

Title: MATERNITY LEAVE		Number: 8022
Reference: Corporate Services – November 16, 2006	Adopted by City Council: November 20, 2006	Supersedes: January 17, 1994
Prepared by: HUMAN RESOURCES		

STATEMENT

THE CITY OF MEDICINE HAT BELIEVES IN CREATING A CULTURE WHEREBY THE IMPORTANCE OF FAMILY LIFE IS VALUED. WE DEMONSTRATE OUR COMMITMENT BY SUPPORTING PARENTS THROUGH FACILITATING ACCESS TO MATERNITY AND/OR PARENTAL LEAVE(S) TO CARE FOR A NEWBORN OR NEWLY ADOPTED CHILD.

PURPOSE

1. The Corporation will honour and support maternity and parental leave in a spirit of cooperation involving management, staff and unions.
2. Employees share in a responsibility for on going communication with management and a responsiveness to notification periods so that the corporation is better able to ensure the continuity of service.
3. The City of Medicine Hat will ensure its policies respect provincial and federal legislation. (Refer to Alberta Employment Standards Code and the Employment Insurance Act).
4. The City of Medicine Hat will not tolerate discrimination or harassment in any form (verbal, physical, visual or emotional) directed towards persons requesting maternity and/or paternity leave. (Refer to Alberta Human Rights legislation)
5. The City of Medicine Hat will collaboratively work with the birth mother, if she is experiencing substantiated medical complications related to her pregnancy, as per Alberta Human Rights legislation and the City's Disability Management Policy.
6. The City recognizes each family situation is unique and certain circumstances may warrant special considerations, which shall be evaluated on a case-by-case basis resulting in mutually agreed upon solutions.

ROLE OF COUNCIL

Receive, review, amend and adopt any recommended changes to the Maternity and Parental Leave Policy.

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1. DEFINITIONS

- 1.01 Alberta Human Resources and Employment
Responsible for *Employment Standards Code* for the Province of Alberta.
- 1.02 Birth Mother
The pregnant employee.
- 1.03 Date of Delivery
The date the child is born or the pregnancy otherwise terminates.
- 1.04 Employment Standards Code
Is an Act in the Province of Alberta, which regulates the minimum standards for employers, and employees in the workplace. It includes the minimum requirements afforded to employees with respect to birth or adoption of a child.
- 1.05 Maternity Leave
Is a period of not more than 15 weeks starting any time during the 12 weeks immediately before the estimated date of delivery. The birth mother can only take this leave.
- (a) “Health Related” Leave - is the portion of maternity leave for which the pregnant employee provides satisfactory evidence concerning the health related reason that she is unable to perform the duties of her position.
- (b) “Voluntary” Leave - shall be the period of the maternity leave after the health related portion up to the 15 week maternity leave entitlement which the pregnant employee chooses to take even though she is able to perform the duties of her position.
- 1.06 Parental Leave
Is the voluntary period of not more than 37 consecutive weeks commencing immediately following the last day of maternity leave (for birth mothers) or within 52 weeks of the child’s birth (for the other parent) or within 52 weeks of adoptive placement (for adoptive parents).
- 1.07 Record of Employment
Form required by Canada Employment Insurance to be issued to an employee upon termination of employment or interruption of earnings

2. RESPONSIBILITIES

- 2.01 Board of Commissioners
- (a) Make recommendations to City Council regarding any necessary changes to the Maternity and Parental Leave Policy.
- (b) Receive, review, amend and adopt any recommended changes to the Maternity and Parental Leave Procedures.
- 2.02 Commissioners
- (a) Approve appropriate maternity and parental leave requests for employees reporting to this position.

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- (b) Ensure that General Managers consistently handle maternity and parental leave requests in accordance with the Maternity and Parental Leave Policy and Procedures.

2.03 General Managers

- (a) Approve appropriate maternity and parental leave requests for employees within their Department.
- (b) Ensure that the proper documentation is completed and forwarded to Human Resources for action.
- (c) Approve backfill option for the position of the employee taking the maternity and/or parental leave.
- (d) Review requests for leaves of absence from employees requesting additional time outside of maternity or parental leaves.

