars 2000. Une analyse des politiques se rapportant aux congés de maternité, parental, d'adoption et de paternité révèle que la plupart de celles-ci dans les universités canadiennes causent une perte de revenu, des arrêts de travail et sont discriminatoires en raison du caractère touchant à l'appartenance sexuelle et à l'image de la famille traditionnelle. Nous évaluons des critères normatifs visant à améliorer les congés parentaux et proposons que le fait d'améliorer la politique se rapportant à ces congés sera bénéfique pour tous les professeurs. Notamment, un congé familial amélioré a le potentiel d'éliminer une dimension de la discrimination systémique qui produit un «climat froid» touchant les professeures. Nous prédisons que la question des congés familiaux deviendra une préoccupation importante dans les campus canadiens.

Like other workplaces, Canadian universities must find ways to accommodate the family needs and responsibilities of their employees. Historically, family leave issues have not been noteworthy concerns in most institutions of higher learning. In her review of American university family policies, Annette Kolodny (1998) observes that few academic administrators view family care issues as a pressing priority. Other studies support her conclusion, finding that the majority of postsecondary institutions do "very little" on family policy to help their employees (Wilson, 1996). Given the academic "monastic tradition" (Gillett, 1998), women's under-representation, and traditional gender and age divisions of reproductive labour, the low profile of work-family issues makes some sense.

In recent years, however, as more women are hired into permanent faculty positions and concern with faculty renewal becomes more prominent, the intersection of work and family is becoming an issue on North American campuses. In 2001, both the Canadian Association of University Teachers (CAUT) and the American Association of

University Professors issued model policy statements on family responsibilities and academic work, a sign of intensifying interest (CAUT, 2001; Wilson, 2001b).

Family benefits embrace a wide range of provisions. Policies for leaves upon the birth or adoption of a child are only one part of a comprehensive work-family reconciliation package — indeed, their direct and indirect costs are relatively low in comparison to other policies for work-family balance. Comprehensive family policy would also address the equally important issues of elder and child care, as well as other on-going domestic responsibilities. While recognizing these other frontiers for research and policy development, our paper is restricted to policies to accommodate new parenthood. These findings generate a baseline against which universities can be assessed as they adjust (or fail to adjust) to new statutory entitlements and emerging demands from the professoriate.

Family leave policies can meet a variety of goals. Schematically, they can be designed in such a way that they either minimize or maximize institutional support for new parents, for example by offering alternately no wage replacement or replacing wages at full salaries. Additionally, policies can differentiate between women and men, for example by assuming either that women will assume infant care exclusively or alternately that all parents will be caregivers. Policy may treat adopting and birthing households equally, or distinguish between them on the basis of family form. Finally, policy may include or exclude same-sex parents. We find that the overwhelming pattern of Canadian universities is to privatize the cost of reproduction, and to entrench sexist and familialist assumptions, rather than to create family-friendly campuses.

In the discussion undertaken in this paper, we present a summary of family leave policies in Canadian universities, and propose some normative guidelines against which such policies should be assessed and improved. Work-family reconciliation policies that permit both parents (in two-parent families) to share employment and caregiving constitute an important step toward familial equality and gender equity. The families of Canadian scholars, like other Canadian families, look very different today than they did several decades ago. The traditional family with a male breadwinner and a female homemaker has been replaced by the

dual-earner family with both spouses working, particularly among professional couples (CCSD, 1999). Whether one or both spouses is an academic, we believe university family policies should enable all parents to combine scholarly work and parenting.

Background

In order to appreciate how family leaves operate at Canadian universities, the general context of federal payments and provincial involvement must be considered, since they establish the floor of all university provisions. Entitlement to maternity and parental *leaves* is altogether separate from entitlement to maternity or parental *benefits* in Canada (Benoit, 2000). The length of a maternity or parental leave is a provincial matter. Provincial employment standards determine the length of leave, and they differ across Canada's jurisdictions. Beginning in the early 1970s, all provinces amended their labour standards to guarantee first maternity leave and eventually parental leave, as well as the right to job security, to birth and adopting parents (Beauvais & Jenson, 2001). The roots of this gradual increase in public entitlement can be traced to feminist activism inside the women's and labour movements. Up to 2000, most provinces guaranteed 17 or 18 weeks of maternity leave to most birthing mothers. Adopting parents and non-birth parents also were entitled to some leave, although their rights are more recent and more varied (Foss, 2001).

Payment for leave, however, is a national responsibility. The federal government regulates the conditions for payment of benefits for maternity, parental and adoption leave through the Employment Insurance (EI) Act. In Canada, paid family leaves are relatively recent. In 1971, Ottawa opted to begin paying first for maternity and later for adoption leaves. In 1990 and again in 2001, federal legislation was amended to introduce and then extend parental leave.¹

From 1971 onward, federal legislation enabled all eligible birth mothers to be paid for a maternity leave of up to fifteen weeks, preceded by an unpaid two-week waiting period. Adoption benefits (normally ten weeks, but up to fifteen weeks for children with special needs) were introduced in 1984. Since 1991, eligible parents have been able to take

ten weeks of parental leave. Both adoption and parental leave require a two week unpaid waiting period. In 2000, the assessment year of our study, the maximum period of EI-paid leave available to a birth family was 25 weeks (15 maternity weeks plus ten parental weeks). This is considerably more than the ten weeks normally available to families who adopted a child. In all cases, the maximum payment made under EI in 2000 was \$413 per week, regardless of previous income.

