

Staff Report 2019-0122

Meeting Date: September 17, 2019

Subject: Pregnancy and Parental Leave for Members of Council Policy

Submitted By: Chad Curtis, Specialist, Legislative Services, Corporate Services

RECOMMENDATION

That the Pregnancy and Parental Leave for Members of Council Policy, attached as Schedule A to Staff Report 2019-0122, be approved.

That section 12 of the Town's Procedural By-law, governing Attendance, be amended to reflect the Pregnancy and Parental Leave for Members of Council Policy.

REPORT HIGHLIGHTS

- As per Section 270(1) of the *Municipal Act, 2001*, as amended, municipalities are required to adopt and maintain policies with respect to various matters.
- Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, amended section 270(1) of the *Municipal Act, 2001*, as amended, to include the requirement for municipalities to adopt and maintain a policy respecting pregnancy and parental leave for Members of Council.

DISCUSSION

The purpose of this report is to bring forward the Pregnancy and/or Parental Leave of Members of Council Policy for approval that addresses a new leave for Members of Council.

Town employees are entitled to maternity/pregnancy and/or parental leave, as per the *Employment Standards Act (ESA), 2000*. Members of Council, excluding the Mayor, are not defined as employees under the ESA. As a result, prior to the introduction of Bill 68, a Member was required to obtain a resolution of Council for a leave of absence due to pregnancy, or the birth/adoption of a child failing which their seat could be declared vacant pursuant to Section 259 of the *Municipal Act, 2001*.

However, as of May 30, 2017, Section 259 was amended as follows:

Clause (1) (c) does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

Effective March 1, 2019, Section 270(1) of the *Municipal Act, 2001*, as amended, requires that a policy be in place for pregnancy and parental leave for Council members. The pregnancy and parental leave available to a Member is 20 consecutive weeks, and does not require a resolution of Council (in accordance with section 259).

The proposed draft Pregnancy and/or Parental Leave of Members of Council policy, attached as Schedule A, outlines the process for a Member to formally submit their intention to take pregnancy or parental leave to the Town Clerk, commencement of the leave, entitlements while on leave and returning from leave.

The Policy provides as much flexibility as possible for Members recognizing that as elected representatives they have a unique role, and it is up to the individual Member to determine the level of service to provide their constituents. As proposed the Pregnancy and Parental Leave for Members of Council Policy currently permits the Member of Council on leave to continue to participate in events, and continue to represent their constituents at the level they choose and that is appropriate for their specific circumstances.

Regional Council

In the event the Member of Council on leave is a Regional Councillor, then Town Council may appoint an Area Councillor to fulfill the temporary vacancy in accordance with Section 267 of the *Municipal Act, 2001*. This has been confirmed by the Region of Peel Regional Clerk.

Extension of Leave

Members of Council may request extended leave beyond 20 weeks for pregnancy or parental leave as outlined in the proposed Policy. Council must authorize the absence by resolution. A request for extended leave should be submitted to the Town Clerk and the Town Clerk will prepare a report for General Committee addressing any administrative requirements of an extended leave.

Remuneration

Members of Council do not pay Employment Insurance (EI) premiums and are not entitled to EI from the Town. As elected officials are not employees of the municipality the requirements of the Employment Standards Act with respect to paid, leave do not apply to Members of Council.

The proposed Policy currently permits the Member of Council on leave to continue to participate in events, and continue to represent their constituents at the level they choose and that is appropriate for their specific circumstances. During the leave, a Member may choose to attend Council or committee meetings without triggering a termination of the leave. This is consistent with the approach taken by other municipalities.

A Member's salary and any benefits will continue unaltered throughout the leave and a Member will have access to all of their office and technical resources.

Consultation

The proposed Policy was drafted in conjunction with the Manager of Human Resources. The Region of Peel, and other lower tier Peel Region municipalities were consulted regarding the drafting of the proposed Policy.

Other municipal examples of such policies were researched including the City of Kitchener, City of Waterloo, City of Markham, Town of Erin, Town of Newmarket, Town of Milton, Town of Oakville, and the Town of Blue Mountains.

Procedural By-law Amendment

The Policy adoption will require that section 12 of the Town's Procedural By-law, governing Attendance, be amended.

Following approval of the required Policy it will be posted on the website, circulated to all staff in the Mayor and Council Office and shared with the Region of Peel.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with this report.

COUNCIL WORK PLAN

Not Applicable

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Proposed Pregnancy and Parental Leave for Members of Council Policy