

HALIFAX

MEMORANDUM

TO: Mayor and Members of Executive Standing Committee

FROM: Kevin Arjoon, Municipal Clerk

DATE: February 22, 2018

SUBJECT: Parental Accommodations - UNSM Report

Attached is a report from the Parental Accommodations Committee (PAC) established to develop a model policy and/or recommend legislative changes with respect to parental accommodations for municipal elected officials. The report has been forwarded to the Executive Standing Committee, as background information on the presentation from MLA Claudia Chender regarding proposed legislative amendment regarding elected municipal officials and time off in the event of the birth of a child.

Membership on the PAC included representation from the Union of Nova Scotia Municipalities (UNSM), the Association of Municipal Administrators Nova Scotia (AMANS) and the Department of Municipal Affairs (DMA) and the Nova Scotia Advisory Council on the Status of Women. Through the process, key Halifax Regional Municipal staff provided input through an administration lens. Should the proposed legislation pass, staff will prepare a report and recommendation for Regional Council's consideration.

Thank you,



**Recommendations Report
PAC – Parental Accommodations Committee**

**Submitted to the Minister of Municipal Affairs
January 30, 2018**

Contents

Recommendations	3
Parental Accommodations Committee.....	3
Background	4
Current Situation in Nova Scotia.....	5
Issue Identification.....	5
Consultation Summary.....	5
APPENDIX.....	7
Appendix A: Research	7
Appendix B: Legislation requiring amendments, if recommendation is accepted.....	8
Appendix C: Stakeholder responses to the PAC's draft recommendation	9
Appendix D: Invitation to attend webinar and invitation for feedback.....	10

Recommendations

- (1) Amend legislation to allow exceptions for new parents and pregnant women to the “three meeting rules”.**

The Parental Accommodations Committee (PAC) is recommending amendments to the Municipal Government Act (MGA), the Halifax Regional Municipality Charter and the Municipal Elections Act (MEA) that require exemptions to be made to the “three meeting rules” for a minimum period of seventeen (17) weeks, for an elected official who is pregnant or has become a parent anytime within the last year.

The “three meeting rules” refer to the sections of legislation that state that an elected official who is absent from three consecutive meetings (of regular council, the village commission, a board commission or committee) ceases to be qualified to serve on the council, village commission, board commission or committee.

Sections of the MGA requiring an amendment include: 17(4),25(1),412. Section 18(B)(6) of the MEA would also require an amendment, and section 14(4) of the Halifax Regional Municipality Charter.

- (2) Require municipalities and villages to adopt a parental accommodation policy, with regulated minimum content.**

As per regulations, the policies would be required to include, at a minimum:

-A plan for interim representation to address how the municipality/village will continue to ensure constituents are represented during an absence or partial absence due to parental accommodation;

-State the minimum number of weeks' notice given to the Chief Administrative Officer (CAO/Clerk) and Mayor/Warden is equivalent to the number of weeks required under Nova Scotia Labour Standards Code (currently 4 weeks); and

-Comply with regulations.

- (3) Develop a model “Parental Accommodation Policy for Elected Officials”.**

The model can be used by municipalities as a guide when developing their own policies.

Parental Accommodations Committee

In December 2017, the PAC was established. Committee members include representatives from the Union of Nova Scotia Municipalities (UNSM), the Association of Municipal Administrators Nova Scotia (AMANS) and the Department of Municipal Affairs (DMA) and the Nova Scotia Advisory Council on the Status of Women.

**PAC Recommendations Report
January 30 2018**

The Committee's mandate from the Minister of Municipal Affairs was to develop a model policy and/or recommend legislative changes with respect to parental accommodations for municipal elected officials by January 31, 2018.

The PAC was not a decision-making body. Rather, the scope of the Committee's work was to provide input and to review stakeholder feedback, ultimately making informed recommendations for consideration regarding model policies and/or legislative changes.

The decision-making criteria of the Committee included:

- That parental accommodations policies and/or legislation for municipal elected officials in Nova Scotia support the decision-making process to run for local office.
- To provide consistency and certainty for municipal elected officials regarding parental accommodations.
- To consider the administrative and financial impacts of parental accommodations on municipalities as a body corporate.
- To balance the needs of citizens for continuous democratic representation and support from their local councilors and commissioners.

