



City of Hamilton

Memorandum

To: Chair and Members of the Budget Committee

Date: February 13, 2026

Report No: FCS26033

Subject/Title: Obligations Under the Employment Standards Act for Meeting Breaks

Ward(s) Affected: City Wide

Information

At the February 6 General Issues Committee meeting, the Motion titled “No More Free Lunches for the Council” was deferred and staff were directed to review and report back on the potential impacts and considerations associated with ceasing funding for meals for elected officials and the leadership team during Committee and Council meetings. The following information is provided for Council consideration.

The proposed amendment would reduce the Legislative Department budget by \$25,780. There are no additional direct financial implications identified at this time. However, there are additional operational considerations and potential indirect financial implications for Council consideration.

Legislative Considerations

Under the *Employment Standards Act* (ESA), employees must not work more than five consecutive hours without receiving a 30-minute eating period free from work. While managerial and supervisory employees are exempt from certain ESA provisions (such

as rest periods between shifts, and hours of work limits), they are not exempt from the eating period requirement.

Elected Officials are exempt from these minimum standards.

Accordingly, any changes to meal provisioning practices must continue to ensure that meeting schedules remain compliant with ESA requirements for staff supporting Committee and Council meetings.

Procedural By-law

Section 3.2 (5) of the City's Procedural By-law states:

“A meeting of Council will recess for 30 (thirty) minutes within the first 5 (five) hours of a meeting, in accordance with the Employment Standards Act;”

It is important that Members and Committee Chairs ensure that this 30-minute break is properly scheduled and observed. Meetings typically commence at 9:30 a.m.; however, Clerk's Office and other support staff may begin preparation earlier in the morning (approximately 8:00 a.m.). To remain compliant with the ESA, staff must receive a 30-minute meal break no later than five consecutive hours from the commencement of their duties.

The Procedural By-law does not restrict a Chair from establishing a longer recess (e.g., 45–60 minutes). Should Council wish to standardize a longer break period across Committees, an amendment to the Procedural By-law would be required

Operational Considerations

Council and Committee meetings sometimes require staff to remain present for extended and sometimes unpredictable durations. Meeting scheduling practices should account for these conditions when determining the length and timing of recess periods.

If funding for meeting meals were discontinued, the following practical considerations arise:

- Not all staff supporting meetings are based at City Hall; adequate time would need to be scheduled to allow individuals to obtain and consume meals.

- A 30-minute recess may limit the ability to leave the building and return within the allotted time; Council may wish to consider whether a longer standardized recess would better align with operational realities.
- Committee and Council meetings often extend into the late afternoon or evening hours, which may require additional breaks depending on duration.
- Access to refrigeration and storage space for staff who bring meals may require review, including consideration of food safety standards and capacity within existing facilities.
- Catering services for Committee and Council meetings are frequently sourced through the Common House Café, which is a launchpad and accelerator supporting Hamilton's food sector businesses; reduced demand may have some impact on that initiative.
- Adjustments to recess length may affect overall meeting duration and scheduling, which could in turn have minor implications for staffing depending on meeting length.

Summary

Should Council choose to proceed with the proposed amendment, legislative compliance can be maintained provided that appropriate meal breaks are scheduled. Council may also wish to consider whether any corresponding amendments to meeting practices or the Procedural By-law are warranted.

Prepared, Submitted and Recommended by:

Matthew Trennum, City Clerk, Office of the City Clerk, Corporate Services

Relevant Reports

HUR23004 – Obligations under Employment Standards Act (City Wide), presented to City Council on February 22, 2023.