



AILG

Association of Irish Local Government
Aontas Rialtas Áitiúil na hÉireann

Pathway to the Provision of Maternity/Adoptive/Paternity leave for Local Authority Elected Members

Association of Irish Local Government
August 2021



Who We Are

The Association of Irish Local Government (AILG) is the primary body proudly representing the democratically elected members and their member local authority.

AILG is a networking, policy development and training resource for the elected members of Ireland's thirty-one County and City Councils.

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¹ Please note that for the purposes of this paper the umbrella term “Maternity Leave” encompasses all variations of leave provision including maternity, adoptive and paternity leave.

Foreword



As a Local Authority Elected Member is a public office holder and not an employee of the council, they are not entitled to maternity/paternity leave from the local authority. While many local authorities and their elected members are very supportive and afford as much flexibility as possible to enable, in particular, female members to perform their functions, the reality for mainly female local authority elected members is that there simply is no maternity leave.

This is particularly serious for female members on maternity leave which under the 2001 local Government Act, states that if a councillor is absent for more than six months they are deemed to have resigned their seat. This may be extended for a further 6-month period if the council passes a resolution. The reality of having no maternity leave provision is that if a female member takes extended maternity leave, as would be their right under normal maternity leave provisions, they need a resolution passed by the local authority to “allow them”, without them deemed to have resigned their seat.

In 2021 surely, this is totally unacceptable.

The lack of proper maternity leave provision for Elected Members has been identified as a major barrier for attracting greater participation at local government level particularly for female councillors and perspective female candidates.

AILG have been to the forefront on the issue of providing proper maternity leave provision for councillors over the last number of years. This paper contains a viable pathway for the provision of Maternity/Adoptive/Paternity Leave for Local Authority Elected Members and details the challenges and potential options.

We need to remove the barriers that currently exist for women entering politics and AILG’s priority as a national representative body for councillors across Ireland is to help and support our current elected women councillors, encourage more women to consider putting themselves forward to election at local level and to promote better gender equality & diversity in our local government system.

A handwritten signature in black ink that reads "Mary Hoade".

Cllr. Mary Hoade
AILG President 2020-21

Recommendations

- Amendment to Section 18 of The Local Government Act 2001, to provide for Maternity Leave as an excused absence from a local authority and where elected members can take Maternity Leave without the necessity of a resolution from the elected council and therefore it will eliminate any risk of an Elected Member having deemed to have resigned their seat.
- Solution to provide paid maternity leave for elected members would be to provide for no reduction in our members remuneration payment for the first 6 months of absence for maternity/adoptive/paternity leave, a 50% reduction in their payment for the subsequent 6 months and no payment thereafter up to the maximum of 18 months absence. These proposals are in line with current provisions under Regulation 5(4) of the Local Government (Remuneration Payment of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021)
- The provision of secretarial support has been identified as a necessary aid for members taking maternity leave in order to assist them with managing their workload while on maternity leave.
- Consideration needs to be given to exempting the attendance rule requirement for payment of the annual expenses allowance for members on maternity leave to ensure payment of this allowance to fund the cost of additional administrative/secretarial support.
- Examining meeting times, duration and appropriate flexibility with scheduling meetings to accommodate elected members on maternity leave.
- Continued facility of Remote Attendance and Voting at Statutory Meetings - an elected member on maternity leave would have the facility to join any Council related meeting remotely and fully participate in the meeting with full voting rights without having to be physically present.
- Consideration to be given for the introduction of a voting pairing system for elected members on maternity leave similar to the pairing system used in the Oireachtas. This would mean that a member on maternity leave could ensure that current voting arrangements would continue on votes such as the election of a Cathaoirleach/Mayor, annual budget, LPT variation, development plan approval etc. without pressure being put on the member to attend these votes while on maternity leave.
- The option of a substitute/replacement system would be desirable for a member who would wish to avail of it in order to take a complete break while on maternity leave. Consideration to be given to amending Section 19 of the 2001 Local Government Act, which currently provides for casual vacancies in a Local Authority, be extended to include a temporary substitute/replacement option while on maternity leave.

Current Provisions for Absence (and as a consequence Resignation) by an Elected Member from a Local Authority

Section 18 of the Local Government Act 2001 (as amended by the 2014 Act)², provides for where a member can be deemed to be absent from their local authority and as a consequence may be deemed to have resigned their membership of a Local Authority.