EI coverage for new parents is made more complicated by rules about waiting periods and clawbacks. EI policy in place in 2000 created financial disincentives for two parents to share family leave. The major disincentive was, and remains, the low wage-replacement rate. Given stubbornly persistent wage gaps between women and men, one consequence of low replacement rates is minimal uptake by men. Although fathers, as well as mothers, are able to take paid parental leaves to care for young children, few do. Historically, there has been a huge gap between women's and men's use of leaves: the percentage of fathers on EI parental leave fluctuated between 3 and 4% over the 1990s; in 2000, 5% of claimants on EI parental leave and 12% on adoption leave were fathers.² EI regulations further restrict maternity leaves to "natural mothers" and parental leaves to "natural" and adoptive mothers and fathers, and thus discriminate against same sex parents.

In comparative terms, Canada's public leave policies (outside Quebec) are "meager" (Benoit, 2000). In recognition, some employers privately 'top up' maternity, adoption or parental leave EI benefits through a Supplementary Unemployment Benefit (SUB). Employer top-up plans can restore up to full salary by making up the difference between EI payments and former wages. Employer top-up plans for family leaves have been coordinated with Employment Insurance since 1977 (HRDC 2001). Although most Canadian workers lack employer-provided family leave supplementary benefits, all Canadian universities save Memorial provide some SUB plan for faculty members.

METHOD

The information presented in this article is drawn from the family leave policies in place at each of Canada's universities. Policies from each of Canada's 47 universities were obtained, and their section on "leaves" was analyzed. All universities have some policy on family leave, and most universities propose standard treatment for the various types of parental leave (pregnancy, adoption, etc.) Five universities (Brandon, Carleton, Concordia, McMaster and Simon Fraser), however, have dual-track family leave policies that vary in the treatment a staff member receives by some condition. Thus, this report analyzes a total of 52 family leave policies at the 47 universities in Canada. At different points in our discussion, we address both family leave policies and universities. In the former context, the reference is to all family leave policies at Canadian universities; this involves, then, 52 separate cases. In the latter context, the unit is the university and each of Canada's 47 universities counts only once.

The policies analyzed here were all current as of March 31, 2000. Some unionized institutions were in the process of negotiating Collective Agreements at the time of our data collection. In these cases, we considered policies as *de facto* operational, on the assumption that family provisions were unlikely to be changed during the period of negotiation.

A caution on method is in order. Because we collected and analyzed the family leave policies of every Canadian university,³ this report is comprehensive. However, many university family leave policies are extremely brief, or discuss only one kind of leave (usually pregnancy leave) in detail. Frequently, institutional policies do not address important dimensions of our analysis and as a result there are a considerable number of missing values in our data. Under-developed family leave policies create significant room for administrative discretion and variability, introducing the real possibility of differential treatment of similar cases. We also note that there may be a gap between formal and tacit policies. It may well be that at some universities, policy differs in its application from contractual or policy language. We recognize that in some cases, the terms and conditions of any given leave may be better

than that which is formally specified. Our analysis is confined to written policy, however, since faculty members have no enforceable rights outside of official policy.

Further, we note that some policies that may have an impact on family-related leaves and provisions may not be contained within the leave section of a university's written policy. For example, it is likely that some faculty members accommodate their child-related needs through reduced appointments. However, if such workload reductions were not explicitly mentioned in the formal article or policy related to pregnancy, parental or adoption leave they were not included in this report.

A final observation is that the data presented here are in aggregate form. We are concerned with the overall pattern of family leave policies at Canada's universities, rather than with close textual analysis of a smaller number of cases. Our discussion of findings occasionally highlights particular campus policies as illustrative of either out-lying cases or typical practices, but our present focus is to illustrate Canadian university family leave policy patterns rather than evaluate or rank-order individual institutions.

FINDINGS

We present findings on what Canadian universities provide in terms of pregnancy leave, parental and adoption leave, and 'paternity' leave for their faculty members.

Pregnancy Leave

Canada's universities use different language for the leave taken by a childbearing woman, alternately employing the language of maternity, childbirth or pregnancy leave.⁴ We have summarized these policies as 'pregnancy leave,' and have analyzed them for their consequences in terms of length of leave, effects on income, eligibility and impact on career progress.⁵ The most comprehensive policies are those that relate to pregnancy: hence, pregnancy permits the most elaborated discussion.