2.04 Managers/Union Supervisor/Foreman

- (a) Ensure that proper action is taken in cooperation with the General Manager of their department to notify Human Resources of upcoming maternity or parental leaves in within their workgroups.
- (b) Ensure that their employees within their workgroups are familiar with the Maternity and Parental Leave Policy and Procedures or are provided access to the policy documentation.
- (c) Examine and decide on backfill options for the position of the employee on leave.

2.05 Employees

- (a) Inform the City in writing of their intention to commence maternity and/or parental leaves.
- (b) Obtain approval for voluntary maternity and parental leaves.
- (c) Advise Human Resources and Supervisors/Managers of any changes in the expected dates or medical conditions surrounding the pregnancy.
 - (1) If medical complications arise out of the pregnancy, the birth mother must supply supportive medical documentation to Occupational Health and participate in exploration of temporary accommodation opportunities. The employee does not have to share any confidential medical information with management but is expected to consent for this information to be released to the Disability Case Manager in order to:
 - (i) Substantiate the payment of sick benefits, if eligible, or
 - (ii) Support and assist the birth mother to continue to work while maintaining the health and safety of the employee and her unborn child.
 - (2) There may be times during the pregnancy the birth mother experiences situations that do not warrant medical documentation but nonetheless affect her health and well being. The birth mother should discuss these issues with her manager and collaboratively work towards a temporary solution sensitive to her needs and the needs of the corporation. This may or may not include the Disability Case Manager.
- (d) Arrange for payment of benefit premiums or suspension of benefits during the maternity and/or parental leave periods. Human Resources to be notified before commencement of such leaves.
- (e) Provide the City with medical documentation which outlines the health-related portion of the maternity leave.

This policy is subject to any specific provision of *The Municipal Government Act* or other relevant legislation or union agreement.

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- (f) Submit proof, by way of Employment Insurance cheque stubs, that the employee on maternity leave has applied for and is in receipt of Employment Insurance benefits in order to receive payment under the Supplementary Unemployment Benefit (SUB) plan for the health related portion of the maternity leave.
- (g) Inform the City, in writing, of their intention to return or not return to work.

2.06 Human Resources Department

- (a) Administer, interpret and monitor the effectiveness of the Maternity and Parental Leave Policy and Procedures.
- (b) Ensure policy and procedures stays current with the various collective agreements and legislation under the Employment Standards Code.
- (c) Ensure all employees have access to the Maternity and Parental Leave Policy and Procedures.
- (d) Review the employee's eligibility for maternity leave, parental leave and the Supplementary Unemployment Benefit (SUB) plan and advise department management accordingly.
- (e) Ensure all written documentation and approvals are in place to grant the request for maternity and / or parental leave.
- (f) Advise employees of benefit and pay status and ensure all required forms are completed and arrangements for payment of premiums are made.
- (g) Arrange for the Record of Employment for the employee.
- (h) Arrange for the employee to be paid the Supplementary Unemployment Benefit (SUB) plan top-up during the health-related period of the maternity leave.
- (i) Assist the department in backfilling the vacancy of the employee on maternity and / or parental leave.
- (j) Disability Case Management will work with the birth mother and management on any medically substantiated complication as per the City's Disability Management Policy. Case Management will also provide assistance and support to the birth mother with any other health related issues surrounding her pregnancy to help ensure her ongoing health and well being.

3. PROCEDURES

The procedures outlined below are provided to offer clarity and consistent application of the policy for all employees eligible for Maternity and/or Parental Leave but are subject to the Alberta Employment Standards Code and various collective agreements where they apply.

3.01 Eligibility Criteria

- (a) Maternity Leave:
A pregnant employee who has been employed by the City of Medicine Hat for at least 52 consecutive weeks is entitled to maternity leave without pay. An employee who takes maternity shall take a period of at least 6 weeks immediately following the date of delivery, unless the employee, her manager and Occupational Health agree to shorten the period by the employee's giving a medical certificate indicating that resumption of work will not endanger her health.
- (b) Parental Leave
 - (1) In the case of an employee entitled to maternity leave, a period of not more than 37 consecutive weeks immediately following the last day of maternity leave.

