

The Regional Municipality of York

Committee of the Whole
Finance and Administration
June 13, 2019

Report of the Commissioner of Corporate Services and Regional Clerk

Pregnancy and Parental Leave Policy for Members of Council

1. Recommendation

1. Council approve the Pregnancy and Parental Leave Policy for Members of Council, as outlined in Attachment 1.

2. Summary

This report seeks Council approval of a Pregnancy and Parental Leave Policy for Members of Council.

Key Points:

- As of March 2019, all municipalities in the province are required to adopt a policy to address pregnancy and parental leave for Members of Council
- The policy provides a process for Council Members to provide notice of such leave
- The policy is silent as to whether a Member continues to receive all remuneration, reimbursements and benefits afforded to all Members of Council

3. Background

The *Municipal Act, 2001* was amended to include a pregnancy and parental leave provision for Members of Council

Pregnancy and parental leave is covered by several pieces of legislation in Canada and Ontario. Unlike Regional employees who are entitled to pregnancy and parental leaves in accordance with the *Employment Standards Act*, Members of Council are not considered to be employees. They are not subject to the *Employment Standards Act* and are also not eligible for employment insurance in relation to their position on Regional Council.

Section 259 of the *Municipal Act, 2001* (the *Act*), provides that a Member's seat becomes vacant if the Member is absent from Council meetings for three successive months without being authorized to do so by a Council resolution. Therefore, a Member required Council's permission for any leave of three or more months, including absences due to pregnancy, the birth of a child or adoption of a child.

The *Act* now provides that no Council resolution is required to permit a leave of up to 20 weeks if the absence is related to pregnancy or parental leave. This gives Members the opportunity to take a pregnancy or parental leave without the fear of being removed from office after three months.

The *Municipal Act, 2001* also requires municipalities to adopt a policy regarding pregnancy and parental leave

Section 270 of the *Act* requires municipalities to adopt and maintain a policy on pregnancy and parental leave for Members of Council as of March 2019. The attached policy only pertains to the specific pregnancy and parental leave provisions prescribed by the *Act*.

4. Analysis

The policy sets out a process for taking pregnancy and parental leave

The policy requires that Council Members provide written notice of pregnancy or parental leave, including expected start and end dates. If the period of leave is no more than 20 weeks, the Council Member's seat will not be declared vacant.

Council could still decide to excuse absences from meetings for any reason, including for pregnancy or parental leave, beyond 20 weeks. The policy suggests that Council consider the provisions set out in the *Employment Standards Act* before permitting leaves in excess of 20 weeks.

Under the policy, a Member may participate on Regional Council while on leave. If a Member ends their leave early, they could start a new leave provided the initial leave period did not exceed three months.

The policy requires that pregnancy and/or parental leave must be started in accordance with the timelines set out in the *Employment Standards Act*. Generally, pregnancy leave can begin any time from 17 weeks before the due date, up to the due date. Parental leave must start within 78 weeks of the birth of the child or the date the child comes into their custody.

The policy is silent with respect to the continuance of remuneration while a member is on leave

Some policies enacted by other municipalities include provisions for the member to be paid during their absence and that any other expenses normally paid would continue to be covered.

Compensation for Members of Regional Council is processed through the single payer agreements in place with each local municipality. Given the Region does not directly compensate Members, local municipal policies will guide whether a Member continues to receive compensation while on leave.

If the Regional Chair takes pregnancy or parental leave the Chair will continue to receive salary payments.

5. Financial

There are no direct financial implications associated with this report.

6. Local Impact

As of March 2019 all municipalities in Ontario are required to adopt a policy with respect to pregnancy and parental leave for Members of Council. Most local municipalities have adopted the required policy, with some incorporating this requirement into an existing policy or bylaw.

7. Conclusion

The *Municipal Act* was amended to permit Council Members to take a leave of absence for pregnancy or parental leave without the fear of being removed from office. The *Municipal Act* also requires that municipalities adopt and maintain a policy on pregnancy and parental leave for Council Members.

The attached policy provides guidance for addressing pregnancy and parental leave in a way that respects a Council Member's statutory role as an elected official.

For more information on this report, please contact Christopher Raynor, Regional Clerk at 1-877-464-9675 ext. 71320. Accessible formats or communication supports are available upon request.

Recommended by: **Christopher Raynor**
Regional Clerk

Dino Basso
Commissioner of Corporate Services

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

May 30, 2019
Attachment (1)
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