Under section 18 (4) (a), an elected member shall be deemed to have

resigned from membership of a local authority where the person is absent from attendance at any meeting of the authority for a continuous period of 6 consecutive months. However, Section 18 4 (b) provides for two exceptions to this rule where the absence was;

- 1) due to illness, or
- 2) in good faith for another reason

Under Section 18, there is a further provision which allows that this 'leave of absence' may be approved for a further 6 months, and for a final 6 months after that. This means that a Member can be absent for a continuous period of up to 18 months before they will be deemed to have resigned their membership of their Local Authority. However, in order to avail of these two additional 6-month periods of absence, either of the two cases above, must be accepted by the local authority and approved by resolution before the period of absence can be extended.

The Act does not provide specifically for maternity leave for councillors. The Moorhead Report³ noted that members of the Oireachtas also have no entitlement to maternity leave. When the Maternity Protection (Members of the Oireachtas) Bill 2013 was debated, it was noted by the Government that maternity leave for office-holders (i.e. members of the Oireachtas) could raise constitutional issues and issues with electoral law.

Therefore in reality, if an elected member wishes to take maternity leave they must do so under the existing general 6-18 month absence provisions of Section 18 of the 2001 Act (as amended by the 2014 Act).

² <http://www.irishstatutebook.ie/eli/2001/act/37/section/18/enacted/en/html#sec18>

³ Moorhead Report Section 5.4 Parental Leave Page 80 (<http://ailg.ie/wp-content/uploads/2020/06/councillor-review-report-final-moorhead-report.pdf>)

Current Provisions for Absence (and as a consequence Resignation) by an Elected Member from a Local Authority

The absence of an elected member from a local authority would see their financial payments affected as follows;

- 1) **Remuneration Payment**
- 2) **Annual Expenses Allowance**

1. Remuneration Payment

The provision for the Remuneration Payment of Elected Members is provided for in accordance with Regulation of the Local Government (Remuneration Payment of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021)⁴

The amount of the Remuneration Payment is €25,788 gross per annum as of 1st July 2021.

Section 5 (4) (a) of these regulations provides that where a member is absent for a continuous uninterrupted period of six months, payments shall continue to be made to that member for the period. Section 5 (4) (b) states that where a member is absent from attendance at any meeting of the local authority for a continuous period of more than 6 consecutive months but continues to be a member of the local authority under section 18(4) of the 2001 Act of 2001 then payments under these regulations shall continue to be made by the local authority to that member at half the applicable annual rate for the next succeeding 6 months following the initial 6 consecutive months of absence. Section 5 (4) (c) further provides that no further payments shall be made under these regulations where a member is absent from attendance at any meeting of the local authority for a continuous period of more than 12 months for so long as such uninterrupted absence continues i.e. after the first 6-month absence period, payments shall continue to be made by the local authority to the member at half the applicable annual rate for the next 6-month period, but shall not be made subsequent to the expiry of that period, for so long as such uninterrupted absence continues.

In summary, if a member is absent from their local authority they will receive their full remuneration payment for the first 6-month period of absence. They will then receive half of their remuneration payment for the subsequent 6-month period and will receive no payment after that.

⁴ <http://www.irishstatutebook.ie/eli/2021/si/312/made/en/print>

2. Annual Expenses Allowance

Councillors currently receive a composite annual expenses allowance⁵ in respect of the performance of the members' functions and duties within the functional area of their Local Authority in accordance with Regulation 17 of the Local Government (Expenses of Local Authority Members) Regulations 2021 (S.I. No. 313 of 2021). The allowance is designed to offset reasonable expenses incurred in the carrying out of their overall duties as a local councillor including attending meetings associated with their reserved functions and council business.

The attendance requirement for the travel and subsistence elements of the allowance is 80% of relevant meetings and the attendance requirement for the final element i.e. vouched allowance, is 50% of relevant meetings.

Therefore it is reasonable to state that if a member is absent for a period of 6 months or longer, they will not attain the 80% and 50% attendance requirement for payment of the annual expenses allowance and therefore they will not be in receipt of this full allowance.

However, it must be acknowledged that this allowance is not income but an allowance to offset reasonable expenses incurred in the carrying out of their overall duties as a local councillor including attending local authority meetings.