All provinces allow a pregnant woman to take a maternity leave of between 16 to 18 weeks. Nationally, the average university permits a

pregnancy leave of 17.1 weeks, ranging from a low of 12 weeks to a high of 26 weeks.⁶ Payment of wages during a pregnancy leave is treated as a supplemental benefit to Employment Insurance in 19 of Canada's 47 universities. Sixteen (16) universities do not require EI eligibility, while nine (9) do not specify whether EI is required. Finally, three universities (Concordia, Carleton and Brandon) provide one stream of benefits to faculty who are EI-eligible and another track for faculty who are not EI-eligible.

A female faculty member can receive a pregnancy leave with top-up at all of Canada's universities, with the exception of Memorial. Among Canadian universities, the average wage received during a pregnancy leave is 95–96% of regular salary. At 18 universities, pregnancy leave can be paid at 100%; at 29 universities, birthing academics experience income loss. At 25 of these universities, a faculty member will receive 95% of her former salary. The remaining four universities pay pregnancy leave at 93%. The lowest pay rate for pregnancy leave is 66% at Concordia followed by 85% at McMaster, each a university with dual stream policies.⁷

Pregnancy leave in Canadian university policies is typically administered as a two-week waiting period followed by the maternity leave, in an echo of the federal Employment Insurance Act. All but one of Canada's universities (Memorial) specify payment during an initial two-week waiting period, as well as the remaining weeks of pregnancy leave. At Concordia and Wilfrid Laurier the first two weeks of pregnancy leave are paid at 100%, while the subsequent weeks are at 95%. All other universities pay the waiting period and pregnancy leave at the same rate.

Because pregnancy leaves are tied to federal EI, with the university providing a top-up, administration of pregnancy leave income is complex. Six universities specify that SUB payments are to be made in advance, to minimize income disruptions. In nine policies, SUB payments are explicitly retroactive, triggered after EI cheques are received. At these nine institutions, income disruption is guaranteed, since the lag between the commencement of a pregnancy leave and receipt of the first replacement cheque may be as much as six weeks or more. The 43 remaining policies do not specify, leaving the potential of income

disruption unresolved. We are concerned with the tying of university benefits to the federal Employment Insurance program.

Eligibility for a pregnancy leave with Supplementary Benefits varies considerably. In most universities (29), a pregnant academic must simply be a member. Overall, less than one-third of Canada's universities tie pregnancy leave eligibility to a period of minimum employment. In the 15 universities that do specify a minimum employment period for a paid leave, the least restrictive is Concordia, where a faculty member who has worked 20 weeks qualifies. The most restrictive is Laurentian, where a member must have worked 63 weeks to qualify for a paid pregnancy leave. Nine of the 15 institutions that restrict eligibility based on a period of minimum service require a full year (52 weeks) of employment. In those universities that restrict eligibility by length of employment, the average requirement is 46.9 weeks of service.

Eight universities specify a minimum period of pregnancy leave, ranging from 2 weeks to 17 weeks. Five of the 8 universities permit a member to shorten her pregnancy leave if she provides a letter from her health care practitioner. The remaining 39 universities do not specify a minimum pregnancy period, leaving the matter up to the childbearing faculty member.

Just under half of Canada's universities (23 of 47) make specific accommodations for pregnancy leaves taken by faculty on probationary appointments. Seventeen universities have policies that put an additional year of time on a member's 'tenure clock.' Six other universities increase the tenure clock by the length of the pregnancy leave. Twenty-four universities do not specify the effect of a pregnancy leave on the probationary period. One university has a cap on the allowable number of extensions during a probationary period: at Trent, a maximum of two pregnancy or parental leaves can be counted toward the extension of a probationary period. Tenure clock extension provisions are especially important for new academic mothers, as the childbearing years coincide with the period when the greatest productivity in research and scholarship are expected (Miller, 1998).

For other purposes, when it is specified, pregnancy leave always counts as time towards sabbatical eligibility. Twenty-nine universities do

not specify, but the remaining 18 clearly account for a pregnancy leave as time towards sabbatical entitlement. Only 16 universities permit parental/adoption leave to count toward sabbatical entitlement. One of these, Trent, notes that parental or adoption leave will count toward sabbatical eligibility, but does not specify whether pregnancy leave also has this effect. At Wilfrid Laurier, the maximum time that can be credited toward a sabbatical is one year, regardless of the actual number of birth, adoption or parental leaves.

Some universities require members taking a pregnancy leave to make a contractual obligation to return to work or repay any benefits received. A requirement to return or repay is in place at nine universities. In some cases, this language is punitive. At the University of Toronto, for example, the policy in effect in 2000 is worth quoting at length:

the granting of maternity leave involves a commitment... staff members who take maternity leave have an obligation to return... In the interests of all concerned, it is advisable that persons who feel that they may not be able to resume all aspects of the responsibilities of their position, including continuous service, discuss their situation with the appropriate administrative officer. Staff members who are in doubt about continuing a career at the University in combination with their additional family responsibilities are advised to consider either resigning or applying for unpaid maternity leave...rather than making an application under this policy. By so doing, staff members are eligible to apply for Unemployment Insurance [sic]...and individuals who resign would be considered for reemployment at the University at a later date if they were able to make a career commitment to the University.

