
Subject: Pregnancy and/or Parental Leave of Members of Council Policy

Report to: Corporate Services Committee

Report date: Wednesday, February 20, 2019

Recommendations

That the Pregnancy and/or Parental Leave of Members of Council Policy, attached as Appendix 1 to Report CLK 6-2019, **BE APPROVED**.

Key Facts

- The purpose of this report is to bring forward the Pregnancy and/or Parental Leave of Members of Council Policy for approval that addresses a new leave for Members of Council.
- As per Section 270(1) of the *Municipal Act, 2001*, municipalities are required to adopt and maintain policies with respect to various matters.
- *Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017*, amended section 270(1) of the *Municipal Act, 2001*, to include the requirement for municipalities to adopt and maintain a policy respecting pregnancy and parental leave for Members of Council.
- In accordance with the legislation, this policy must be in place by March 1, 2019.

Financial Considerations

There are no financial considerations associated with the recommendations of this report.

Analysis

Unlike Niagara Region employees who are entitled to maternity/pregnancy and/or parental leave, as per the *Employment Standards Act, 2000*, Members of Council are not employees. As a result, prior to the introduction of Bill 68, a Member was required to obtain a resolution of Council for a leave of absence due to pregnancy, or the birth/adoption of a child failing which their seat could be declared vacant pursuant to Section 259 of the *Municipal Act, 2001*.

However, as of May 30, 2017, Section 259 was amended as follows:

Clause (1) (c) does not apply to vacate the office of 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.

Effective March 1, 2019, Section 270(1) of the *Municipal Act, 2001* requires that a policy be in place for pregnancy and parental leave for Council members. The pregnancy and parental leave available to a Member is 20 consecutive weeks, and does not require a resolution of Council (in accordance with section 259).

The proposed draft Pregnancy and/or Parental Leave of Members of Council policy, attached as Appendix 1, includes provisions for the Member to continue to receive remuneration and claim expenses during their absence. It also provides for the ability of local area municipal Councils to appoint a temporary alternate Member to Regional Council while a Member is on pregnancy and/or parental leave, in accordance with the Procedural By-law and the *Municipal Act, 2001*. The proposed draft policy further authorizes the Regional Clerk, as administrator of the policy, to establish administrative procedures as necessary to implement the policy.

Alternatives Reviewed

As this policy is a legislative requirement, no alternatives were reviewed.

Relationship to Council Strategic Priorities

N/A.

Other Pertinent Reports

None.

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Appendices

Appendix 1 Pregnancy and/or Parental Leave of Members of Council Policy

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