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- (2) In the case of a parent who has been employed by the City of Medicine Hat for at least 52 weeks , a period of not more than 37 consecutive weeks within 52 weeks after the child's birth.
- (3) In the case of an adopted parent who has been employed by the City of Medicine Hat for at least 52 consecutive weeks, a period of not more than 37 consecutive weeks within 52 weeks after the child is placed with the adoptive parent for the purpose of adoption. The age of the child is not relevant factor in determining eligibility for the leave.
- (4) If employees described in this section are parents of the same child, the parental leave granted may:
 - (i) be taken wholly by one of the employees, or
 - (ii) be shared by the employees.
 However, if both parents work for the City of Medicine Hat, the City is not required to grant parental leave to more than one employee at a time.
- (5) If the employee seeking leave has less than 52 weeks of consecutive service please advise Human Resources so due consideration can be given on a case by case basis.

3.02 Application Process

(a) Maternity Leave:

- (1) In an effort to honour the corporations operational requirements the pregnant employee shall provide the General Manager at least 6 weeks' written notice of the date she will start maternity leave using the Leave Request Action Form.
- (2) In the event of unforeseen circumstances, an employee who is unable to give the City prior notice of maternity leave before starting is still entitled to maternity leave if, within 2 weeks after she ceases to work, she provides the City with a medical certificate indicating that she is not able to work because of a medical condition arising from her pregnancy, and giving the estimated or actual date of delivery.

(b) Parental Leave:

- (1) An employee shall provide the General Manager at least 6 weeks' written notice of the date the employee will start parental leave unless:
 - (i) The medical condition of the birth mother or child makes it impossible to comply.
 - (ii) The date of the child's placement with the adoptive parent was not foreseeable.
- (2) Employees who intend to share parental leave shall advise their respective managers.

3.03 Accommodation of birth mother

The City of Medicine Hat will work with a birth mother experiencing substantiated medical complications related to her pregnancy according to the City's Disability Management Policy. However, after comprehensive exploration there may be some instances where accommodation is not possible. The City could ask her (written notice) to start her maternity leave any time during the twelve weeks before the estimated due date.

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3.04 Resumption of Employment

- (a) An employee shall give the City at least 4 weeks' written notice of the date on which they intend to resume work. If the employee does not wish to return to work after maternity or parental leave they shall give the City 4 weeks' written notice of intention to terminate employment.
- (b) The employer shall reinstate the employee in the position occupied when maternity or parental leave started, or provide the employee with alternative work of a comparable nature at not less the earnings and other benefits that had accrued to the employee when the maternity or parental leave started.

3.05 Benefit Eligibility

- (a) Benefit Plans:
 - (1) The birth mother is entitled to receive benefits as per the usual employee/employer cost sharing provisions during the health related portion of her maternity leave.
 - (2) During the voluntary portion of maternity and parental leave the employee is required to pay the full premium (City and employee share) for benefits the employee chooses to participate in. The employee will make arrangements to pre-pay benefits through payroll reduction or provide the City with post dated cheques prior to the commencement of maternity or parental leave. Upon the employees resumption of work they will be fully enrolled in the previously held health and insurance benefit plans whereby there will be no waiting period or medical exam (except in instances where the employee has opted out of the optional life insurance whereby the employee would be required to reapply).
- (b) Supplementary Unemployment Benefit Plan (SUB)
During the health related (up to a maximum of 15 weeks) portion of maternity leave, the birth mother in receipt of payments from Employment Insurance Maternity leave shall, upon application supported by proper medical documentation, be paid by the City, the difference between her regular wages and Employment Insurance payments so that the two combined would equal 95% of full pay. The birth mother is entitled to wage top-up equal to the amount of sick days in her sick bank at the time of commencement of maternity leave. This entitlement does not reduce the amount of sick days in her bank and said days shall be available to her upon her return to work.

3.06 Vacation, Seniority and Sick Leave

Employees shall be credited with full vacation and sick leave accumulations for the approved period of maternity and/or parental leave provided they return to work for at least 30 days (unless otherwise stipulated in a collective agreement).

