
TO:	GENERAL COMMITTEE
SUBJECT:	PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL POLICY
WARD:	ALL
PREPARED BY AND KEY CONTACT:	W. COOKE, CITY CLERK AND DIRECTOR OF LEGISLATIVE AND COURT SERVICES Ext. 4560
SUBMITTED BY:	W. COOKE, CITY CLERK AND DIRECTOR OF LEGISLATIVE AND COURT SERVICES
GENERAL MANAGER APPROVAL:	D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the Pregnancy and Parental Leave for Members of Council Policy attached as Appendix "A" to Staff Report LCS006-19, be adopted.
2. That the City Clerk be authorized to make minor updates to the Pregnancy and Parental Leave for Members of Council Policy to remain compliant with other City Policies and legislative changes.

PURPOSE & BACKGROUND

3. The purpose of this Staff Report is to establish a pregnancy and parental leave policy for members of Council that maintains the rights and privileges of the member's office when on such a leave.

Background:

4. Section 259 of the *Municipal Act* provides that the office of a member of Council of a municipality becomes vacant if the member is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council.
5. On November 16, 2016, *Bill 68, the Modernizing Ontario's Municipal Legislation Act* was introduced in the Ontario Legislature. The Bill received Royal Assent on May 30, 2017. As identified previously in Staff Report LCS014-17, one of the amendments that Bill 68 made to the *Municipal Act* was a requirement that Council pass a policy with respect to pregnancy leaves and parental leaves of members of Council. This provision in the *Municipal Act* is effective as of March 1, 2019.

ANALYSIS

6. As part of Bill 68, the *Municipal Act* was amended to indicate that the Section 259 clause did not apply to a member of Council of a municipality who 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.

7. Previously, Council would have been required to authorize a leave of absence for a pregnancy or parental leave, if the leave resulted in the member missing three successive months of meetings of Council. Without such authorization, the member's seat would have automatically been declared vacant.
8. Section 270 of the *Municipal Act* will require a municipality to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of Council.
9. Because Council Members are not employees, they are not eligible for Employment Insurance parental leave benefits, and are not covered under the City's pregnancy and parental leave policies for staff.
10. The recommended policy for members is attached as Appendix "A" to Staff Report LCS006-19. Highlights of the policy include:
 - Council members are eligible for up to 20 weeks of pregnancy leave or parental leave, without the need to be excused by Council;
 - Recognition that all rights and privileges associated with being a member of Council continue during the leave, including the right to attend meetings, participate in events, manage constituent matters and receive honourarium and benefits; and
 - Eligible members shall notify the City Clerk of their intent to take leave two weeks before the start of the leave, including the expected start and return dates and if the member intends to delegate any duties or committee representation.

ENVIRONMENTAL MATTERS

11. There are no environmental matters related to the recommendation.

ALTERNATIVES

12. There is one alternative available for consideration by General Committee:

Alternative #1

General Committee could recommend changes to the policy or that a different policy be adopted concerning Pregnancy and Parental Leaves for members of Council.

This alternative is available. However, the provisions contained within the draft policy are consistent with policies adopted by other municipalities and the draft policy complies with the legislative requirements under section 270 of the *Municipal Act*.

FINANCIAL

13. There are no direct financial implications associated with the recommended motion to adopt a policy.

LINKAGE TO 2018-2022 STRATEGIC PLAN

14. The 2018-2022 Council Strategic Plan has not been finalized as of the writing of this Report.

APPENDIX "A"

PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL

Policy Category/Section: C00- Governance – City Council
Approval Date and Motion:
Effective Date: March 1, 2019
Last review date:

Policy Statement:

The Council of The Corporation of the City of Barrie is committed to providing a clear and transparent process for members of Council on pregnancy and parental leaves as permitted by section 259 (1.1) *Municipal Act*.

Purpose/Application:

The purpose of this Policy is to establish the procedure for declaring a pregnancy or parental leave of a member of Council and recognizes that members of Council maintain all rights and privileges of their office while on pregnancy or parental leave, and can exercise those rights at any time.

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.

Definition(s):

Pregnancy and Parental Leave means the period of time the member of Council will not attend meetings of Council or any other City of Barrie committee to which the member has been appointed as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

Parent means:

- a) A natural or adoptive parent; or
- b) A person who is in a relationship of some permanence with the natural or adoptive parent of the child and intends to treat the child as their own.

Specific Policy Requirements:

- 1. 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 as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.
- 2. The leave may start up to 20 weeks before a member of Council's expected date of delivery, or before the date when a child has come into the care, custody or control of a parent for the first time.
- 3. A member of Council on pregnancy or parental leave is exempt from attending meetings of Council and any other City of Barrie committee to which the member has been appointed as a right under the *Municipal Act*. Therefore, Council will not be required to authorize the absence and the absence does not count towards the period of time for which unexcused absences result in a forfeiture of office as set out in Section 259 of the *Municipal Act*.
- 4. If a member of Council is absent from a meeting due to pregnancy or parental leave, the City Clerk will record the reason for the absence in the minutes of the meeting.

-
5. A member of Council on pregnancy or parental leave shall continue to receive copies of agendas and minutes for Council and Committee meetings.
 6. Despite being on a pregnancy or parental leave, a member may attend any meeting of City Council, a local board or committee and exercise all rights and privileges of office.
 7. A member of Council on pregnancy or parental leave may participate in events, conferences, any Council or committee meetings, constituent meetings or respond to communications at the level the member deems appropriate.
 8. The member is encouraged to utilize an out of office email and phone feature to identify that they are on leave, the level of service offered and an alternative contact, if required.
 9. A member of Council on a pregnancy or parental leave continues to receive remuneration (honourarium and benefits) afforded for the position on Council for the duration of their leave.
 10. A member of Council on a pregnancy or parental leave shall continue to have access to all equipment supplied including but not limited to access to information technology equipment, account access and staff support available to elected officials.
 11. A member of Council shall notify the City Clerk of his/her intent to take pregnancy or parental leave at least two weeks before the start of the leave. This notice shall include:
 - a) the start date of the leave and expected return date;
 - b) information about which duties, if any will continue to be undertaken by the member of Council during the leave; and
 - c) information about any duties/committee representation that will be delegated to another member of Council, including:
 - i. The name of the Councillor(s) who the duties/committee representation are being delegated; and
 - ii. The duration of the delegation if it differs from the length of the leave.

Limitations:

This policy does not apply to leaves of absence of more than 20 consecutive weeks or leaves of absence that are not as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

Responsibilities:

The City Clerk (or designate) is responsible for communicating this Policy to members of Council.

Members of Council are accountable to comply with this Policy.

In accordance with the *Municipal Act*, the City Clerk is authorized and directed to take the necessary action to give effect to this Policy.

Rationale and Legislative Authority

Section 270 of the *Municipal Act* requires a municipality to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of Council.

Related Policies, Legislation and By-laws

Municipal Act, Procedural By-law

Department Contact

Wendy Cooke, City Clerk/Director of Legislative and Court Services at Ext. 4560 or wendy.cooke@barrie.ca