



REPORT FOR ACTION

Amendments to Toronto Parking Authority Policy Resolution 4-1 (Appendix 4) - Leave of Absence

Date: April 26, 2019
To: Board of Directors, Toronto Parking Authority
From: Acting President, Toronto Parking Authority
Wards: All

SUMMARY

The Toronto Parking Authority (TPA) has established a range of Board-enacted Policies which form the guiding principles and procedures by which it operates.

Changes were made effective December 3, 2017, to the Employment Standards Act (ESA) and to the Employment Insurance Act (EIA) which require a review and amendment to policy provisions relating to pregnancy and parental leave, and their associated benefits. TPA Policy Resolution 4-1 Appendix 4, Leave of Absence was most recently reviewed by the Board at its meeting of April 24, 2017.

Under the ESA, amendments were made to provide an extended parental leave up to 61 weeks following pregnancy leave and up to 63 weeks for parents who do not take pregnancy leave. With the amendments to the ESA, Employment Insurance (EI) parental benefits can be received at a lower EI benefit rate over an extended period of time, for up to 61 weeks. Beginning March 17, 2019, parents who agree to share EI parental benefits can receive an additional 5 weeks of standard EI parental benefits or 8 weeks of extended EI parental benefits.

In order to comply with legislative changes for pregnancy and parental leave under the ESA and extended EI parental benefits, we propose changes to TPA Policy Resolution 4-1 (Appendix 4) Leave of Absence.

RECOMMENDATIONS

The Acting President, Toronto Parking Authority recommends that:

1. The Board of Directors of the Toronto Parking Authority approve amendments to Toronto Parking Authority Policy Resolution 4-1 (Appendix 4): Leave of Absence, shown in Appendix A to this report (April 26, 2019) from the Acting President, Toronto Parking Authority, and direct staff to enact the Policy Resolution, as amended.

FINANCIAL IMPACT

The review and approval of the proposed amendments to TPA Policy Resolution 4-1 (Appendix 4) - Leave of Absence will have no financial impact.

DECISION HISTORY

The TPA Board of Directors most recently reviewed and approved Policy Resolution 4-1 (Appendix 4), Leave of Absence, at its meeting of April 24, 2017, prior to legislative amendments made effective December 3, 2017.

COMMENTS

The rationale for the policy review and approval recommended in this report is set out as follows.

Policy 4-1 (Appendix 4) - Leave of Absence (refer to Appendix A)

Description of proposed changes:

- Pregnancy Leave (Section A, paragraphs 1 and 2) - The commencement of the pregnancy leave is changed from 11 weeks to 17 weeks prior to the expected date of delivery, as per ESA.
- Parental Leave (Section B, paragraph 1) - This paragraph is updated to include the extended option for parental leave. For birth mothers who take pregnancy leave, an option for an extended parental leave of 61 weeks is provided. Additional clarification is made that mothers intending to combine pregnancy leave and parental leave must select, at the start of the pregnancy leave, the length of the parental leave for EI purposes. For parents other than birth mothers who take pregnancy leave, there is now an option to increase the length of parental leave from the standard 37 weeks to an extended option of 63 weeks of parental leave.

- Parental Leave (Section B, paragraph 2) - Added clarification for non-birthing parents, as per the ESA, that parental leave must begin no later than 78 weeks after the birth or after a child first comes into their custody, care and control.
- Parental Leave (Section B, paragraph 3) - Added clarification that, where both parents are employees of Toronto Parking Authority, the Authority is not required to grant parental leave to both employees at the same time.
- Provisions Applicable to Both Pregnancy and Parental Leave (Section C, paragraph 4) - Added clarification that 4 weeks' notice is required for employees who decide not to return to work after parental leave.
- Provisions Applicable to Both Pregnancy and Parental Leave (Section C, paragraph 7) - Added clarification to the Supplementary Employment Benefit (SEB) and establishes that the maximum combined SEB payable for pregnancy and parental leave is 52 weeks, which includes 35 weeks for parental SEB.