PAC Committee Members

Two members of the Union of Nova Scotia Municipalities (UNSM)

- Chair of the Committee, Emily Lutz, Deputy Mayor, Municipality of the County of Kings
- Timothy Habinski, Warden, Municipality of the County of Annapolis

One member of the Association of Nova Scotia Villages

- Don Holmesdale, Chair, Kingston Village Commission

Two members of the Association of Municipal Administrators of Nova Scotia (AMANS)

- Vicki Brooke, Policy Analyst, Municipality of the County of Kings
- Julie Gibson, Policy and Business Initiatives Coordinator with Human Resources, HRM

One staff representative from the Nova Scotia Advisory Council on the Status of Women

- Stephanie MacInnis-Langley, Executive Director

Two staff representatives from the Department of Municipal Affairs

- Shannon Bennett, Director of Advisory Services
- Nancy Bray, Acting Municipal Advisor (Senior Policy Analyst)
- One staff representative from the Department of Education and Early Childhood Development, Alison MacDonald, Policy Analyst

The Executive Director of AMANS and the Executive Director of the UNSM both served as nonvoting ex-officio members.

Background

Parental accommodation for municipal politicians in Nova Scotia has been a recent topic of discussion in the media and within stakeholder groups. Elected officials are office-holders;

therefore, they are not employees and do not qualify for parental accommodation. On October 24, 2017, Bill 60, a Private Members Bill, was introduced in the legislature proposing pregnancy accommodation for municipal elected officials. The Bill did not proceed past first reading.

Current Situation in Nova Scotia

Elected officials are office-holders; therefore, they are not considered to be employees and do not qualify for the standard parental accommodation available to all employees under the Provincial Labour Standards.

Currently in Nova Scotia there is no specific legislation requiring municipalities to offer parental accommodation to elected officials, either paid or unpaid. However, there is also no legislation that prevents it either. Councils in Nova Scotia can currently grant leave, partial leave or some form of parental accommodation to elected officials via a motion of Council.

As per section 17(4) of the Municipal Government Act (MGA), 14(4) of the Halifax Regional Municipality Charter and 18(6) of the Municipal Elections Act (MEA): a mayor or councillor who, without permission of council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

Issue Identification

The committee's work was focused on answering the question; how can councils support new parents? Two key issues surrounding this question were identified as:

1. Currently a municipal councillor in Nova Scotia must formally ask council to grant pregnancy or parental accommodation via a motion of Council. It is at the discretion of council and therefore, there is a possibility that it could be denied for various reasons. It also means the request can be debated.
2. Lack of guaranteed parental accommodation may discourage persons who have young children or are considering conceiving or adopting a child, from pursuing elected office in Nova Scotia.

An important consideration is that citizens require their elected representatives to provide continuous representation to them on Council.

Consultation Summary

For consultation purposes, the PAC presented a draft recommendation and asked for feedback from municipal administrators (chief administrative officers and clerks) and elected officials via email and two webinars.

Stakeholder feedback included several concerns about the draft recommendation, which led the PAC to make several changes to their recommendation. Stakeholder concerns included the following themes:

- **Compensation: providing full compensation for elected officials, while some staff on parental leave would receive only partial compensation;**
- **Impact on voting: the possibility of electors considering a potential absence as a reason not to elect a young person to council;**
- **Interim representation: how interim representation would be administered;**
- **The use of the term "parental leave": It was acknowledged that many elected officials wouldn't fully "leave" their duties during a parental leave. Rather, they may decrease their duties or want to have the option to decrease their duties, but may not act on it; and**
- **Concerns about pregnancy leave versus parental leave: how would the PAC's recommendation address pregnancy leave.**

Changes to the draft recommendation as result of stakeholder feedback included:

- **Removal of the word "leave" from the recommendation, replacing it with the word "accommodation"; and**
- **Removal of the reference to compensation. This is consistent with Ontario and Alberta's approach, which are the only two provinces with parental accommodation legislation for local elected officials. Neither of those provinces include a reference to compensation in their respective legislation.**

The PAC discussed the issue of pregnancy leave. Discussion centered around the fact that pregnancy leave can currently be treated by elected officials through the same process as if they are absent for an illness or some other reason. Therefore, the PAC decided to focus on parental accommodations broadly and not treat pregnancy as a separate issue.

