

To:	Warden Hicks and Members of Grey County Council
Committee Date:	February 28, 2019
Subject / Report No:	HRR-CW-03-19
Title:	Pregnancy and Parental Leave for Members of County Council
Prepared by:	Sandra Shipley
Reviewed by:	Grant McLevy, Kevin Wepler
Lower Tier(s) Affected:	None
Status:	Recommendation adopted by Committee of the Whole as presented as per Resolution CW61-19; Endorsed by County Council on March 14, 2019 as per Resolution CC24-19.

Recommendation

1. That HRR-CW-03-19 be received and that Council endorses Policy G-GEN-014 being Pregnancy and Parental Leave for Members of County Council; and
2. That a By-law be brought forward for Council's consideration.

Executive Summary

Recent changes to Section 270 of The Municipal Act, 2001 (the Act) require all municipalities in Ontario to adopt policies with respect to pregnancy leaves and parental leaves of members of council. Staff have drafted a pregnancy/parental leave policy for members of council to ensure compliance with the new legislation.

Background and Discussion

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent in May of 2017. Prior to Bill 68, a member of council was required to obtain a resolution of Council for an extended leave of absence due to pregnancy, the birth of a child or adoption of a child. Bill 68 provided an exemption to Section 259 (1) (c) of the Act, if the reason for the leave is a result of pregnancy or parental leave. Section 259 of the Act provides the following exception:

- (1.1) *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. 2017,c. 10, Sched. 1, s. 30.*

The purpose of the Pregnancy and Parental Leave Policy for Members of County Council is to provide guidance on how the County of Grey addresses a member's pregnancy or parental leave in a manner that respects a member's statutory role as an elected representative.

Staff researched policies implemented by other Ontario municipalities and learned that there were at least three options to consider with regard to compensation during a pregnancy or parental leave for members of council:

1. No compensation during leave
2. Paid honorarium during leave
3. Paid full salary during leave

The rationale municipalities used when determining to compensate or to not compensate is unclear and at this time staff are recommending a slightly different approach.

From other compensation surveys, staff has learned that the majority of our municipal comparators link some forms of council compensation, such as cost of living (COLA) increases with their non-unionized employees. For this reason, staff are recommending that members of council be compensated in the same method that nonunion employees are compensated during pregnancy and parental leaves.

When non-unionized employees are off on maternity or parental leave, they receive Employment Insurance (EI) benefits through Service Canada. The amount of EI benefits is fifty-five percent (55%) of an employee's insurable earnings. Insurable earnings are capped at the annual maximum. The insurable earning maximum for 2019 is \$53,100.

Should County Council approve the recommendation, based on 2018 salaries, the Warden would be the only member of council that would be capped at the EI maximum as follows:

	2018 Salary	55% of Salary	Maximum	Weekly Amount*
Warden	63,217.25	34,769.49	29,205.00	562.00
Council	17,284.68	9,506.57	9,506.57	183.00

*weekly amount rounded to closest dollar

Council could still decide to excuse absences from meetings for any reason, including pregnancy and parental leaves, beyond the twenty (20) weeks stated in the Act.

It is staff's opinion that the proposed policy as drafted will address the requirements of the Municipal Act.

Legal and Legislated Requirements

In accordance with Section 270 (1) of the Municipal Act, 2001, a municipality is required to adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of council.

Financial and Resource Implications

None at this time.

Relevant Consultation

- Internal
- External –several Ontario municipalities

Appendices and Attachments

Draft Pregnancy and Parental Leave for Members of County Council Policy

Pregnancy/Parental Leave for Members of County Council Policy

Approved by: County Council

Date Approved:

Last Revision Date: February 28, 2019

Replaces: N/A

Scheduled for Review by: 2024

Policy Number: G-GEN-014

Section: Governance

Sub Section: General

Policy Statement

The Corporation of the County of Grey (“the Corporation”) recognizes a member of Council’s right to take leave for the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the member in accordance with the Municipal Act, 2001.

Purpose

This Policy provides guidance on how the Corporation of the County of Grey addresses a member’s pregnancy or parental leave in a manner that respects a member’s statutory role as an elected representative.

Scope

This Policy applies to members of Council.

Definitions

“Act” means the *Municipal Act*, 2001, S.O. 2001, c25, as amended, replaced, or re-enacted from time to time.

“Clerk” means the person appointed as the Clerk of the Corporation of the County of Grey.

“Council” means Council of the Corporation of the County of Grey.

“County” means the Corporation of the County of Grey.

“Leave” shall mean Pregnancy and/or Parental Leave

“Member” as it relates to Council and Committee means a Councillor of the Corporation of the County of Grey.

“Municipality” means the Corporation of the County of Grey.

“Pregnancy and/or Parental Leave” shall mean an absence of 20 consecutive weeks or less as a result of a member’s pregnancy, the birth of a Member’s child or the adoption of a child by the member in accordance with Section 259(1.1) of the Municipal Act, 2001.

“Warden” means the person who is elected or acclaimed the head of Council.

1.0 Policy Requirements

- 1.1 County Council supports a member of Council’s right to pregnancy and/or parental leave in keeping with the following principles:
 - 1.1.1 A member is elected to represent his or her constituents.
 - 1.1.2 A member’s pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
 - 1.1.3 A member will continue to receive communication from the County as if the member were not on leave. A member reserves the right to participate as an active member of Council at any time during his or her leave.
 - 1.1.4 A member shall be compensated in the same manner as the Non Union employee group, which is in accordance with Employment Insurance benefits, unless the member elects in writing to waive pregnancy and parental leave compensation.
- 1.2 Where a member of Council will be absent due to a pregnancy and/or parental leave, the member shall provide written notice to the Clerk indicating expected start and end dates. If notice cannot be provided prior to starting the leave, notice must be provided in writing as soon as possible.
- 1.3 The Warden may make temporary appointments to any committees, boards, task forces, etc. that are constituted by the County of Grey and where the member is the only member of Council on that body.
- 1.4 Notwithstanding, at any point in time during a member’s pregnancy or parental leave, the member may provide written notice to the Clerk of their intent to lift any of the temporary appointments to exercise their statutory role. The member shall provide written notice to the Clerk of any changes to their return date.
- 1.5 Should the member return intermittently from Leave for Committee and/or Council meetings, this does not extend their Leave for any additional weeks.
- 1.6 Should the member return intermittently from Leave for Committee and/or Council meetings, this does not mean that the member has terminated their Leave.

- 1.7 Should the member return intermittently from Leave for Committee and/or Council meetings, the member shall be compensated pro rata for pregnancy and parental leave compensation and regular salary.

2.0 Responsibilities

- 2.1 Members of Council and County staff are responsible for adhering to the parameters of this policy.

3.0 Complaints Protocol

- 3.1 The Clerk shall be responsible for monitoring the application of this policy.

4.0 Legislative Authority

- 4.1 Section 270 of the *Municipal Act, 2001*, as revised by Bill 68 requires Council to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of Council.