

Parental Leave for Elected Officials Bylaw**Report Purpose**

To provide Council with a report outlining options for a possible parental leave bylaw for Elected Officials in accordance with section 144.1 of the Municipal Government Act.

Recommendation

That Administration prepare a proposed Parental Leave bylaw for Council's consideration by May 18, 2021 based upon Option _____.

Our Prioritized Strategic Goals

Continuously improving the way we work, as one organization, in an agile and sustainable manner

Report

At the December 8, 2020 meeting, Council directed Administration to prepare a report outlining options for a possible parental leave bylaw for elected officials as provided in section 144.1 of the Municipal Government Act (MGA).

Since this ability was included in the MGA, several municipalities have passed bylaws or policies that outline the opportunity, benefits, remuneration, and requirements of a parental leave. This report includes the review of 12 municipalities. Two-thirds of the elected officials in this group have a full-time commitment to their position on council. Enclosure 1 of this report includes a cross jurisdictional comparison chart and Enclosure 2 is a review of the provisions by municipality.

Summary of Key Findings:Terminology

Municipalities have employed different terms for this type of leave, namely Maternity, Pregnancy, and Parental, and occasionally a combination of these, with the most common usage as Parental to encompass all Elected Officials.

Remuneration

The most common remuneration provided to Elected Officials taking a Parental Leave is the same entitlement to receive or participate in any benefits program or package afforded to Elected Officials. Other approaches include a percentage of their regular compensation, a declining percentage based on number of weeks on leave, and lastly, a percentage based on duties the elected official performs during their leave.

Maximum leave time

The reviewed municipalities have employed a few unique approaches, but most allow for a 20-week maximum leave. Another popular option is 26 weeks as a combination of Maternity and/or Parental Leave.

Required notice

Most often, six weeks' notice is required, including the start and anticipated length of the leave. A Parental Leave Agreement is additionally required, including:

- An outline of any tasks the elected official intends to continue to perform during the leave;

- Details on how the Elected Official's other duties will be performed during the leave (i.e. administrator or another member of Council); and
- if Administration or another Elected Official will be performing these tasks, a signature acknowledging acceptance of the responsibilities in question

Half of the bylaws state that a Leave must be no earlier than 12 weeks prior to or 12 weeks after the birth or adoption of the child.

Elected Officials Responsibilities during their leave:

The municipal bylaws reviewed included statements that the Elected Official taking a Parental Leave is not required to perform any of their duties but allowed for the person to choose to perform some or all of their duties.

Non-Forfeiture of office statements are also common, reinforcing that the Elected Official's office does not become vacant during the time of their leave.

Next Steps

Based upon the research conducted and the legislation, Administration recommends that Council choose from the following three bylaw options (with any desired changes) and refer the matter back to Administration to bring forward a proposed bylaw for Council's consideration at the May 18, 2021 meeting:

Option 1: 26 week leave, remuneration as follows: full remuneration for the first 10 weeks, for the remainder, a percentage of the remuneration subject to the duties they perform.

Option 2: 20 week leave, remuneration at 55 per cent of the base monthly amount.

Option 3: 16 week leave, remuneration is the same salary and benefits.

Council and Committee History:

December 8, 2020 Council passed the following motion: THAT by the end of the April 2021, Administration provide a report outlining options for a possible parental leave bylaw for Elected Officials in accordance with section 144.1 of the Municipal Government Act (MGA).

Other Impacts

Policy: n/a

Legislative/Legal: Section 144.1(1) of the Municipal Government Act, RSA 2000, c. M-26 (MGA) provides that "A council of a municipality may, by bylaw, having regard to the need to balance councillors' roles as parents with their responsibilities as representatives of residents, establish whether councillors are entitled to take leave prior to or after the birth or adoption of their child." Section 144.1(2), (a), and (b) of the MGA states: If a bylaw under subsection 144.1(1) entitles councillors to take leave, the bylaw must contain provisions respecting the length of the leave and other terms and conditions of the leave entitlement and addressing how the municipality will continue to be represented during periods of leave. Finally, it should be noted that the disqualification of councillors for absence from all regular council meetings for 8 weeks MGA Section 174.1 (d) is not applicable if the absence is in accordance with a bylaw under Section 144.1.

Interdepartmental: n/a

Master Plan/Framework: n/a

Enclosures:

- 1 Municipality Comparison by Key Provisions
- 2 Parental Leave Bylaw Research Provisions by Municipality