For reference, the draft recommendation presented for consultation purposes was as follows:

- 1. Amend legislation to require each municipality and villages to adopt by resolution of Council, a parental accommodation policy. A parental accommodation policy must include the following elements:**
 - **Permit a mayor, warden, councilor or village commissioner who has become a parent, to the minimum number of weeks accommodation granted to employees under the Nova Scotia Labour Standards Code, which is currently 17 weeks;**
 - **The minimum number of weeks of parental accommodation must be accompanied by full compensation they would otherwise receive;**
 - **An elected official on parental accommodation must be permitted to return to any boards, commissions or committees served on prior to their parental accommodation, with exception of boards, commissions and committees that have held nominating meetings during that time. For example, if an annual general meeting is held while an individual is on parental accommodation to nominate new board members, and the individual is not nominated they would not be returning to their previously held position;**
 - **Parental accommodation policies must include a plan for interim representation; which is a plan to address how will the municipality will continue to ensure constituents are represented during an elected official's parental accommodation;**
 - **Parental accommodation policies must comply with regulations.**

2. *In addition to the legislation amendment, the Parental Accommodations Committee develop a model Parental Accommodation Policy for Elected Officials that municipalities can use as a guide when developing their own policies.*

APPENDIX

Appendix A: Research

Time and Compensation

Key elements to any parental accommodation plans are time granted and compensation. For reference:

- NS Labour Standards is unpaid accommodation up to 17 weeks after a year of employment
- Ontario allows unauthorized absences of 20 consecutive weeks or less, if the absence is the result of pregnancy, birth or adoption.
- City of Edmonton draft policy proposes to grant 26 weeks, 10 weeks paid in full, the remaining per an agreement
- Based on research completed by the City of Edmonton, accommodation granted in Europe to elected officials is in the 16 to 20-week range.

Interim Representation

Another key element is interim representation. There are no parental accommodation examples to draw from but there are sick accommodation examples that can be used for comparison, such as:

- Constituent inquiries redirected to the Councillor's constituency office or to another councillor;
- Designating a back-up councillor for each elected official; or
- Using the Mayor's office to divert inquiries equally between remaining councilors

Parental Accommodation for Municipal Politicians In Canada

In 2017 Ontario and Alberta enacted parental accommodation legislation. Ontario legislated a requirement for Council's to have a pregnancy and parental accommodation for municipal elected officials. The legislation exempts unauthorized absences of 20 consecutive weeks or less, from automatic disqualification provisions, if the absence is the result of pregnancy, birth or adoption. The legislation also requires Councils to have a policy; specific details are at the discretion of council, including the maximum number of weeks of accommodation granted.

Alberta's legislation requires municipalities to have a policy and has an additional clause that requires councils to address how constituents will be represented during the councillor's absence.

Parental Accommodation for Provincial Politicians In Canada

None of the provinces have specific legislation addressing parental accommodation for provincial politicians. However, recently changes have been made in several provinces to provide for that

flexibility via absence from their seat due to illness "or other reasons". Accommodation can be granted by the Lieutenant Governor in some cases.

In Nova Scotia, Members of the Legislative Assembly (MLAs) manage their own time accordingly for their personal situations, this would include family needs.

Parental Accommodation for Federal Politicians in Canada

Parental accommodation is not available to Members of Parliament. An MP who misses more than 21 consecutive sitting days in the House of Commons can lose pay, unless they have certain medical issues. However, certain parental accommodations are available. MPs have been bringing infants to committee meetings, Question Period and public events since the 1990s. There is also daycare on Parliament Hill, but it does not take children under 18 months.

Interview with Subject Matter Expert (notes from interview available in Appendix A):

Melanee Thomas, Associate Professor, University of Calgary. Her research focuses on the causes and consequences of gender-based political inequality in Canada and other post-industrial democracies, with a particular focus on political attitudes and behaviour, and policy feedback. Her current projects include an edited collection titled *Mothers and Others: Understanding the Impact of Family Life on Politics* and a project examining the role electoral districts play in voter turnout, party competition, and representational diversity.

Professor Thomas was supportive of the draft PAC recommendation, calling it innovative. Key points that she stated during the interview include:

- o Parental accommodation will help young women run for office. Success hinges on getting this information out to the small subset of population interested in running for elected office.
- o Age and gender bias is magnified at the local political level because of lack of political parties and leaders.
- o The impact of parental accommodation on how constituents perceive candidates depends upon when in the electoral cycle parental accommodation is taken.