Any faculty member who earned over an annual \$48,750 in 2000 had a portion of her/his EI payments clawed back at income tax time. Because of this clawback, faculty members earning more than this cap receive less than the average 96% when real annual income is considered. Only one university, Ottawa, had a mechanism to ensure that faculty members do not lose real income to the clawback.⁸

Overall, the new Canadian academic parent who has best coverage and least income disruption, as well as the best career accommodation, is the woman who takes a pregnancy leave.

Adoption Leave

Many new parents enter parenthood through adoption rather than childbirth.⁹ For these new parents, pregnancy leaves are irrelevant and what matters instead are adoption-specific policies. Canadian jurisdictions treat adoption differently from pregnancy. In 2000, each of Canada's ten provinces and territories provided maternity leave, but eight had no specific adoption leave in employment legislation. When adopting parents take a family leave, their wage replacement is through the parental leave stream of Employment Insurance, which is available to 'natural' and adoptive parents. This might help to account for the Canadian university pattern of treating male and female adopting parents more poorly than birthing women. In absolute numbers, university adoption policies are less common than pregnancy policies; moreover, several stipulate a maximum age of the adopting child above which leave is not permitted. Generally, adoption leaves are shorter and more restrictive with regard to eligibility criteria than are pregnancy leaves.

There is considerable variation in how Canadian universities treat adopting parents. Four universities do not have any specific policy regarding adoption, while another three universities offer an adoption leave with no wage replacement (thus seven universities do not provide SUBs for adoption leaves, although all but one of these universities will pay for pregnancy leaves). Across Canada's universities, paid adoption leaves average 13.0 weeks in length.¹¹ Compared to the national average length of pregnancy leave (17.1 weeks), the 13.0 week average for adoption leave is a full month (or 23%) shorter.

Eighteen universities allow an adopting parent to go on leave at 100% of salary, but they are not the same 18 universities that pay pregnancy leave at 100%. Nine universities pay pregnancy and adoption differentially. For example, Bishops, Trent and St. Francis Xavier do not specify any adoption pay, although each pays 100% of salary for pregnancy leaves. At Mount Allison and Cape Breton, a member taking a

pregnancy leave is eligible for 95% of her former wages, whereas an adopting parent receives no top-up. Carleton pays pregnancy at 100%,¹¹ but adoption at 95%. Interestingly, adopting parents are paid better than birthing parents at Laval and Lakehead, confounding the general pattern across the universities of worse treatment of adopting parents. As with pregnancy leave, Memorial's policy specifies neither length of leave nor rates of pay for either parental or adoption leave. On average, remuneration rates for paid adoption leaves are similar to those for pregnancy leaves, averaging between 96 and 97% of regular salary.

Some universities specify a minimum period of employment for an adoption leave that is different from the minimum period of employment required for a pregnancy leave. Overall, including universities that have no employment eligibility requirements, the average employment eligibility requirement for adoption leave is 18.2 weeks, compared to 16 weeks of employment to be eligible for pregnancy leave. Globally, universities make significant differentiation between family forms (birth or adoption) on pay rates, eligibility and effect on career, with adopting families faring worse than 'natural' families.

Parental Leave

A third type of family leave is 'parental' leave. Under EI rules in place in 2000, parental leave could be taken by a birth mother following her pregnancy leave, by the 'natural' father, or by adopting parents of any sex; same-sex parents were ineligible. In two-parent families, either parent may use the full leave or they may share it between them. It is worth noting that adoption and parental leave are the only leaves that can be taken by either male or female faculty. In 2000, every Canadian province save Alberta extended a right to parental leave, ranging from 12 to 52 weeks. Parental leaves are the least common form of family leave among Canadian universities. Acadia, Alberta, UBC, Moncton, New Brunswick, Northern British Columbia, Ryerson, St. Mary's and St. Thomas) were the only universities to provide a SUB plan for parental leave. The other 38 universities entirely failed to compensate parental leave. These universities have been laggard for a full decade, since parental leave has been permitted under SUB plans since 1991.

Whereas 46 of Canada's 47 universities 'top up' a pregnancy leave to some degree, only 9 universities do the same for a parental leave.¹² Of the nine universities that top-up a parental leave, only Acadia and University of Northern British Columbia provide full pay; at the remaining seven, faculty members experience income loss. In addition to the 9 universities that offer supplementary wage top-ups for parental leaves, 21 universities offer parental leaves ranging in length from 7 to 34 weeks with no supplementary wage replacement. Thus there are in total 30 universities that offer parental leaves, but only 9 of these offer wage replacement to supplement EI. Seventeen (17) universities do not address parental leave provisions at all.

Remuneration rates for paid parental leaves average around 96% of regular earnings, which is comparable to that of paid adoption and pregnancy leaves.¹³ A key difference between these leaves is the availability of each. Paid pregnancy leave is available at 46 of Canada's 47 universities, paid adoption leave at 40 universities, and paid parental leave is available only at 9 universities. In the rare Canadian university that provides a paid parental leave, the average leave is 9.9 weeks long. Table 1 shows the average length of paid pregnancy, parental, paternal, and adoption leaves (in weeks) and wage replacement rates at Canadian universities.

