



Staff Report for Committee of the Whole Meeting

Date of Meeting: May 21, 2019

Report Number: SRCFS.19.021

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: **SRCFS.19.021 - Pregnancy and Parental Leave Policy for Members of Council**

Purpose:

To recommend the adoption of a pregnancy and parental leave policy for Members of Council, as required by section 270 of the *Municipal Act, 2001*.

Recommendation(s):

- a) That staff report SRCFS.19.021 be received.
- b) That the "Pregnancy and Parental Leave Policy for Members of Council," attached as Attachment 1 to staff report SRCFS.19.021, be adopted.

Contact Person:

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529

Sherry Adams, Director, Human Resources, extension 2521

Report Approval:

Submitted by: Mary-Anne Dempster, Commissioner of Corporate and Financial Services

Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Page 2

Background:

The *Modernizing Ontario's Municipal Legislation Act* ("Bill 68") received royal assent on May 3, 2017. Effective March 1, 2019, sections 259 and 270 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Municipal Act" or "Act"), have been amended by Bill 68. Bill 68 added new Section 259(1.1) to the Municipal Act, which provides that a seat on Council does not become vacant if a Member of Council is absent from Council meetings for a period of 20 weeks or less due to a pregnancy, the birth of a child or the adoption of a child. Prior to the Bill 68 amendments, a Member wanting to take pregnancy and/or parental leave would require Council authorization to be absent from Council meeting for more than 3 months. Section 270(1) of the Act, as amended, now requires every municipality to adopt and maintain a pregnancy and parental leave policy for members of council.

Policy Overview

A Member of Council ("Member"), as an elected representative, is not entitled to maternity/parental leave under the *Employment Standards Act, 2000*. The proposed Pregnancy and Parental Leave Policy for Members of Council (Attachment 1) recognizes a Member's ability to take pregnancy, parental or adoption leave. It also specifically recognizes a Member's right to up to 20 weeks leave from committee and council meetings as set out in Section 259(1.1) of the Municipal Act.

The policy primarily addresses procedural and other administrative matters associated with a Member taking pregnancy or parental leave. Where a Member is going to be absent from council or committee meetings for 20 weeks or less, they are required to provide the Clerk with written notice of the leave. If a Member wants to take pregnancy or parental greater than 20 weeks, the proposed policy requires the Member to submit a written request to Council for approval. Additionally, if a Member chooses to attend a committee or council meeting during leave (which is their statutory right), that leave is deemed to have ended. In this circumstance, the Member can request Council approval for additional pregnancy or parental leave.

Remuneration

As elected representatives, Members are not entitled to receive *Employment Insurance* benefits for pregnancy or parental leave. Because of this, the proposed policy recommends that Members continue to receive any remuneration (salary and benefits) during pregnancy or parental leave. Not providing Members with remuneration during a pregnancy or parental leave would put the Member at a significant financial disadvantage.

Management of Office and Resources

During a pregnancy or parental leave, a Member continues to be responsible for the management of City resources assigned to them (e.g. support staff, constituency budget, technology, etc.). To facilitate a Member taking pregnancy or parental leave, the

Page 3

policy provides an option for the Clerk to assume some administrative responsibility for the management of the Member's office.

Financial/Staffing/Other Implications:

There are no financial implications related to the adoption of the proposed policy.

Relationship to the Strategic Plan:

The adoption of this policy is required by the Municipal Act.

Conclusion:

Every municipality is required to adopt and maintain a pregnancy and parental leave policy for members of council as of March 1, 2019. Staff recommend the adoption of the proposed Pregnancy and Parental Leave Policy for Members of Council to meet the City's responsibilities under section 270 of the *Municipal Act*.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Attachment 1 - Pregnancy and Parental Leave Policy for Members of Council

Page 4

Report Approval Details

Document Title:	SRCFS.19.021 - Pregnancy and Parental Leave Policy for Members of Council.docx
Attachments:	- SRCFS.19.021 - Attachment 1 - draft Pregnancy and Parental Leave Policy for Council.docx
Final Approval Date:	May 2, 2019

This report and all of its attachments were approved and signed as outlined below:

Sherry Adams - Apr 29, 2019 - 1:08 PM

Mary Anne Dempster - May 1, 2019 - 10:53 AM

Neil Garbe - May 1, 2019 - 11:25 AM