Appendix B: Legislation requiring amendments, if recommendation is accepted

Municipal Government Act

Mayor or councillor resignation

17 (4) A mayor or councillor who, without accommodation of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

Vacancy on board, commission or committee

25 (1) A person appointed by the council as a member of a board commission or committee pursuant to this or any other Act of the Legislature who, without accommodation of the board, commission or committee, is absent from three consecutive regular meetings, ceases to be a member.

Village commissioner resignation

412 A village commissioner

(c) who, without accommodation of the village commission, is absent from three consecutive regular meetings of the village commission, ceases to be qualified to serve as a village commissioner.

Municipal Elections Act

Disqualified persons

18B (6) A councillor who, without accommodation of the council, is absent from three consecutive regular meetings of the council shall thereby vacate his office, and the office shall be declared vacant by the council, whether or not the councillor has vacated his office.

Halifax Regional Municipality Charter

14 (4) The Mayor or a councillor who, without leave of the Council, is absent from three consecutive regular meetings of the Council, ceases to be qualified to serve as Mayor or as a councillor.

Appendix C: Stakeholder responses to the PAC's draft recommendation

1. Email feedback:

An email was sent out to all local elected officials in Nova Scotia and chief administrative officers, inviting feedback via email on the draft recommendation of the Committee (refer to Appendix D).

- o Eight (8) individuals provided input via email; two (2) supported recommendation of PAC as circulated, one opposed, others had various concerns.**
- o One (1) municipality (St. Mary's) provided a position of Council. They were Supportive of the PAC recommendation as circulated (refer to appendix).**

Email concerns were related to:

- o Timing provisions: Does accommodation have to be taken consecutively or can it be broken up.**
- o Compensation: Should be equal to staff (i.e. federal EI 55%).**
- o Number of times an elected official could take accommodation in a single term: Should this be restricted.**
- o Notification to constituents: Should this be required?**
- o Alternative recommendations: Amend MGA to allow certain number of meetings to be attended remotely; allow elected officials to expense childcare; require municipalities to have spaces for children and the permanently disabled.**

2. Webinars for all elected and chief administrative officers/clerks:

Two webinars were held, one on January 8 and the other January 11. A total of eighteen individuals participated in both webinars, a mix of elected officials and administration. The total number of attendees does not include the PAC members in attendance.

January 8, 2018 Webinar

-Ten individuals participated

**PAC Recommendations Report
January 30 2018**

-Some questions from participants, but generally supportive

Questions related to:

- o Interim representation (staff versus elected)**
- o Municipal elections (Impact on parental accommodation)**
- o Attending and voting at meetings (could an elected official choose to attend some meetings and would that person be able to vote?)**

January 11th, 2018 Webinar

- Eight individuals participated**
- Support was mixed, with a variety of concerns expressed**

Concerns related to:

- o Use of terminology (parental accommodation, pregnancy accommodation)**
- o Possibility that accommodation may result in fewer electors supporting young female candidates**
- o Compensation (should it be the same as staff, versus full compensation)**
- o Whether this was the best policy tool to achieve desired outcomes (versus supports like paying for childcare expenses)**

Appendix D: Invitation to attend webinar and invitation for feedback

The invitation was distributed to AMANS CAO listserv, UNSM's email distribution list and to the secretary of the Village Association of Nova Scotia for distribution to all members:

RE: INVITATION TO PARENTAL ACCOMMODATIONS COMMITTEE SESSION

In December 2017, the PAC (Parental Accommodations Committee) was established. Committee members include representatives from the Union of Nova Scotia Municipalities (UNSM), the Association of Municipal Administrators Nova Scotia (AMANS) and the Department of Municipal Affairs (DMA) and the Nova Scotia Advisory Council on the Status of Women.

The Committee's work is to develop a model policy and/or recommend legislative changes with respect to parental accommodations for municipal elected officials by January 31, 2018.