Since parental leave usually follows a pregnancy leave, the differential between birth and adopting parents grows. Birth families may access an average of 27.0 weeks of paid leave (17.1 weeks of pregnancy leave plus 9.9 weeks of parental leave), but adoptive families average 13.0 weeks, or less than half the paid time taken by 'natural' families. Even in the majority of universities where parental leave does not include wage replacement, paid pregnancy leaves average about a month longer than adoption leaves. Moreover, seven universities don't provide wage replacement for any length of adoption leave.

Same sex families are generally disallowed parental leaves, which are overwhelmingly available to only 'natural' mothers and fathers or adopting parents. In the eight provinces where legal adoption was prohibited to lesbian or gay couples in 2000, EI payments were formally unavailable. When university policies tie their SUB adoption plans to EI (18 of the 40 universities with paid adoption leaves require EI) lesbian

Table 1
Summary — Paid Pregnancy, Adoption, Parental, and Partner Leaves
in Canadian University Policies^a

	<i>Number of Universities with Paid Leave</i>	<i>Average Wage Replacement Rate (SUB)</i>	<i>Average Length of Leave (Weeks)</i>
Pregnancy Leave	46	95.9%	17.1
Adoption Leave	40	96.7%	13.0
Parental Leave	9	95.9%	9.9
Partner Leave	19	100%	1.4 ^b

^a These are averages across all policy tracks rather than universities. Unpaid leaves are not included. Partner leaves are called 'paternity leave' in most universities; see discussion below.

^b In policies, the length of partner leaves are measured in work days. The average length of paid partner leaves here was 6.79 days. For comparability reasons, we divided this figure by five to derive the average leave length in weeks.

and gay faculty are barred from taking advantage of the paid leave enjoyed by their heterosexual colleagues. The historic entanglement of university SUBS with EI leaves an unwelcome legacy: EI eligibility, rather than university service, is often what determines if a faculty member qualifies for a university SUB.

Many Canadian universities introduce a primary caregiver declaration, often in their adoption leave provisions but occasionally in other family leaves as well. In 13 universities, parents (generally fathers) must make written or otherwise formal declarations about who is the 'primary' caregiver. Saskatchewan, for example, requires men to declare they are primary caregivers before making them eligible for parental leave: Saskatchewan policy is that a male employee who is the primary caregiver of his newborn child shall be eligible for 52 weeks leave, however if he is the secondary caregiver, he is entitled to only twelve weeks. Brock is another university with a similar requirement for men. At Lakehead, different family roles are the basis of university policy. In Lakehead's adoption leave policy (where adopted children must be

under 12 months), a member who is the primary caregiver is entitled to 4 weeks paid leave, otherwise the leave is for 5 days. Such policies make shared parental responsibility impossible, since they insist one parent must be primary.

There is a gap between the effects of a pregnancy leave and other kinds of family leave on a probationary appointment. Whereas 23 universities permit a pregnancy leave to increase a probationary period, many fewer (14 in total) universities specify that parental or adoption leaves add time to tenure clocks. In these universities, accommodation of career progress to family needs will be made for female faculty who take pregnancy leave, but will be denied to adopting women, to male faculty (whether they are 'natural' or adopting fathers, same-sex or heterosexual) as well as to lesbian parents who are not birth mothers.

Overall, the Canadian academic who has worst coverage and most income disruption upon becoming a new parent, as well as the least career accommodation, is the (generally male) faculty member who takes a parental leave, closely followed by the academic adoptive parent of either sex.

'Paternity' or Partner Leave

The final form of leave embedded in Canadian university policy is 'paternity leave,' the short period traditionally given to a new father upon the birth of his child. Occasionally, new adoptive fathers are also entitled to paternity leave when the child arrives in the household. Such sex-specific policies make no mention of the rights of the second parent in a gay or lesbian household. Paid paternity leave policies are more than twice as common as paid parental leaves. We use the inclusive term 'partner leave' as an alternative to the heterosexist term 'paternity' leave. We advocate partner leave for both birth and adoption, to permit the second parent to spend time with her/his spouse upon the birth or arrival of a new child.

Partner leaves range in length from two to 60 days, and are alternately entirely unpaid or paid at 100% of regular salary. More than half the academic policies we studied (30 of 52 in total) do not specify partner leave, while 22 policies provide some leave (19 of these are paid at

100% of regular salary while the other three are not paid). Some universities provide 'paternity' leave only after the birth of a child, others permit it for adoption as well.

Twelve of the 19 policies providing paid partner leave offer five fully paid working days (one week); the remaining seven universities offer between two and sixty days. The most generous universities in terms of length of leave are Regina and Saskatchewan, which each provide 60 days. Regina allows two weeks at 100% pay and Saskatchewan allows one week of full pay, with the remaining weeks unpaid. Saskatchewan's partner leave, however, is not available to adopting families.

