

To all Chairpersons and Members of Employment Insurance Boards of Referees

We are writing to inform you of a June 14, 2006 amendment to the *Employment Insurance Regulations*, more particularly a revised definition of “family member” for compassionate care benefits, which brings the program more in line with the realities of caregiving in Canada.

Since January 2004, compassionate care benefits were available to family members defined in section 23.1(1) of the *Employment Insurance Act* as the spouse or common-law partner, child or parent of the individual who is in need of care or support, or of the individual’s spouse or common-law partner.

When the government introduced compassionate care benefits, it also indicated it would review this program. While this comprehensive review is now underway, the policy has already undergone an initial review, which indicated that five to ten per cent of people applying for compassionate care benefits were excluded based on the definition of family member.

However, the legislative and regulatory framework for compassionate care benefits, and in particular paragraph 23.1(1)(d) of the Act, makes it possible to add, by regulation, other classes of persons to the definition of family member.

The new regulation broadens the definition of family to include brothers and sisters, grandparents, grandchildren, parents-in-law, brothers-in-law and sisters-in-law, uncles, aunts, nephews and nieces, guardians, foster parents and wards.

In situations where an individual with a serious medical condition is cared for by a more distant relative or by a person who is not directly related, the new regulation allows the caregiver to claim benefits if he or she is designated as “like” a family member by that individual or a designated representative.

While this item will be part of the 2006-2007 agenda for the Annual Board of Referees Sessions, you will find the new regulation attached for your immediate information.

Patricia (Trish) Blackstaffe
Commissioner
(Workers)
(819) 994-6205

May Morpaw
Director
Employment Insurance Appeals
(819) 997-6298

André Piché
Commissioner
(Employers)
(819) 994-6115

trish.blackstaffe@hrsdc-rhdsc.gc.ca

may.morpaw@servicecanada.gc.ca

andre.piche@hrsdc-rhdsc.gc.ca

Section 23.1 of the Act stipulates:

In this section, “family member”, in relation to an individual, means

- (a) a spouse or common-law partner of the individual;
- (b) a child of the individual or a child of the individual’s spouse or common-law partner;
- (c) a parent of the individual or a spouse or common-law partner of the parent; and
- (d) any other person who is a member of a class of persons prescribed for the purposes of this definition.

Section 41.11 of the Regulations specifies:

(1) The following definitions apply in this section.

"guardian" means a person having a legally recognized authority to act on behalf of a minor or disabled adult and includes a mandatary in case of incapacity, tutor and curator. (*tuteur*)

"ward" means a person for whom a guardian is appointed. (*pupille*)

(2) The following classes of persons, in relation to an individual, are prescribed for the purposes of paragraph 23.1(1)(d) of the Act:

- (a) a child of the individual's parent or a child of the spouse or common-law partner of the individual's parent;
- (b) a grandparent of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandparent;
- (c) a grandchild of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's grandchild;
- (d) the spouse or common-law partner of the individual's child or of the child of the individual's spouse or common-law partner;
- (e) a parent, or the spouse or common-law partner of a parent, of the individual's spouse or common-law partner;
- (f) the spouse or common-law partner of a child of the individual's parent or of a child of the spouse or common-law partner of the individual's parent;
- (g) a child of a parent of the individual's spouse or common-law partner or a child of the spouse or common-law partner of the parent of the individual's spouse or common-law partner;
- (h) an uncle or aunt of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's uncle or aunt;
- (i) a nephew or niece of the individual or of the individual's spouse or common-law partner or the spouse or common-law partner of the individual's nephew or niece;
- (j) a current or former foster parent of the individual or of the individual's spouse or common-law partner;

- (k) a current or former foster child of the individual or the spouse or common-law partner of that child;
- (l) a current or former ward of the individual or of the individual's spouse or common-law partner;
- (m) a current or former guardian of the individual or the spouse or common-law partner of that guardian;
- (n) in the case of an individual who has the serious medical condition, a person, whether or not related to the individual by blood, adoption, marriage or common-law partnership, whom the individual considers to be like a close relative; and
- (o) in the case of an individual who is the claimant, a person, whether or not related to the individual by blood, adoption, marriage or common-law partnership, who considers the individual to be like a close relative.