A working committee was struck and includes:

- o Chair of the Committee, Emily Lutz, Deputy Mayor, Municipality of the County of Kings**
- o Timothy Habinski, Warden, Municipality of the County of Annapolis**
- o Don Holmesdale, Chair, Kingston Village Commission**
- o Vicki Brooke, Policy Analyst, Municipality of the County of Kings**
- o Julie Gibson, Policy and Business Initiatives Coordinator with Human Resources, HRM**
- o Stephanie Macinnis-Langley, Executive Director, Nova Scotia Advisory Council on the Status of Women**
- o Shannon Bennett, Director of Advisory Services, Municipal Affairs**
- o Nancy Bray, Acting Municipal Advisor (Senior Policy Analyst), Municipal Affairs**

The Executive Director of AMANS and the Executive Director of UNSM both serve as non-voting ex-officio members. One staff representative from the Department of Education and Early Childhood Development, Allison MacDonald, Policy Analyst, also sits ex-officio.

The Committee met to identify the challenges, and is exploring policies and/or possible legislation changes that may be required to better support individuals who want to serve their community as an elected official and who may also want to have a family. The Committee seeks to balance the needs of citizens for continuous democratic representation and support; provide consistency and certainty for elected officials regarding parental provisions and consider the administrative and financial impacts of parental provisions on municipalities as a corporate body. The Committee's draft recommendations are in the attached document.

The Committee would like your feedback on suggestions and possible recommendations. Two webinars will be held in January:

January 8, 12:00 – 1:00 p.m.

January 11, 6:30 – 7:30 p.m.

If you wish to RSVP for the webinar, please send an email to Nancy Bray at nancy.bray@novascotia.ca, Acting Municipal Advisor, Department of Municipal Affairs by Thursday, January 4th.

In addition to the webinar, you can also provide written comments to Municipal Affairs for consideration by the Committee. Emails can be forwarded until January 17th at 5:00 p.m. to Nancy Bray at the above address.

The "Consultation Document" below accompanied the invitation, along with power point slides that contained basically the same content:

PAC – Parental Accommodations Committee Consultation Document

Background

Parental accommodation for municipal politicians in Nova Scotia has been a recent topic of discussion in the media and within stakeholder groups. Elected officials are office-holders; therefore, they are not employees and do not qualify for parental accommodation.

Current Situation in Nova Scotia

Elected officials are office-holders; therefore, they are not considered to be employees and do not qualify for the standard parental accommodation available to all employees under the Provincial Labour Standards.

Currently in Nova Scotia there is no specific legislation requiring municipalities to offer parental accommodation to elected officials, either paid or unpaid. However, there is also no legislation that prevents it either. Councils in Nova Scotia can currently grant parental accommodation to elected officials with a "accommodation of council", granted via a motion.

As per section 17(4) of the Municipal Government Act (MGA), 14(4) of the Halifax Regional Municipality Charter and 18(6) of the Municipal Elections Act (MEA): A mayor or councillor who,

without accommodation of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

Issue Identification

The committee's work was focused on answering the question; how can councils support new parents? Two key issues surrounding this question were identified as:

1. Currently a municipal councillor in Nova Scotia must formally ask council to grant pregnancy or parental accommodation via a motion of Council. It is at the discretion of council and therefore, there is a possibility that it could be denied for various reasons. It also means the request can be debated.
2. Lack of guaranteed parental accommodation may discourage persons who have young children or are considering conceiving or adopting a child, from pursuing elected office in Nova Scotia.

An important consideration is that citizens require their elected representatives to provide continuous representation to them on Council.

Draft Recommendation for Consultation

3. Amend legislation to require each municipality and villages to adopt by resolution of Council, a parental accommodation policy. A parental accommodation policy must include the following elements:
 - Permit a mayor, warden, councillor or village commissioner who has become a parent, to the minimum number of weeks accommodation granted to employees under the Nova Scotia Labour Standards Code, which is currently 17 weeks;
 - The minimum number of weeks of parental accommodation must be accompanied by full compensation they would otherwise receive;
 - An elected official on parental accommodation must be permitted to return to any boards, commissions or committees served on prior to their parental accommodation, with exception of boards, commissions and committees that have held nominating meetings during that time. For example, if an annual general meeting is held while an individual is on parental accommodation to nominate new board members, and the individual is not nominated they would not be returning to their previously held position;
 - Parental accommodation policies must include a plan for interim representation; which is a plan to address how will the municipality will continue to ensure constituents are represented during an elected official's parental accommodation;
 - Parental accommodation policies must comply with regulations.
4. In addition to the legislation amendment, the Parental Accommodations Committee develop a model Parental Accommodation Policy for Elected Officials that municipalities can use as a guide when developing their own policies.