3.07 Training while on Maternity or Parental Leave (See attached protocol)

4. ATTACHMENTS

4.01 Leave Request Action Form

4.02 Protocols for Human Resources - Training while on maternity/parental leave



Medicine Hat
The Gas City

Name: _____

Employee #: _____

Department: _____

Please provide all details including:

- Reason for request
- Start and end dates

LEAVE REQUEST ACTION FORM

LEAVE OF ABSENCE

(✓) TYPE OF ABSENCE:

- _____ Maternity or Parental
 _____ Medical
 _____ Education
 _____ Other

- ☐ LEAVE WITHOUT PAY – UNDER 2 WEEKS
☐ LEAVE WITHOUT PAY – UP TO 6 MONTHS
☐ LEAVE WITHOUT PAY – UP TO 12 MONTHS
☐ LEAVE WITHOUT PAY – OVER 12 MONTHS

APPROVALS

YEAR/MONTH/DAY

YES NO

☐ ☐

 Immediate Supervisor

____ / ____ / ____
 Date

YES NO

☐ ☐

 Department Head

____ / ____ / ____
 Date

FORWARD TO HUMAN RESOURCES

YES NO

☐ ☐

 Human Resources

____ / ____ / ____
 Date

YES NO

☐ ☐

 Commissioner (if required)

____ / ____ / ____
 Date

 Employee Signature

Date: ____ / ____ / ____
 Year Month Day

PROTOCOLS FOR HUMAN RESOURCES

Training while on maternity / parental leave

Issue

Employees on “maternity or parental leave” participating in corporate training opportunities and determining what constitutes “paid” hours of work.

Background

Currently, permanent employees are eligible to attend corporate training. When an employee on maternity or parental leave requests the opportunity to participate in training, three questions or issues emerge for consideration:

1. “Are we jeopardizing her health and ultimately her ability to return to work as scheduled if she attends?”
2. “Are we discriminating against her if we do not allow her to voluntarily attend this training?” (particularly if she requires this training to build readiness for promotion).
3. “If an employee on leave attends training voluntarily, are we required to pay them wages?”

For the “birth mother only”, the “health related” portion, means she should be home to “recover”. The “voluntary” portion of maternity leave, and parental leave, is related to an employee’s desire to stay home and nurture an infant child.

The first issue, from the perspective of Occupational Health, is dependent on which portion of maternity leave she was on. An employee may participate in training during the “health related” portion of her maternity leave if her attending physician provides substantiated medical support for her participation that can be reviewed and deemed acceptable by our Occupational Health department. If the employee is on the voluntary portion of leave, it does not likely have an impact on the ability to return to work as planned.

The second issue considered from the perspective of Alberta Labour Standards is that “... Upon written request from the employee, employers must inform employees who are away on leave of opportunities for training or promotion that arise during the period of leave. The implication is the employee must stay abreast of training opportunities and communicate any requests for voluntary training. As the employer, the City should endeavour to support an employee to participate in training upon her request.

Regarding the third issue, Alberta Labour Standards provides the following interpretation:

- (i) Training required by law (i.e., hazardous products training) DOES constitute (paid) hours of work.
- (ii) Training required by the employer (i.e., additional instruction for a new aspect of the employee's job) DOES constitute (paid) hours of work.
- (iii) Training initiated on the volition of the employee or developmental voluntary training which prepares the employee for another job DOES NOT constitute (paid) hours of work.

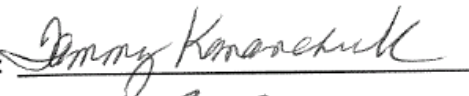
Statement of Practice (SOP)

The practice shall be to advise employees of any corporate training and development opportunities upon their written request, and further, to support employees who want to volunteer their time to attend a learning opportunity. Voluntary training would NOT be considered “hours of pay” and they would not be paid.

Attendance at any training that is required by law, or by the employer, during the voluntary portion of leave, shall be considered “hours of work” and the employee shall be paid as per the appropriate collective agreement or terms of employment for non-union employees.

If the training occurs during the “health related” portion of maternity leave, employees must provide acceptable, substantiated medical support from her attending physician prior to participating in any training.

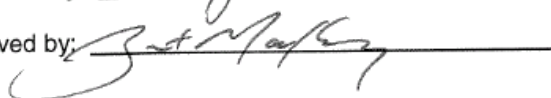
Originated by:



Date:



Approved by:



Date:

