

## Pregnancy & Parental Leave for Members of Council



<b>Section</b> City Council	<b>Date</b> January 28, 2020	<b>By-Law Number</b> 7-2020	<b>Page</b> 1	<b>Of</b> 3
<b>Subsection</b>	<b>Repeals By-Law Number</b> 162-2017		<b>Policy Number</b> CC-2-3	

### **Purpose**

Section 270(1)(8) of the *Municipal Act, 2001*, SO 2001, c 25 requires the City of Kenora to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of Council.

It is Member of Council's right to take leave for the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with the *Municipal Act, 2001* and the *Procedure By-law*.

This policy provides guidance on how the City of Kenora addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

### **Definitions**

Pregnancy and/or Parental Leave – an absence of a Member as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member.

Act - the *Municipal Act, 2001*, SO 2001, c 25.

Council - means the Municipality's Council.

Member - means a member of the Municipality's Council.

Municipality - means the City of Kenora.

In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to Members of Council.

### **Notice of Pregnancy and/or Parental Leave**

To the extent circumstances so permit, a Member shall provide written notice to the Municipality's Clerk at least 8 weeks before the plan to begin Pregnancy and/or Parental Leave.

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It is understood that a Member may not be capable of submitting such notice within the 8 week period set out above or at any time before beginning Pregnancy and/or Parental Leave. A Member shall, nevertheless, act in good faith in providing written notice to the Municipality’s Clerk as far in advance of beginning Pregnancy and/or Parental leave as is reasonably possible.

**Member’s office not to become vacant**

If a Member is absent from the meetings of council as a result of Pregnancy and/or Parental Leave, the office of the member shall not become vacant if the member’s absence is:

- (a) for 20 consecutive weeks or less; or
- (b) authorized by council to exceed 20 consecutive weeks.

**Accommodation**

The Municipality shall accommodate a Member’s Pregnancy and/or Parental Leave by doing all of the following:

1. Ensuring the Member continues to receive a copy of council packages and other relevant communications;
2. Ensuring the Member continues to receive all remuneration and benefits to which the Member is entitled;
3. Continuing to pay all the Member’s Municipal benefit premiums.
4. Permitting the Member to have access to all equipment supplied to a regular member including but not limited to access to information technology equipment, account access and elected officials staff support;
5. Permitting the Member to attend meetings of Council and/or committees in person or by any other means permitted by the Act if the member chooses to do so.

**Temporary appointments**

Council shall make temporary appointments to fill any vacancies to committees, boards, or other bodies that the Member is a member of as an appointee of Council or local board which result from the Member being on Pregnancy and/or Parental Leave.

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Notwithstanding, at any point in time during a Member’s Pregnancy and/or Parental Leave, the Member can provide written notice to the Municipality’s Clerk of their intent to lift any of the Council approved, temporary appointments and resume their participation. The Member shall inform the Municipality’s Clerk with proper notice, of any changes regarding their return date.

**Expectation upon Expiry of Pregnancy and/or Parental Leave**

It is expected that upon returning from Pregnancy and/or Parental Leave a Member will resume:

- (a) all appointments that have been temporarily filled by Council under this policy; and
- (b) attending the meetings of Council in person or by any other means permitted by the Act.

For clarity, if after returning from Pregnancy and/or Parental Leave the Member is absent from the meetings of Council for three successive months without being on Pregnancy and/or Parental Leave or being authorized to do so by a resolution of Council the Member’s office shall become vacant. In such circumstances Council shall at its next meeting declare the office to be vacant, except if the vacancy occurs as a result of the Member’s death, in which case Council may make the declaration at either of its next two meetings. (See Act s.259(1)(c) and s. 262(1)).

**Compliance**

In the event of policy violation, the Municipality’s Integrity Commissioner may investigate and determine appropriate corrective action.

**Responsibilities**

Members of Council and City staff are responsible for adhering to the parameters of this policy.

**Monitoring/Contraventions**

The City Clerk shall be responsible for monitoring the application of this policy and for receiving complaints and/or concerns related to this policy.

**Legislative and Administrative Authorities**

Section 270 of the *Municipal Act, 2001*, as revised by Bill 68, requires that the City adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council.