

PROPOSED

C2018-0949
ATTACHMENT 1

BYLAW NUMBER 38M2018

BEING A BYLAW OF THE CITY OF CALGARY TO PROVIDE FOR MATERNITY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL

WHEREAS section 144.1 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, provides that a council of a municipality may by bylaw establish whether councillors are entitled to take leave prior to or after the birth or adoption of their child;

AND WHEREAS section 144.1(2) provides that such a bylaw must contain provisions:

- (a) respecting the length of leave and other terms and conditions of the leave entitlement; and
- (b) addressing how the municipality will continue to be represented during periods of leave;

AND WHEREAS at its February 26, 2018 meeting, Council approved a Notice of Motion directing Administration to prepare a report outlining the provisions of a parental leave bylaw for councillors in accordance with section 144.1 of the *Municipal Government Act*;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as the “Maternity and Parental Leave for Members of Council Bylaw”.

Definitions

2. In this Bylaw:
 - (a) “*Council*” means the council of the City of Calgary;
 - (b) “*City Manager*” means the chief administrative officer of the City of Calgary;
 - (c) “*Mayor*” means the chief elected official of the *City* elected by a vote of the electors of the municipality under section 150 of the *Municipal Government Act*, R.S.A. 2000, c. M-26;
 - (d) “*Member of Council*” or “*Member*” means an elected member of *Council*, including the *Mayor*.

Eligibility for Maternity or Parental Leave

3. A *Member of Council* is eligible to take maternity leave or parental leave in accordance with this Bylaw.

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Maternity Leave

4. (1) A *Member of Council* who has given birth, or who is about to give birth, may take maternity leave for a period of up to 16 weeks.
- (2) During the first 6 weeks of maternity leave (8 weeks in the case of caesarian delivery), the *Member* is entitled to 100% of their pay.
- (3) For the remainder of the maternity leave, the *Member* shall be paid an amount equal to the current Employment Insurance maximum benefit entitlement.

Parental Leave

5. (1) A *Member of Council*:
 - (a) whose spouse or partner has given birth, or
 - (b) who has adopted a child,may take parental leave for a period of up to 26 weeks.
- (2) A *Member* who has taken maternity leave pursuant to section 4 may take parental leave for a period of up to 10 weeks. The combined maternity leave and parental leave shall not exceed 26 weeks.
- (3) During the parental leave, the *Member* shall be paid an amount equal to the current Employment Insurance maximum benefit entitlement.

Benefits

6. A *Member of Council* who takes maternity leave or parental leave pursuant to this Bylaw must contact Human Resources prior to beginning their leave to determine the impact on their benefit and pension coverage and premiums.

Notice of Leave

7. (1) Prior to taking maternity leave or parental leave, a *Member*, other than the *Mayor*, must give 6 weeks' written notice to the *Mayor* and to the *City Manager* of their intention to do so.
- (2) Prior to taking maternity leave or parental leave, the *Mayor* must give 6 weeks' written notice to the *City Manager* of their intention to do so.

Absence from Council and committee meetings and excusal from Councillor duties

8. (1) A *Member of Council* who takes maternity leave or parental leave pursuant to this Bylaw is not required to:
 - (a) participate in *Council* meetings and *Council* committee meetings and meetings of other bodies to which they are appointed by *Council*; or

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- (b) perform any other duties imposed on the *Member* by the *Municipal Government Act*, by any other enactment or bylaw or by *Council*;

during the leave.

- (2) In accordance with section 174(2)(b) of the *Municipal Government Act*, a *Member of Council* who takes leave pursuant to this Bylaw shall not be disqualified from *Council* by being absent from *Council* meetings during the leave.

Representing the City during maternity leave or parental leave

- 9. (1) Prior to taking maternity leave or parental leave, a *Member*, other than the *Mayor*, must provide to the *Mayor* and to the *City Manager*, in writing, a description of:
 - (a) the arrangements the *Member* has made to ensure the *Member's* constituents will be represented during the leave;
 - (b) any *Council* duties that the *Member* will continue to perform during the leave; and
 - (c) any workplace accommodations requested for the duration of the leave or following the leave.
- (2) Prior to taking maternity leave or parental leave, the *Mayor* must provide to the *City Manager* a written description that meets the requirements of subsection (1).
- (3) If another *Member* will be providing coverage for the *Member* taking leave, that *Member* must sign the written description provided pursuant to subsection (1) to indicate their consent to do so.
- (4) At any time after a written description is provided pursuant to subsection (1) or (2), any person may upon request view the written description during regular business hours in the presence of the *City Manager* or the *City Manager's* designate.
- (5) The *City Manager* may publish a written description received pursuant to this section on The City's website.

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Coming into force

10. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____