Most Canadian university family leave provisions are heterosexist. Few universities accommodate same-sex parents (for example, through inclusive definitions of 'spouse' or 'parent'). Concordia's policy, for example, contains provisions for a "post-natal leave for a non-birth parent," an admirable policy which recognizes the needs of same-sex and heterosexual parents. Yet not all same-sex inclusive institutions meet other equity criteria. Of the nine universities that accommodate same-sex parents, four restrict their leaves to birth and do not provide partner leave for adopting parents.

DISCUSSION

We define as 'family friendly' those leave provisions which accommodate pregnancy, adoption, parental and partner leave without privatizing reproduction (either by income loss or punitive effects on career progress) and which treat all parents and family types equitably. We favour the 'maximalist' position on institutional support, endorsing full wage replacements for all family leaves. Good family leave policy must ensure full salary during pregnancy, parental, adoption, and partner leaves and must be inclusive of all family forms. Family leaves should also respect family choices, accommodate reasonable sex-differences between women and men, and treat all parents fairly, whether biological or adoptive, same-sex or heterosexual. By this definition, Canadian university policies are far from family friendly.

Our findings point to two inter-twined trends. First, leave policies privatize reproduction, causing real income loss and failing to create work-family balance. Second, leave policies are discriminatory; they perpetuate sexist and familialist assumptions, creating inequities between women and men, between ‘natural’ and adopting parents, and between hetero- and homosexual academic couples. Our review reveals that most faculty members in Canada work in universities whose leave provisions are based on inequitable and outdated assumptions about the family and the nature of the work-family interface.

Reproduction is privatized when faculty members lose income upon becoming new parents, and when work-family balance is absent. The act of becoming a new parent, whether by birth or adoption, means both cash flow disruption and real income loss for most Canadian academics. Both in the amount and in the mechanism for remuneration, the entry into parenthood for the vast majority of Canadian faculty is expensive. On average, faculty taking pregnancy or adoption leave lose about 4% of their income during the period of their leave; men and women on parental leave are rarely topped-up at all. At seven universities (six of which have SUBs for pregnancy leaves), adopting parents receive no top-up at all. Most academics on parental leave have only EI and no employer SUB. Acadia and the University of Northern British Columbia are the only two universities where pregnancy, adoption, and parental leaves are all paid at 100%, yet even these outstandingly supportive universities lack paid partner leave. At the other 45 Canadian universities, new parents lose some income. Such financially punitive policies, in effect, privatize the cost of children.

Reproduction is privatized not just by loss of income, but also by career clocks (and corresponding salary increments) that fail to recognize the equally important “family clock.” Everyone who has lived with an infant or very young child, enduring the sleep deprivation and absorbing delights of babyhood, can appreciate that formal research productivity is normally diminished in households with youngsters. One doesn’t have to go as far as Andrew Cherlin (1989), who claims that “as any faculty member with children can tell you, the idea that one can do serious scholarship while looking after a new baby is ridiculous,” to recognize

the merit of his point: namely, that having a child means having less time for research for several years. All faculty who become new parents (mothers and fathers, heterosexual and same-sex, natural and adoptive) need the option of extending their probationary period, and having the pace of career progress assessed against the reasonable demands of parenthood. In Canada, less than a half percent of birth mothers and far fewer other parents currently have this option. We maintain that all family leaves, not just pregnancy leaves, should entitle members to put time on tenure clocks.

It is extremely rare for universities to preface their policies with the kind of inclusive statement that Concordia uses: "To enable both women and men to combine successfully an academic career and family responsibilities without significant financial and career disadvantage and to recognize the role of both parents in child birth and child rearing, the following arrangements are provided for parents..." In an equally impressive provision, McMaster will allow tenure clocks to be extended not only for members who took pregnancy or parental/adoption leave, but (at the discretion of the member) a probationary period can be extended for those who were *eligible* for such a leave, whether taken or not.

Our second claim is that current university leaves policies are discriminatory, by virtue of being both sexist and familialist. This assertion rests on a set of assumptions about how postsecondary institutions ought to address pregnancy and adoption, and the accommodations each requires. In making our assessments, we have drawn on the insights provided by feminist scholars. Feminist theory is enriched by a constructive dialogue known as the 'equality/difference' debate. The extensive debate centres over normative questions about the degree to which sex and gender differences ought to be entrenched, accommodated, celebrated or minimized (Boyd, 2002; Eichler, 1997; Fraser, 1994; Gavigan, 1996; Lohkamp-Himmighofe & Diemel, 2000; Pateman, 1992; Skrypnik & Fast, 1996; Winkler, 1998). On this question, and in good company, we maintain that gender equality simultaneously requires some notions associated with equality as well as some associated with difference. Family leaves address both childbearing and childrearing — biological and social reproduction — and hence these policies inextricably grapple with the

question of balancing equality and difference. We maintain that ‘family-friendly’ policies require accommodating reasonable sex-differences between women and men *as well as* the equitable treatment of all parents, whether male or female, biological or adoptive, same-sex or heterosexual.