Reason for review and approval

Amendments made to the ESA and to the federal government's Employment Insurance Program require amendments to policy provisions relating to pregnancy and parental leave, and associated benefits.

On November 27, 2017, Bill 148, the Fair Workplaces, Better Jobs Act, 2017, received Royal Assent, resulting in amendments to the ESA. Effective on December 3, 2017, the following changes were made to pregnancy and parental leave:

- Parental leave is extended from 35 weeks to 61 weeks for employees who take pregnancy leave; and parental leave is extended from 37 to 63 weeks for employees who do not take pregnancy leave;
- Employees must commence parental leave no later than 78 weeks after the child is born or comes into their custody, care and control.

Along with the ESA changes to extend the length of parental leave, the federal government made changes, effective December 3, 2017, to extend the length of period for receiving EI parental benefits. With the EI changes, a parent is provided an option of receiving standard parental benefits for up to 35 weeks or extended parental benefits with lower weekly EI payments for up to 61 weeks.

Most recently announced by the federal government, parents with children born or placed for adoption on or after March 17, 2019, and who agree to share EI parental benefits, can receive an additional 5 weeks of standard EI parental benefits or 8 weeks of extended EI parental benefits, as applicable.

CONTACT

Arlene Yam Fritz, Head of Human Resources, Toronto Parking Authority,
416-393-7283, arlene.yam.fritz@toronto.ca

SIGNATURE

Robin Oliphant, Acting President
Toronto Parking Authority

ATTACHMENTS

Appendix A: Proposed Toronto Parking Authority Policy Resolution 4-1 (Appendix 4),
Leave of Absence Policy

APPENDIX A: PROPOSED TORONTO PARKING AUTHORITY POLICY RESOLUTION 4-1 (APPENDIX 4), LEAVE OF ABSENCE POLICY

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix 4 4-1

ITEM: **Leave of Absence**

PAGE 1 OF 6

PURPOSE To define the Company policy with respect to leaves of absence.

SCOPE This policy relates to union, office and management personnel.

POLICY **A LEAVE OF ABSENCE WILL BE GRANTED WITH PAY IN THE FOLLOWING CIRCUMSTANCES.**

A. Bereavement Leave

Any employee who has completed his probationary period and who requires time off from regularly scheduled work falling within the five (5) calendar days following a death will be given leave of absence with pay for all days in that period for bereavement purposes on the death of the father, mother, son, daughter, brother, sister, husband, wife of the employee, common law spouse and same sex partner provided the employee is not at the time in receipt of vacation or sick pay.

Effective April 1, 2009 an employee who requires time off from regularly scheduled work falling within the five (5) calendar days following a death will be given leave of absence with pay for all days in that period for bereavement purposes upon the death of the stepparents and stepsiblings

An employee who has completed his probationary period and who requires time off from regularly scheduled work falling within the four (4) calendar days following a death will be given leave of absence with pay for all days in that period for bereavement purposes upon the death of the mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, grandparent or grandchild of the employee.

Where death occurs outside of the Province and the employee has to travel a total of 1,000 miles or more, an additional four (4) days shall be granted by the Authority for travelling time to attend the funeral. In such case an employee may be required to furnish the Authority with reasonable proof of the distance travelled.

When death occurs to a member of the Authority who is a member of the Bargaining Unit, a member of the Bargaining Unit shall be given one (1) day leave of absence with pay to attend the funeral.

FIRST ADOPTED: November 28, 1985

LAST AMENDED: ~~January 8, 2009~~

LAST REVIEWED: ~~April 24 2017~~

MINUTE NUMBER: 09-001

MINUTE NUMBER: 17-055

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix 4 4-1

ITEM: **Leave of Absence**

PAGE 2 OF 6

B. To Obtain Citizenship

An employee shall be granted up to two days off with pay for the purpose of receiving Canadian Citizenship.

C. Grievance Disputes, Arbitration or Conciliation

On Application by the Union in writing, the Authority shall, when the need arises, grant leave of absence to any 2 officers or accredited representatives of the Union to attend any stage of a grievance dispute or any conciliation or arbitration proceedings under the Union contract.