⁵ <http://www.irishstatutebook.ie/2021/en/si/0313.html>

Current Maternity Leave Provisions in Irish Employment

Maternity Leave provisions for employment purposes are set out in legislation in the Maternity Protection Acts (1994 and 2004)⁶. Under these acts, if an employee becomes pregnant while in employment, they have the right to take 26 weeks' maternity leave. An employee can take this time off work from full-time, casual or part-time employment, no matter how long they have been working for their employer. If the employee has enough social insurance (PRSI) contributions, they are entitled to Maternity Benefit (including self-employed). They also have the right to take up to 16 weeks' additional maternity leave, but it is not covered by Maternity Benefit. There is a provision that at least 2 weeks' maternity leave is taken before their baby is due, and at least 4 weeks after the baby is born.

In general, employers do not have to pay women who are on maternity leave. However, an employer may continue to pay their employee in full when they are on maternity leave. The employer may require their employee to have their Maternity Benefit paid to them, and the employee can choose to do this.

Maternity Benefit is €245 a week for 26 weeks, or 156 days. This would equate to a total payment of €6,370 for this 26 week (6-month) period. If a person pays tax, they will have to pay tax on Maternity Benefit. However, you will not have to pay the Universal Social Charge (USC) or social insurance (PRSI).

The Paternity Leave and Benefit Act 2016 introduced Paternity Benefit, together with statutory paternity leave of 2 weeks. The combined package of paternity leave and Paternity Benefit can start at any time within the first 6 months following birth or adoption of a child. The provisions apply to births or adoptions since 1 September 2016.



⁶ <http://www.irishstatutebook.ie/eli/1994/act/34/enacted/en/html>

Existing Challenges for Local Authority Elected Members taking Maternity Leave

As detailed above, the 2001 Local Government Act does not provide specifically for maternity leave for councillors. It has been noted previously that when the Maternity Protection (Members of the Oireachtas) Bill 2013 was debating maternity leave for office-holders (i.e. members of the Oireachtas) possible constitutional issues and issues with electoral law were raised.

Therefore, if an Elected Member wishes to take maternity leave they must do so under the current provisions of Section 18 of the 2001 Act (as amended by the 2014 Act) as detailed above. This presents a number of challenges for existing councillors wishing to take maternity leave as outlined below.

1. Principled Issues

As a result of an Elected Member having to avail of Section 18 of the 2001 Act as a means of taking maternity leave this leads to two principled issues for them;

- I. If an Elected Member takes maternity leave for a period of more than 6-months they may be in jeopardy of having automatically resigned from their local authority unless the reason for their absence is accepted by their local authority and their Council colleagues pass a resolution to extend their period of absence.
- II. It places a female councillor in the position of having to “seek the permission” of the elected Council to pass such a resolution in order for her to extend her maternity leave.

While there is little doubt that Council colleagues would oblige in the passing of a resolution, it still leaves the female councillor in the position of asking for a concession which, in contrast, is an entitlement in her work environment. Right or wrong this has the perception of a young female councillor having to request and being given permission by her Council colleagues (who in the main may be male and older) to extend her maternity leave. These principled issues have been identified as barriers for greater female participation in local government and in particular as a barrier for attracting young female candidates from putting their names forward for election at local level.

2. Financial Issues

As we have already covered above, Elected Members who avail of Section 18 of the 2001 Act as a means of taking maternity leave, will not see a reduction in their remuneration payment for the first 6 months of absence and a 50% reduction in their payment for the subsequent 6 months. However, they more than likely will see a significant reduction in their annual expenses allowance due to the probability of them not reaching the required attendance requirement due to their absence from their local authority.

In the review of the current financial provisions for absence by local authority Elected Members this paper has also acknowledged that while this allowance is not income, in the eyes of our members they view this allowance as income as it is paid on a monthly basis in conjunction with their remuneration payment and it is included on their monthly pay-slip that they receive from their local authority. Again, the perception from the Elected Member is that they will either see a reduction in their monthly payment from their local authority once they take their maternity leave or once they have returned from their maternity leave they will be told that they have to repay or claw back part of their annual allowance due to not reaching the attendance requirement. This automatically leads to the charge that the Elected member is being penalised for having a baby and going on maternity leave. How to overcome this perception will need consideration in addressing maternity leave provisions for Elected Members.



Solutions for Providing Maternity Leave for Local Authority Elected Members

1. **Solution to provide maternity leave as an excused absence for a councillor from their local authority**

AILG would advocate that a solution for the provision of maternity leave for local authority Elected Members would be to provide for maternity leave as an excused absence from a local authority. This would be the most appropriate solution taking into account the possible constitutional and electoral law issues that were raised previously with the Maternity Protection (Members of the Oireachtas) Bill in 2013. AILG would propose an amendment to Section 18 (4) (b) & (c) of the 2001 Act to include Maternity Leave as a reason for absence from a local authority. Additional provision could be made within this section of the Act to provide that a Member could be automatically absent from their local authority due to maternity leave for a period of say 12 months (rather than the standard 6 months) before they could be deemed to have resigned their seat without a resolution. It may then be reasonable to seek a resolution from the elected Council to extend this 12 month period to the 18 month period if an extended period of absence is required by the member in line with the current provisions of this section.

Solution to provide maternity leave as an excused absence for a councillor from their local authority and to ensure that they won't be deemed to have resigned their seat after the 6-month rule and avoid the necessity for a resolution from the Elected Council

Proposed Solution - Amendment to Section 18 of The Local Government Act 2001, to provide for Maternity Leave as an excused absence from a local authority and where Elected Members can take Maternity Leave without the necessity of a resolution from the elected council.

Detailed Draft Amendment Wording contained in Appendix 1 of this paper.

Solutions for Providing Maternity Leave for Local Authority Elected Members

2. Solution to Provide Paid Maternity Leave for Members

By availing of an amendment to Section 18 of the 2001 Act (as detailed above) as a means of taking maternity leave, this would ensure that members taking maternity leave would have the security of not being in jeopardy of having automatically resigned their membership of their local authority due to maternity leave absence and would also provide some financial security during their maternity leave as their full remuneration would be payable for first 6 months of leave with 50% of their remuneration payable for subsequent 6-month absence.

If the appropriate amendment is made to Section 18 of the 2001 Act for maternity leave to be deemed an excused absence from a local authority, then Regulation 5(4) of the Local Government (Remuneration Payment of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021) should ensure the payment of the remuneration payment to provide maternity leave. It would be reasonable for the provisions under S.I. No. 312 to provide for the payment of the remuneration payment for maternity leave under the same criteria that currently applies for payment of the remuneration payment for other absences from the local authority i.e. full payment of the remuneration payment of €25,788 gross for first 6 months of maternity leave and 50% of remuneration payment for subsequent 6-month absence. This would cover the first 12 months maternity leave for Members in line with the above proposed amendment to Section 18 of the 2001 Act. If the member wishes to take a final 6-month period of leave this would be non-paid leave (in line with current regulations) and they would need a resolution from their Council for this final 6-month period (in line with current provisions of Section 18 of the 2001 Act)

Solution to provide paid maternity leave for members to avail of this new proposed provision under Section 18 of the 2001 Act (detailed above)

Proposed Solution - Financial proposal would provide for no reduction in our members remuneration payment for the first 6 months of absence for maternity/paternity/adoptive leave, a 50% reduction in their payment for the subsequent 6 months and no payment thereafter up to the maximum of 18 months absence. These proposals are in line with current provisions under Regulation 5(4) of the Local Government (Remuneration Payment of Local Authority Members) Regulations 2021 (S.I. No. 312 of 2021)

Other issues for consideration in seeking an overall solution to providing Maternity Leave for Local Authority Elected Members

In seeking an overall solution to providing an appropriate maternity leave solution for local authority elected members AILG also identified other issues that would need to be addressed in order to provide a holistic maternity leave proposal for councillors. Areas identified included looking at appropriate supports that should accompany a maternity leave proposal including investigating if the provision of maternity



leave should be accompanied by a formal substitute or replacement system to temporarily take over the mandate of the elected member while on maternity leave.

To this end AILG held a focus group of members on 15th April 2021 (Appendix 1) with the purpose of the focus group being to assist AILG to prepare a paper on the details, challenges and potential options for the provision of Maternity Leave for local authority elected members including additional supports and measures that should accompany an overall maternity leave package for councillors.

1. Managing the Workload of an Elected Member on Maternity Leave

- a) Provision of Administrative/Secretarial Support – the provision of secretarial support has been identified as a necessary aid for members taking maternity leave in order to assist them with managing their workload while on maternity leave.
- b) Annual Expenses Allowance – consideration needs to be given to exempting the attendance rule requirement for payment of the annual expenses allowance for members on maternity leave to ensure payment of these allowance to fund the cost of additional administrative/secretarial support.
- c) Examining meeting times, duration and appropriate flexibility with scheduling meetings to accommodate elected members on maternity leave - appropriate flexibility around meeting times , duration etc. to assist members on maternity leave has also been identified as an important aid in helping to manage workload of a member on maternity leave.

- d) Continued facility of Remote Attendance and Voting at Statutory Meetings - Provision has been made under the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (Section 29) (Local Authorities) (Designation) Order 2020 (S.I. No. 445 of 2020)⁷ that provides for council meetings and meetings of local authority committees to be held remotely. All decisions or votes taken by elected members at such meetings (whether physically or remotely present) shall have the same status in law as decisions or votes taken at a physical meeting. A possible solution could be that an elected member on maternity leave would have the facility to join any Council related meeting remotely and fully participate in the meeting with full voting rights without having to be physically present.
- e) Introduction of a voting pairing system for members on maternity leave – consideration needs to be given for the introduction of a voting pairing system for elected members on maternity leave similar to the pairing system used in the Oireachtas. This would mean that a members on maternity leave could ensure that current voting arrangements would continue on votes such as the election of a Cathaoirleach/Mayor, annual budget, LPT variation, development plan approval etc. without pressure being put on the members to attend these votes while on maternity leave.

2. Introduction of a Substitute/Replacement Option of Member taking Maternity Leave



There is no doubt that provision for the possible temporary replacement of elected members, whether at local or national level, during maternity leave would be a major step forward for the empowerment of women in our political system. Elected Members of local authorities have certain rights and obligations. One of these rights is the right to vote. However, in certain circumstances like illnesses, serious family

related circumstances, pregnancy and after child-birth, elected members have difficulties in attending Council meetings. During such absences, elected members are unable to exercise their voting rights. While the introduction of the facility of remote meeting attendance including remote voting has helped to address this issue, being

⁷ <http://www.irishstatutebook.ie/eli/2020/si/445/made/en/print>

absent from your local authority can have an effect on a members financial supports and being absent for a longer period of time can have an effect on the reputation of the member. In particular, there is a risk that a longer absence will influence the reputation of the councillor. Local voters might have the feeling that their councillor did not do a proper job while the member was absent and this can affect the member negatively in her career.



However, consideration could be given to an amendment to Section 19 of the 2001 Local Government Act that provides for casual vacancies in a Local Authority. This would be on the basis that it is the elected member who would decide if she wants to avail of the temporary substitute/replacement option while on maternity leave. Research could be undertaken whether provisions under Section 19 of the 2001 Act, which provides for the filling of casual vacancies in a local authority, could be extended to provide for the temporary replacement of an elected member during maternity leave. However, this may prove to be a cumbersome process for both the local authority and the elected member(s). Clear provisions would need to be made to protect the elected member taking maternity leave to ensure that they can return to their role once their leave has been completed. This may also prove difficult for elected members of political parties in choosing who would be their temporary replacement.

Extending Section 19 of the 2001 Act to provide for a temporary substitute/replacement option for a member while on maternity leave would need careful consideration and would need to address issues such as;

- a)** What would the legal status of the elected member (who is on maternity leave) be if a temporary replacement/substitute has been appointed? Is she still an elected member of the local authority?
- b)** Would a substitute/replacement system be a cumbersome process for both the local authority and the elected member(s)?

2. Introduction of a Substitute/Replacement Option of Member taking Maternity Leave

- c) How can provisions be made to protect the elected member taking maternity leave to ensure that they can return to their role once their leave has been completed?
- d) Would there be difficulties for elected members of political parties in choosing who would be their temporary replacement?
- e) Should a temporary replacement/substitute system be extended to cover absences due to serious/long-term illness or other serious family related circumstances?
- f) What would be the financial arrangements for both the elected member and the replacement/substitute member? Are both to be in receipt of the remuneration payment?
- g) The final consideration in relation to a replacement/substitute system outside of financial considerations will be the potential effect on the reputation of the member by being absent for a period of time? Would a longer absence influence the reputation of the councillor? Would local voters feel that their councillor did not do a proper job while the Member was absent and would this affect the member negatively in her career?

The AILG focus group were of the view that the introduction of appropriate supports and aids (as mentioned above) to help manage the workload of a member on maternity leave would be their preferred option over a straight substitute/replacement system. However, the group did confirm that the option of a substitute/replacement system would be desirable for a member who would wish to avail of in order to take a complete break while on maternity leave.

Appendix 1 - Proposed Solutions

1. **Solution to provide maternity leave as an excused absence for a councillor from their local authority and to ensure that they won't be deemed to have resigned their seat after the 6-month rule and avoid the necessity for a resolution from the Elected Council**

Proposed Solution - Amendment to Section 18 of The Local Government Act 2001, to provide for elected members to take maternity leave without the necessity of a resolution from the elected council.

Proposed Amendment to Section 18 (4) b-d of The Local Government Act 2001 (as amended by the 2014 Act) – **proposed amendments highlighted in red**

S18 (4) (a) - A person shall be deemed to have resigned from membership of a local authority where the person is absent from attendance at any meeting of the authority for a continuous period of 6 consecutive months ("the relevant period") from the date ("the relevant date") of his or her last attendance at a meeting of the authority.

S18 (4) (b) - paragraph (a) does not apply where the absence was

- (i) due to illness, or
- (ii) in good faith for another reason (including parental leave) or
- (iii) **in the case of maternity/adoptive leave**

and which, in the case of (i) and (ii), is accepted by the local authority and approved by resolution under this paragraph before the end of the relevant period, in which case the period shall stand extended to 12 months from the relevant date. In the case of (iii) the relevant period shall be for a continuous period of 12 continuous months from the date ("the relevant date") of their last attendance at a meeting of the authority.

S18 (c) - Where a resolution is passed under paragraph (b) and the continuous period of absence continues uninterrupted— (i) due to illness, or (ii) in good faith for another reason, and, in either case, is accepted by the local authority and approved by resolution under this paragraph before the expiry of the relevant period as extended under paragraph (b), then the period shall stand extended to 18

- S18 (c) - months from the relevant date. In the case of (iii) maternity/adoptative leave and is accepted by the local authority and approved by resolution under this paragraph before the expiry of the relevant period as extended under paragraph (b), then the period shall stand extended to 18 months from the relevant date.
- S18 (d) - A casual vacancy under this subsection occurs on the next day after— (i) in the case of paragraph (a), the end of the relevant period, (ii) in the case of paragraph (b), the end of the relevant periods as extended under that paragraph, or (iii) in the case of paragraph (c), the end of the relevant period as extended to 18 months under that paragraph.



Appendix 1 - Proposed Solutions

2. **Solution to provide paid maternity leave for members to avail of this new proposed provision under Section 18 of the 2001 Act (detailed above)**

Financial proposal will provide for no reduction in our members representational payment for the first 6 months of absence for maternity/adoptive leave, a 50% reduction in their payment for the subsequent 6 months and no payment thereafter up to the maximum of 18 months absence. These proposals are in line with current provisions under Regulation of the Local Government (Remuneration Of Local Authority Members) Regulations 2001 (S.I. No. 552 of 2001)

Regulation 5(4) of the Local Government (Remuneration Of Local Authority Members) Regulations 2001 (S.I. No. 552 of 2001)

- 5.4 (a) - Where a member is absent from attendance at any meeting of his or her local authority for a continuous period of 6 consecutive months from the date of his or her last attendance at a meeting of the local authority then payments under these Regulations shall continue to be made by the local authority to that member for that period.
- 5.4 (b) - Where a member is absent from attendance at any meeting of the local authority for a continuous period of more than 6 consecutive months but continues to be a member of the local authority under section 18(4) of the Act of 2001 then payments under these regulations shall continue to be made by the local authority to that member at half the applicable annual rate for the next succeeding 6 months following the initial 6 consecutive months of absence under paragraph (a).
- 5.4 (c) - No further payments shall be made under these regulations where a member is absent from attendance at any meeting of the local authority for a continuous period of more than 12 months for so long as such uninterrupted absence continues.