Most Canadian universities recognize women’s biological reproduction via pregnancy leaves. This is a good thing, since we hold that policies ought to accommodate the biological needs of women. Some sex differentiation is necessary and legitimate: women are the only sex to bear children and their specific needs during pregnancy and post-partum must be accommodated. Most Canadian university policies do so, if imperfectly, and this constitutes equitable sex asymmetry.

However inequitable sex asymmetry is also regularly embedded in family leave policies. Inequitable sex asymmetry in policy is based on inequitable assumptions about gender roles. Gender regulation operates in those policies premised on beliefs about mothers’ and fathers’ roles. One dimension of gender regulation is the presumption of maternal primacy. In this respect, inequitably sex asymmetric policies “revert to a vocabulary that assumes rigidly gender-inflected family roles.” (Kólodny, 1998). The inequitable assumption is that it is only women who take leaves and therefore only women who need accommodation. On some campuses, men are required to sign primary caregiver declarations to become eligible for a leave, but women are not required to do the same. In all universities save Memorial, 100% of mothers of newborns can receive a SUB but only 20% of fathers of newborns can do the same. Even fewer same-sex parents are eligible. When tenure clocks are extended for pregnancy leaves but not parental or adoption leaves, female and male academic parents are treated differently. These are three different examples of inequitable sex differentiation, and they are relatively common in Canadian university family leave policies. We maintain that they are discriminatory in effect.

Gendered regulation is often remarkably blatant: at Acadia, for example, policy stipulates that a “natural father” is only eligible for SUB for parental leave if his “spouse” is “unable to obtain paid maternity leave” through her work — a maternalist premise. We hold that a university’s family leave policies should equitably accommodate whatever

choices are made by faculty, rather than imposing a gendered division of labour according to a predetermined and monolithic script (Eichler, 1997). Gender regulation, in consequence, should be countered by policies that enable all parents to combine work and caregiving, creating what Nancy Fraser terms a “universal caregiver” model (Fraser, 1994). It is likely that most Canadian faculty will use EI parental leaves in the same way most other Canadians do: namely, with women constituting the large majority of claimants, but this should be an individual choice, and not be driven by policy presumptions of primary maternal responsibility.

Discrimination is not limited to gender. At Canada’s universities, most policies are familialist, as well as sexist. Familialism in university family leave policy takes two forms: the first is the preferential treatment of birthing over adopting families; the second is the marginalization of same-sex parents. Canadian university family leave policies are replete with both types of familialism. Nationally, universities provide significantly better treatment to ‘natural’ families and lesser treatment to other family forms, whether adopting or same-sex. The paradigmatic family imagined by the typical institution of higher learning is a heterosexual two-parent family. Same sex couples (whether lesbian or gay, birthing or adopting) are marginalized in such policies. And, as less availability of benefits to adopting parents (hetero or homo) signifies, ‘natural’ families receive better treatment. Creating a ‘family-friendly’ campus requires broadening what we mean by ‘family’ – widening its scope to include diverse forms of households and parenting arrangements. As Annette Kolodny points out, family care policies narrowly designed around the model of the heterosexual nuclear family (or even the heterosexual extended family) “invite legal challenges on the grounds of discrimination, and they increasingly prove themselves hopelessly anachronistic” (Kolodny, 1998).

CONCLUSION

Inequitable treatment of male and female parents, of adopting and ‘natural’ parents, and of heterosexual and same-sex families are the norm in Canadian university family leave policies, as are financially

privatizing policies that generate income loss for new parents. If we ask university family leave policies to be family friendly (to avoid income loss and be non-discriminatory), we find that no university qualifies — although UNBC is very close, lacking only paid partner leave. In Canada's remaining 46 universities, privatized costs and/or discriminatory treatment — whether by sex, gender, sexual orientation or family form — is a component of formal policy. It is our conclusion that financially punitive, discriminatory and familialist practices have adverse effects on all academic parents, with markedly negative effects on women faculty.

Inequitable gender regulation prevents the full and equal treatment of women and men in three ways. The presumption of primary maternal responsibility that is encoded in so many university policies prevents shared parenting, mitigating against egalitarian relations in heterosexual households. Moreover, as long as family leave policies are perceived to be primarily for and about female faculty, they remain outside the orbit of the 'main business' of the university (Smith, 1988). As Joan Williams of the Program on Gender, Work and Family at American University points out, "the way [universities] discriminate today is by perpetuating this definition of an ideal worker who takes no time off for childbearing and child-rearing" (Wilson, 2001a). Such perceptions rely upon and help to perpetuate the image of the female scholar as 'Other,' a stereotype that is fuelled by women's under-representation in the academy. In combination, these perceptions amplify what has been termed the 'chilly climate' and the 'illusion of inclusion' in postsecondary education (Stalker & Prentice, 1998). Finally, those male faculty who opt for intensive caregiving to young children also find themselves disadvantaged by sex- and gender-regulating practices. When policies make it financially expensive for fathers to take leaves by failing to 'top up' with SUB payments or by keeping extra time off tenure clocks, then male faculty are unlikely to 'choose' parental leave. Overall, the effect of virtually all Canadian university family leave policies is to entrench the notion that it is only female faculty whose family needs must be accommodated, while male faculty do not require the same entitlements. Such assumptions cleave the professoriate by sex, and are discriminatory, relying on inequitable assumptions about parenting practices.