D. Jury Duty or Witness

Employees called to serve as jurors or subpoenaed as witnesses in civil or criminal proceeding shall be granted "Leave or Absence" without loss of pay or benefit, such employee on returning to duty following such juror or witness duty shall present a certificate showing the period of such service and amount of compensation received. The employee shall deposit such compensation in full with the Authority or forfeit the right to claim pay for the period of his absence. It being understood that the full amount does not include monies received on days other than his regularly scheduled work day with the Parking Authority or any monies received for meal allowance or travelling allowance.

AN EMPLOYEE SHALL BE GRANTED LEAVE OF ABSENCE WITHOUT PAY IN THE FOLLOWING CIRCUMSTANCES

A. Pregnancy Leave

Pregnancy leave of up to 17 weeks without pay shall be granted to an employee who has worked for the Authority for at least thirteen (13) weeks as follows:

FIRST ADOPTED:	November 28, 1985	MINUTE NUMBER:	09-001
LAST AMENDED:	January 8, 2009	MINUTE NUMBER:	17-055
LAST REVIEWED:	April 24 2017		

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix 4 4-1

ITEM: **Leave of Absence**

PAGE 3 OF 6

1. Pregnancy leave shall be for a ~~seventeen~~ (17) week period or such shorter period as the employee may request.
2. Pregnancy leave shall commence during the period of ~~eleven~~ ~~seventeen~~ (17) weeks immediately preceding the estimated date of delivery for employees who do not take a parental leave. In cases where the employee will also take parental leave, the pregnancy leave may commence no earlier than seventeen (17) weeks before the expected birth date.
3. An employee must give the Authority at least two weeks written notice of the date the pregnancy leave is to begin and a certificate from a legally qualified medical practitioner stating the expected birth date.
4. The pregnancy leave may end earlier than planned if the employee gives the Authority four (4) weeks written notice before the desired date of return.
5. Where upon written advice by their physician it is determined that a pregnant employee's health and/or pregnancy may be jeopardized if she were to continue to perform the full duties of her regular position, the Parking Authority shall, where possible, either temporarily modify the duties of her current position in a manner that would allow her to safely perform the work or assign her to such alternate work for which she is qualified, with no loss of pay, provided that such work is available.
6. At the termination of the pregnancy leave period the onus is on the employee to report in writing her readiness to resume duties.

B. Parental Leave

Parental leave without pay shall be granted to an employee who has worked for the Authority at least thirteen (13) weeks as follows:

1. Birth mothers who take pregnancy leave are entitled to ~~up to 35 weeks or 61 weeks of~~ parental leave. Birth mothers intending to take a combined pregnancy and parental leave will make a selection for the length of the parental leave at the start of the pregnancy leave for Employment Insurance purposes. This

FIRST ADOPTED: November 28, 1985

LAST AMENDED: ~~January 8, 2009~~

LAST REVIEWED: ~~April 24 2017~~

MINUTE NUMBER: 09-001

MINUTE NUMBER: 17-055

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix 4 4-1

ITEM: **Leave of Absence**

PAGE 4 OF 6

selection will be shared by and be applicable to both eligible parents.

Birth mothers who do not take pregnancy leave and all other new parents are entitled to take up to 37 weeks or 63 weeks of parental leave.

2. Parental leave shall commence immediately after the pregnancy leave comes to an end or when the child comes into the custody, care and control of the parent for the first time. All other parents must begin their parental leave no later than 78 weeks after the birth or after the child first comes into their custody, care and control.
3. Where possible, the employee must give the Authority at least two weeks written notice of the date the leave is to begin. If both parents are employees of the Authority, the Authority is not required to grant parental leave for both employees at the same time.
4. An employee who wishes to end parental leave sooner than expected may do so if the employee gives the Authority at least four (4) weeks written notice before the desired date of return.
5. It is understood and agreed that the employee will give the Authority notice of intent to adopt as soon as possible recognizing that it may be necessary for the employee to commence leave immediately when the child becomes available.

C. Provisions Applicable to Both Pregnancy and Parental Leave

1. Seniority shall continue to accrue during pregnancy or parental leave.
2. During pregnancy or parental leave, the Authority shall continue to make its contributions for the insured benefits plans unless the employee indicates in writing that the employee does not intend to pay the employee's contributions or the employee fails to make such contributions by way of post-dated cheques provided to the Authority at the commencement of the leave.

FIRST ADOPTED: November 28, 1985

LAST AMENDED: ~~January 8, 2009~~

LAST REVIEWED: ~~April 24 2017~~

MINUTE NUMBER: 09-001

MINUTE NUMBER: 17-055

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix 4 4-1

ITEM: **Leave of Absence**

PAGE 5 OF 6

3. An employee who continues on parental leave, where such leave has been extended, shall have the option to continue benefit insured coverage by assuming full premium cost (100%) for the period of the leave extension provided the terms and conditions of the master insurance policies allow for such coverage. Employee premium payments will be by way of post-dated cheques provided to the Authority at the commencement of the extended leave. Vacation entitlement and accumulative sick credits will not accrue during the extended parental leave.
4. No employee shall expect to extend a combined pregnancy and parental leave beyond a two (2) year period. Parental leave, without a pregnancy leave, may only be extended as approved by the Authority for up to a maximum of 52 additional weeks (two years minus 52 weeks [17 weeks pregnancy leave plus 35 weeks parental leave]). An employee who decides not to return to work after parental leave shall tender their resignation with at least four weeks' notice shall be tendered and any subsequent re-employment would occur through regular hiring procedures if an absence should be in excess of the periods of extension set out above.
5. An employee who is required to be absent from work because of pregnancy related illness is entitled to sick leave. An employee on pregnancy or parental leave is not entitled to sick leave pay.
6. An employee may be required to submit a written statement of intent to return to work at the end of the pregnancy or parental leave.
7. While an employee is on pregnancy or parental leave and is in receipt of Employment Insurance ("EI") benefits, as provided under the Employment Insurance Act, for the temporary unemployment caused by the pregnancy or parental leave, the Authority will supplement such EI benefit payments as follows:
 - For the period the employee is entitled to receive EI benefits, the Authority will pay the employee Supplementary Employment Benefits ("SEB") payments equal to the difference between 75% of the employee's regular weekly earnings calculated at the employee's straight time hourly

FIRST ADOPTED: November 28, 1985

LAST AMENDED: January 8, 2009

LAST REVIEWED: April 24 2017

MINUTE NUMBER: 09-001

MINUTE NUMBER: 17-055

TORONTO PARKING AUTHORITY

POLICY RESOLUTION

Appendix 4 4-1

ITEM: **Leave of Absence**

PAGE 6 OF 6

rate for the employee's normal working week and the sum of the employee's EI benefits and any other earnings. Calculation of the SEB is based on the standard (non-extended) EI parental benefits option. If an employee elects to take the extended option for EI parental benefits, the maximum combined SEB payable for pregnancy and parental leave will remain at 52 weeks, which includes 35 weeks of parental SEB payable.

- To receive SEB payments, employees must make an application on a form provided by the Authority and shall provide proof that the employee is in receipt of EI benefits indicating the weekly amount to be paid under the legislation.
- Payments in respect of annual remuneration or in respect of deferred remuneration or severance pay benefits are not reduced or increased by payments received under this provision.

D. Union Conventions

Employees delegated to Union Conventions shall be granted a leave of absence without pay and without loss of seniority provided that not more than two employees shall be granted leave of absence as aforesaid to any one convention.

E. Other Circumstances

If for a reason other than one which is specifically mentioned in this policy, a leave of absence is requested, it will be up to the individual department head to decide the merits of the request and he or she may grant time off as he or she deems reasonable.

FIRST ADOPTED:	November 28, 1985	MINUTE NUMBER:	09-001
LAST AMENDED:	January 8, 2009	MINUTE NUMBER:	17-055
LAST REVIEWED:	April 24 2017		