

BYLAW 35-2021
PARENTAL LEAVE BYLAW

Section 144.1(1) of the Municipal Government Act 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) of the Municipal Government Act provides that 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.

Section 174(2) of the Municipal Government Act provides that a Councillor is not disqualified for absence from all regular council meetings for 8 weeks if the absence is in accordance with a bylaw under Section 144.1.

Council enacts:

PART I – DEFINITIONS, AND INTERPRETATION

Definitions

1 In this bylaw:

- (a) "Chief Commissioner" means the chief administrative officer of the County, or delegate;
- (b) "Council" means the elected governing body of the County;
- (c) "Councillor" means an individual elected to Council, and includes the Mayor;
- (d) "County" means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the *Municipal Government Act*, RSA 2000, c M-26 and Order in Council 761/95;
- (e) "Deputy Mayor" means the Councillor who is appointed as the deputy chief elected official under the Municipal Government Act;
- (f) "health-related portion" means the six- to eight-week portion of a parental leave granted to a parent giving birth;

- (g) "Mayor" is the chief elected official of the County;
- (h) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c M-26;
- (i) "parental leave" means a period of time during which a Councillor may take leave prior to or after the birth or adoption of that Councillor's child, and includes the health-related portion; and
- (j) "Parental Leave Agreement" means a written and signed agreement that outlines the commitments of the parties during the term of a parental leave.

Interpretation

- 2 The following rules apply to interpretation of this bylaw:
 - (a) headings, titles, and margin notes in this bylaw are for ease of reference only;
 - (b) gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
 - (c) every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid by a Court, all other provisions of this bylaw remain valid and enforceable; and
 - (d) references to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.
- 3 If the Mayor is the Councillor taking a parental leave, any references in the bylaw to the Mayor will be deemed to refer to the Deputy Mayor.

PART II –PARENTAL LEAVE

Entitlement to Parental Leave

- 4 A Councillor may take parental leave:
 - (a) in the case of a Councillor giving birth, for the health-related portion and up to an additional 20 weeks;
 - (b) in the case of a Councillor not giving birth, for up to 26 weeks.

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| | 5 The Mayor is authorized to approve the length of the health-related portion. |
| Absence and Duties | 6 During a parental leave a Councillor may be absent from all Council, Standing Committee, and Council Committee meetings, and may enter into a Parental Leave Agreement to make alternative arrangements for any other duties assigned to the Councillor by Council or under the Municipal Government Act, including any responsibilities of the Councillor to residents and for representation of the County. |
| | 7 A Councillor who is on parental leave will not be disqualified from Council for being absent from Council meetings during their parental leave. |
| Notice of Leave | 8 (1) A Councillor must provide written notice to the Mayor and Chief Commissioner, at least 6 weeks prior to the start date of the parental leave, that the Councillor intends to take parental leave.

(2) The written notice required by this section must include:

(a) the start date of the parental leave; and

(b) the anticipated length of the parental leave.

(3) Under exceptional circumstances, the Mayor may waive the notice timeline required by this section. |
| Providing Assistance | 9 Upon receiving a notice of a parental leave and a request for assistance, the Chief Commissioner will assist the Councillor to prepare a Parental Leave Agreement. |

PART III –PARENTAL LEAVE AGREEMENTS

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| Agreement Required | 10 Before commencing a parental leave, a Councillor must enter into a Parental Leave Agreement that includes:

(a) processes that will be implemented to ensure the Councillor's constituents are represented during the parental leave;

(b) any duties that the Councillor intends to continue to perform during all or part of the parental leave; and |
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(c) workplace accommodations.

11 Any workplace accommodations that are included in a Parental Leave Agreement must be reviewed and approved by the Chief Commissioner prior to being included in the Parental Leave Agreement.

12 Workplace accommodations included in a Parental Leave Agreement may continue beyond the end of the parental leave, if approved by Council resolution.

Approving
Agreement

13 Each Parental Leave Agreement must be approved and signed by:

(a) the Mayor, agreeing to the terms, conditions, and accommodations set out in the Parental Leave Agreement;

(b) the Chief Commissioner, confirming that the Chief Commissioner is able to provide the accommodations;

(c) any Councillor who is accepting responsibilities during the term of the parental leave, agreeing to accept the responsibilities; and

(d) the Councillor going on parental leave, agreeing to the work accommodations, work distribution, and any duties the Councillor will continue to perform, as set out in the Parental Leave Agreement.

Amended
Agreement

14 A Councillor on parental leave may have a Parental Leave Agreement amended following the requirements and processes of this Part.

PART IV –REMUNERATION AND BENEFITS

Remuneration

15 A Councillor on parental leave will receive remuneration equal to the current maximum Employment Insurance benefit entitlement available to employees of the County.

16 In addition, during a health-related portion, the parental leave remuneration will be topped up to the full remuneration that the Councillor would have received when not on parental leave.

Benefits

17 (1) During a parental leave, a Councillor will be responsible for paying the full cost of all benefits, with no contribution

from the County, if the Councillor wishes to maintain benefits.

(2) Despite anything else in this section, during a health-related portion, the County will pay the County portion of benefit costs, and the Councillor will pay the Councillor portion.

PART V – GENERAL

Viewing
Agreements

18 A person may, upon request to the Chief Commissioner, view a Parental Leave Agreement during regular business hours, and in the presence of the Chief Commissioner.

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

SIGNED THIS ____ day of _____, 20____.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES