


POLICY

	Policy:	PREGNANCY & PARENTAL LEAVE FOR MEMBERS OF COUNCIL		
	Department:	Office of the CAO		
	Division:	Clerks Division	By-law No.:	N/A
	Administered By:	Municipal Clerk	Approval Date:	August 12, 2019
	Replaces:	N/A		
	Attachment(s):	1. <i>Notification Form – Pregnancy and Parental Leave for Members of Council</i>		

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to recognizing a Member of Council's right to take pregnancy and parental leave without a Council motion in accordance with Subsections 259 (1.1) and 270 (1) of the *Municipal Act, 2001* and to provide for delegated authority that would allow legislative and administrative matters to be addressed in a manner that is consistent with the Council Member's wishes while they are on leave.

2. PURPOSE

- 2.1. This policy provides guidance on how the Town of Amherstburg addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.
- 2.2. This policy defines a procedure for declaring the leave and to identify the related administrative policies and matters.
- 2.3. This policy ensures the office of a Council Member shall not become vacant should the Member be absent due to pregnancy or parental leave.

3. SCOPE

- 3.1. This policy applies to a Member of Council who is absent from meetings of council for at least three consecutive months as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

- 4.1. **Meeting** as defined in subsection 238 (1) of the Act "means any regular, special or other meeting of council, of a local board or of a committee of either of them, where,
 - (a) A quorum of members is present, and
 - (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the council, local board or committee."

- 4.2. **Legislative Powers** means all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision making authority.
- 4.3. **Pregnancy and/or Parental Leave** is an absence of 20 consecutive weeks or less as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member in accordance with Section 259 (1.1) of the *Municipal Act, 2001*.

Other common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. **INTERPRETATIONS**

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a By-law or Town policy shall be deemed to be a reference to the most recent passed policy or By-law and any replacements thereto.

6. **GENERAL CONDITIONS**

6.1. **Principles:**

- 6.1.1. An elected Council Member represents the interests of their constituents and exercises their legislative powers to move the Town of Amherstburg forward in a positive and productive manner.
- 6.1.2. A Member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
- 6.1.3. The office of a Member of Council shall not become vacant if a member is absent for 20 consecutive weeks or less if the absence is a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member.
- 6.1.4. Legislative and administrative matters requiring action during a Member's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Member's wishes.
- 6.1.5. A Member of Council on pregnancy leave or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.
- 6.1.6. A Member of Council on Pregnancy and/or Parental Leave shall continue to receive all remuneration, reimbursements and benefits afforded to all Members of Council.

6.2. **Procedure:**

- 6.2.1. A Member of council shall notify the Municipal Clerk and Human Resources of the expected birth or adoption of a child through the Pregnancy or Parental Leave Notification Form.

- 6.2.2. Members of Council on pregnancy or parental leave may participate in events, conferences, committee meetings, constituent meetings as they determine.
- 6.2.3. Members of Council on pregnancy or parental leave shall continue to have access to all equipment supplied to a regular Member including but not limited to access to Town of Amherstburg designated web data bases, information technology support, email account access and Municipal Clerk support.

6.3. **Communication Protocol**

- 6.3.1. Where a Member of Council will be absent due to a pregnancy and/or parental leave, the Member will:
 - 6.3.1.1. Continue to receive communication from the Town as if the Member were not on Leave, in accordance with the wishes of the Member.
 - 6.3.1.2. Respond to communications at the level they choose, including utilizing an out of office email feature to identify:
 - they are on leave;
 - the level of service offered; and,
 - an alternate contact if required.
 - 6.3.1.3. Notify constituents in a way they choose that they may not be available for phone contact during their leave.
- 6.3.2. Notwithstanding, at any point in time during a Member's pregnancy or parental leave, the Member reserves the right to exercise his/her delegated authority. The Member shall provide written notice to the Clerk of their intent to lift any of the Council-approved, temporary delegations and exercise their statutory role or delegated authority.
- 6.3.3. The Member shall inform the Municipal Clerk, with proper notice, on any change regarding their return date.

7. **RESPONSIBILITIES:**

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Adopt and maintain the *Pregnancy and Parental Leave for Members of Council Policy*.
 - 7.1.2. Adhere to the parameters of this Policy.
- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Direct compliance with the Policy.
- 7.3. The **Municipal Clerk** has the authority and responsibility to:
 - 7.3.1. Provide further information and support to interested Council Members.
 - 7.3.2. Monitor the application of the Policy and address any concerns related to this Policy.

7.4. **Manager of Human Resources** has the authority and responsibility to:

7.4.1. Ensure compliance with this Policy.

8. REFERENCES AND RELATED DOCUMENTS:

8.1. *Municipal Act, 2001*, as revised by Bill 68

8.2. *Modernizing Ontario's Municipal Legislation Act, 2017*, S.O. 2017, c. 10-Bill 68