

# Parental Leave Bylaw Considerations

April 27, 2021

# Council Direction

On 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).

Note: this report was postponed from the April 13, 2021 Council meeting

# Setting the Stage

- What are the rules in Alberta?
- What does Employment Insurance cover?
- What is the provision for Maternity/Parental Leave for Strathcona County employees?
- What about Councillors?
- Research results from other municipalities
- Key bylaw provisions
- Options for consideration
- Council direction for bylaw preparation



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# Basic Rules in Alberta

- Employers are not required to pay wages or benefits during leave, unless stated in an employment contract or collective agreement
- The length of maternity leave is 16 weeks\*
- Birth and adoptive parents can take up to 62 weeks of unpaid parental leave.
- Parental leave can be taken by:
  - the parent giving birth, immediately following maternity leave
  - the other parent
  - adoptive parents
  - both parents, shared between them

\*1 week waiting period

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# Government of Canada EI Benefits

Benefit name	Maximum weeks	Benefit rate	Weekly max
Maternity (for the person giving birth)	up to 15 weeks*	55%	up to \$595
Maternity benefits can be followed by parental benefits			

Benefit name	Maximum weeks	Benefit rate	Weekly max
Standard parental	up to 40 weeks (but one parent cannot receive more than 35 weeks of standard benefits)	55%	up to \$595
Extended parental	up to 69 weeks (but one parent cannot receive more than 61 weeks of extended benefits)	33%	up to \$357

\*plus 1 week waiting period



# Strathcona County Employees

**Maternity leave** = 16 weeks leave plus parental leave (6 week minimum)

## **EI SUB plan top-up for birth mothers**

- 95% of base pay for the waiting period and some, or all, of the six weeks following delivery (Health-Related Period or "HRP")
  - Salary x 95% minus EI payment = top-up amount

## **Health Benefits during maternity leave**

- If starting maternity leave less than 3 weeks prior to due date, benefits are maintained at normal cost-share ratios until the end of the HRP. After the HRP, the employee will be responsible for paying both their share and the County's share of premiums to keep benefits active.

**Parental / adoption leave** = 62 weeks maximum (employees are responsible for paying both their share and the County's share of premiums to keep benefits active)

# What about Council Members?

- Councillors are not considered employees for the purposes of EI – they do not contribute and are not eligible for EI
- Councillors are disqualified if they miss more than 8 weeks of Council Meetings (s. 174(1)(d))
- The MGA was amended in 2017 to provide that a municipality may pass a bylaw to allow Councillors to take leave prior to or after the birth or adoption of a child
- The bylaw must set out:
  - the length of the leave,
  - conditions for leave entitlement, and
  - how the municipality will be represented during the leave

# Terminology



Terms for this type of leave:

- Maternity
- Pregnancy
- Parental – most common



# Remuneration

- The most common remuneration provided to Elected Officials taking a Parental Leave is their normal compensation. Other approaches:
  - percentage of regular compensation
  - declining percentage based on number of weeks on leave
  - percentage based on duties the Elected Official performs during their leave



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# Time permitted

## **Options:**

- 20 weeks
- 16 weeks
- 26 weeks as a combination of Maternity and Parental Leave

## **Timing for the leave:**

Leave must start no earlier than 12 weeks prior to, or no later than 12 weeks after the birth or adoption of the child

# Notice

Six weeks' notice required including the start and anticipated length of the parental leave

Parental Leave Agreement is also usually required, addressing:

- any tasks the Elected Official intends to continue to perform during leave,
- details on how duties will be covered during the leave

# Responsibilities during leave

- Elected Officials are not required to perform any of their duties
- Allows for the Elected Official to choose to perform some or all of their duties
- Non-Forfeiture of office declarations common, reinforcing that the Elected Official's office does not become vacant during the time of their leave

# The Original Three Options

Option	# Weeks Leave	Remuneration
1	26	<ul style="list-style-type: none"><li>• Full for the first 10 weeks (maternity / birth parent?)</li><li>• Balance at percentage of the remuneration</li></ul>
2	20	55% of the base monthly amount
3	16	Same salary and benefits



# And Option Four

Option	# Weeks Leave	Remuneration
4 (Option 2, above, plus Health-Related Period)	<ul style="list-style-type: none"> <li>• 6 to 8 weeks health related leave (parent giving birth) plus up to 20 weeks parental leave</li> <li>• Non-birth parent up to 20 weeks of parental leave</li> </ul>	<ul style="list-style-type: none"> <li>• 100% for the health-related portion (maternity / parent giving birth)</li> <li>• Non-health related period of parental leave at an amount equal to the maximum EI benefit entitlement (currently 55% up to a maximum of \$595/wk)</li> </ul>
Benefits: continue with current Councillor/ County portions during health-related portion; Councillor would pay both portions during parental leave		

# Direction requested

- Which way from here?
- If Council would like a bylaw prepared: A specific option, or instructions on each of the key elements?:
  - Timing of Parental Leave
    - up to 12 weeks in advance of the expected birth or adoption date? (This forms part of the overall leave)
  - Type of leave: Maternity Leave/ Health-related position/Parental Leave
  - Length of Leave (how many weeks)
  - Remuneration
    - Full or partial? Combination? How long?
    - Benefits

# Any Questions?

