



AD-HOC POLICY COMMITTEE
Report No. 24-050

04 April 2024

**APPROVAL OF NEW POLICY P.149.GOV PREGNANCY AND
PARENTAL LEAVE (BOARD TRUSTEES)**

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PURPOSE:

1. To seek approval for new Policy P.149.GOV Pregnancy and Parental Leave (Board Trustees).

STRATEGIC LINKS:

2. The creation of new policies and the revision of existing policies helps support the goals and objectives of the District's 2023-2027 Strategic Plan. Specifically, the policy creation and review process aligns with good governance practices under the Social Responsibility pillar and the OCDSB's commitment to well-being.

CONTEXT:

3. In May 2017, amendments to the *Education Act* mandated that school boards permit trustees to take pregnancy or parental leave for up to 20 weeks without requiring authorization from the board. Consequently, if a member takes such leave and misses three consecutive regular board meetings within the 20-weeks, their seat would not be declared vacant.

Specifically, the amendments state the requirement of *“every school board to adopt and maintain policies with respect to pregnancy leaves and parental leaves of members of the board. Section 228 of the Act currently sets out circumstances where a member of the board’s seat becomes vacant. A new subsection 228 (2.1) is added to provide that s.228(1)(b) does not apply to vacate the office of a member of a board who is absent for 20 consecutive weeks or less if the absence is the result of the member’s pregnancy, the birth of the member’s child or the adoption of a child by the member.”*

The Ontario Public School Board's Association (OPSBA) provided a policy template to assist school boards in the creation of a policy specific to Trustee

Pregnancy and Parental Leave. Staff used this template and conducted a scan of other district policies to help inform the draft policy, attached as Appendix A.

KEY CONSIDERATIONS:

4. Initial Proposed Changes

a. OPSBA Recommendations

The OPSBA template makes suggestions as to the policy content to ensure alignment with the *Education Act*.

OPSBA suggests that the policy should articulate the following:

- Notice - The trustee will notify the Board as soon as reasonably possible to inform it regarding an upcoming leave.
- Purpose - The trustee will indicate the purpose for the leave: trustee pregnancy, birth of a member's child or the adoption of a child by the member.
- Timing- The trustee will provide an expected date the leave is to begin and conclude provided the leave does not exceed 20 consecutive weeks and begins no later than the date of a third consecutively missed regular board meeting.
- Validation - The trustee will provide relevant medical documentation (this could include medical certificates confirming pregnancy, proof of birth date, or adoption agency statements).
- Reimbursement -
 - Trustee Honoraria for base and enrolment amounts continue to be provided during the leave period. (If the member is a chair or vice-chair of the Board will the member continue in that position? How will the honoraria for those positions be handled?)
 - Relevant trustee expenses will continue to be reimbursed (i.e. cellphone, computer).
- Access to Information - the Trustee will continue to receive board-related material and have access to information during the leave.
- Participation and Community Awareness - The trustee will also consider the following:
 - Whether or not she/he will continue to participate in board/committee meetings either in person or via electronic means;
 - How they intend to notify her/his community about their leave and how the community will be supported during the leave.

b. Pregnancy Loss

With the recent addition of miscarriage, termination, or stillbirth as cases considered for Canadian Employment Insurance (EI) benefits and leaves, staff suggests the inclusion of language to support this within the new policy.

5. Received Feedback and Key Changes

a. Fostering and Adoption

Public feedback from the launch of EngageOCDSB revealed a need for the policy to recognize the complexities of adoption and fostering, especially in determining dates of arrival of adopted children. Parents can receive word of adoption on very short notice and/or may have the child living with them through fostering and/or kinship prior to the official adoption. Because of this, staff suggests a change of language to 4.5 which previously referred to “the expected date of arrival of the adopted child” to now read “*expected delivery date, the date of the medical procedure/incident, or the expected date of gaining custody and/or guardianship of the adopted child.*”

b. Approval of Other Types of Leave

The *Education Act* amendments of 2017 granted trustees allowances for pregnancy and parental leaves, eliminating the requirement for a formal request by the trustee and approval by the Board. Feedback has been received from both the Ad Hoc Policy Review Committee and the public which suggest the addition of language to allow for leaves of absence of other types. The *Education Act* only contemplates prolonged absences for trustees in two instances, one as it relates to pregnancy and parental leave and the other as a result of code of conduct sanctions.

The province is currently seeking input on proposed changes to in-person attendance requirements for board and committee meetings (Ontario Regulation 463/97 Electronic Meetings and Meeting Attendance). These proposed adjustments are expected to impact the existing Policy P.018.GOV Electronic Meetings of the Board and Committees. Once the regulation is approved, the Board may consider a mechanism for granting additional leave.

c. Privacy Concerns

Consultations revealed a need to accentuate privacy considerations for Board discussions of Trustee leaves of absence. Staff suggests that clause 3.3 be added to the policy, which reads “*The Board respects the privacy of Trustees and any necessary discussion of the reason for leave shall be limited, follow OCDSB employee privacy standards, and, if necessary, occur in closed session.*”

RESOURCE IMPLICATIONS:

6. The Policy outlines that during the leave period, trustees will continue to receive their honorariums and attendance payments for statutory committee participation if they are still attending and unless the trustee has elected to suspend it. Additionally, trustee expenses will be reimbursed in alignment with Board policies. It is worth noting that trustee honoraria payments are not subject to Employment Insurance deductions (EI) which means that the earnings are not insurable for employment insurance purposes. They would not be considered for any type of statutory leave, including parental benefits.

COMMUNICATION/CONSULTATION ISSUES:

7. The draft policy was shared on the new EngageOCDSB platform to collect public feedback between 02 February 2024 and March 08 2024 and with the Ad Hoc Committee on 08 February 2024 at its meeting. The use of EngageOCDSB helped garner a significant increase in feedback from the public and OCDSB staff. This new consultation tool has helped support the Board's commitment to engaging with the community during the policy review process.

RECOMMENDATIONS

THAT the new Policy P.149.GOV Trustee Leaves of Absence, attached as Appendix A to Report 24-050, be approved.

Michèle Giroux
Executive Officer (Board Services)

Pino Buffone
Director of Education and
Secretary of the Board

APPENDICES

Appendix A - Draft Policy P.149.GOV Pregnancy and Parental Leave (Board Trustees)