Appendix 2

Report on AILG Maternity Leave Focus Group, Thurs 15th April, 2021

Purpose of AILG Focus Group - the purpose of the focus group was to assist AILG to prepare a detailed paper on the details, challenges and potential options for the provision of Maternity Leave for local authority elected members.

To ensure cross-party representation, a female councillor from each political grouping was asked to participate. The female councillors' participation in the focus group was entirely voluntary. A short briefing paper which highlighted the current challenges and potential options for the provision of Maternity leave for local authority elected members was distributed in advance of the focus group.

The women councillors participated in a group session that lasted one and a half hours. A separate zoom call took place with the Labour party representative on the 23rd of April, 2021 who was unable to attend the original meeting during which the same questions were asked.

Key Issues/Findings

1. Managing the Workload of an Elected Member on Maternity Leave

- The participants asked was it possible for female councillors to avail of maternity benefit & use this to pay an administrator. The members voiced their concern that one of the disadvantages of maternity leave is not being able to keep up with constituent work.
- The members noted that secretarial support would be an excellent aid to help with emails and calls and to keep up with "constituency work".
- All female participants were in agreement that 12 months would be suffice time for maternity leave and that the proposed pay system for Maternity leave (full pay for first 6 months, half pay for 6-12 months and no pay from 12-18 months) was fair.

Key Issues/Findings

2. Financial Considerations

- The focus group were asked *"If an elected member is absent due to maternity leave should they be exempt from the meeting attendance rule in order for their annual expenses allowance to be payable?"*
- Some of the members advocated that meeting allowances should be payable during maternity leave to help cover the cost of securing administrative/secretarial support while a member is on maternity leave. This would also remove any "guilt" for members accepting the allowance while on maternity leave. The members also highlighted the need to protect women from criticism for taking maternity leave.

3. Other Considerations

- *"Facility of Remote Attendance and Remote Voting at Statutory/Non-Statutory Local Authority Meetings"* - participants felt that it was essential to retain the ability to participate remotely at meetings after Covid-19 to allow flexibility in certain circumstances. One member spoke of her personal experience about the issue of remote voting and quoted "I am in a pact and on the day of the Lord Mayor vote I was in the Rotunda and if the option to log in and vote remotely was there I would have".
- Examining meeting times, duration and appropriate flexibility with scheduling meetings to accommodate elected members on maternity leave - all female participants were in agreement that there should be appropriate flexibility around meeting times. The members proposed that this could be voted for at the beginning of a term and revisited at the end of each 5-year term.



Key Issues/Findings

4. Formal Substitute/Replacement System for a Representational Payment

- All female participants shared concerns around a substitute system. There was a consensus that each female councillor respected their democratic mandate and that their constituents had voted for them personally – participants shared concerns around how constituents would feel with a substitute representative that they had not voted for.
- The members made the point that it took them a year or more “to fully grasp the role” and shared concerns around how a substitute would be able to cope and get to grips with the role in such a short amount of time.
- All members shared concerns of knock-on effects of a substitute system and felt that if additional supports were available for members on maternity leave that this could be resolved.
- The question around what would the legal status of the elected member (who is on maternity leave) be if a temporary replacement/substitute has been appointed was raised with the participants. The members made the point regarding this question that a councillor on maternity leave would still need to be a member as they are democratically elected.
- The participants were also asked would there be difficulties for elected members of political parties in choosing who would be their temporary replacement. Some participants from larger party groupings felt that there would be far more competition and that they would be unable to choose their substitute. They all shared concerns that if a substitute came in, they would be worried about their future prospects when they returned from maternity leave.
- Participants were asked should a temporary replacement/substitute system be extended to cover absences due to serious/long-term illness or other serious family related circumstances. The members questioned the fairness of such a system and felt that resignation would be better in the other incidents.

Key Issues/Findings

5. Reputation of the Councillor

- The participants were asked to consider what would be the potential effect on the reputation of the Member by being absent for a period of time? Would a longer absence influence the reputation of the councillor? Would local voters feel that their councillor did not do a proper job while the member was absent and would this affect the member negatively in her career? Some members agreed and felt that being absent for a long period of time could have an adverse effect on the reputation of the member. However, all the participants agreed that availing of a temporary substitute/replacement option would need to be at the choice of the councillor/elected member.







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