Universities, like all workplaces, must meet provincial employment standards. Beyond that, university family leaves are entirely within the discretionary control of each institution. It is worth recalling that employers have full discretion to establish policies and procedures that exceed provincial or federal minimums. Employers can, and do, provide more than minimum wages, vacation periods, and other benefits. Policies for maternity, adoption, parental and partner leave are among those benefits over which employers have complete autonomy, once statutory minimums are assured. There are no regulatory barriers to improving family policies. To the contrary, improvement of family leave policies is likely to be one of the most easily actionable remedies against chilly climates. As Jennie Hornosty (1998) has argued, if there is to be equity within the university, “we need a vision of a transformed academy, one that recognizes and makes room for women’s and men’s family responsibilities on an equal basis.” As she points out, better parenting leaves are a fundamental element of such a culture shift. When universities attempt to redress the historical under-representation of women, they are likely to find that family-friendly policies are invaluable tools in recruitment and retention. We hope, too, that men find work-family balance an increasingly important element in their career considerations.

If appeals to equity and fairness do not motivate universities, perhaps legal and labour market realities will. Discriminatory family leave policies create legal exposure and concerns about liability may generate change. Moreover, projected faculty shortages likely mean that universities with policies to enable parents to be active scholars without sacrificing family life will have a competitive advantage over those universities that do not. In the coming years, we predict that family leave policies will emerge as critical issues on Canadian campuses. 🍁

Notes

¹ The 2001 changes to family leaves were extensive. Most prominent was the extension of parental leave to enable up to 52 weeks of EI-paid leave. Additionally, the policy removed some disincentives to shared care between

two parents; however, because our analysis date is March 01 2000, we address the EI policies current at the time of our study.

² There is some evidence that the sex gap is narrowing slightly under the EI provisions introduced in 2001 (HRDC, 2002).

³ Defining the number of universities in Canada is surprisingly complicated. We finally decided to employ the same number as *Maclean's*: 47

⁴ It is worth noting how few academic women have children, in relation to non-academic women. One large American study recently showed that 62% of women who achieve tenure in the humanities do not have children, compared to 50% of women who achieve tenure in science, which is often considered more hostile to women (Mason & Goulden, 2002). About 10% of Canadian women have never given birth, according to Nelson and Robinson (1999). We could not locate equivalent data regarding the proportion of academic men that have children.

⁵ It is beyond the scope of this study to determine more far-reaching effects of children on an academic career — such as whether parents publish at differential rates than the unchilded, or whether overall career progress is slowed or speeded. We are interested in proximate career progress, namely the consequences of becoming a new parent on the immediately proceeding years in terms of probationary appointments, sabbatical entitlement and years of pensionable service.

⁶ The mean pregnancy leave length and remuneration rates are calculated for 51 policy streams rather than for 47 universities because 5 universities (Brandon, Carleton, Concordia, McMaster, and Simon Fraser) each have two pregnancy leave tracks of varying length and remuneration. At the same time, Memorial, which has no pregnancy leave at all, is excluded from the calculation of the average length of existing paid pregnancy leaves or remuneration rates.

⁷ It is noteworthy that Concordia's other pregnancy leave track pays 100% of salary during the EI two-week waiting period and 95% of salary for 15 weeks thereafter. McMaster's other track pays 100% of salary for 19 weeks.

⁸ The 2001 EI changes eliminated the clawback, although it was in place for our analysis date of March 1 2000.

⁹ Given the extended period that precedes most academic appointments, many academics are well into their thirties before becoming parents. Additionally, anecdotal observations seem to point to a relatively high number

of adoptive academic parents, a phenomenon that merits study (Mason & Goulden, 2001).

¹⁰ The mean length of adoption leaves is calculated for 43 policy streams. Of Canada's 47 universities, four have no adoption leave policy, and three others have adoption leaves that have no SUB (are not topped-up). This reduces to 40 the number of universities with paid adoption leave policies. Of these 40, three (Brandon, McMaster and Simon Fraser) have two streams of paid adoption leaves, bringing to 43 the number of paid adoption leave policies across Canada's universities.

¹¹ In one policy track, although not in the other. Recall that Carleton is one of five universities with dual-stream policies.

¹² Recall that EI provides for ten weeks of paid leave with an unpaid two week waiting period in cases of adoption, with an optional additional five weeks of leave if the child was older or had special needs that warrant a longer period of parental care.

¹³ As was the case for calculations made here of average paid pregnancy and adoption leave lengths and wage replacement, only universities where a policy exists and where the leave is paid (topped-up by the university) are included. In the case of parental leaves, only the nine universities that pay wage replacement for these leaves are included.

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