


POLICY

	Policy:	Pregnancy and Parental Leave for Members of Council		
	Department:	Office of the CAO		
	Division:	Clerks	By-law No.:	2024-083
	Administered By:	Municipal Clerk	Approval Date:	Dec. 16, 2024
	Replaces:	Pregnancy & Parental Leave for Members of Council – August 12, 2019		
	Attachment(s):	Form – Pregnancy and Parental Leave for Members of Council		

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 Municipal Act, 2001 "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.

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 forward in a positive and productive manner.
- 6.1.2. A Member's pregnancy and/or parental leave does not require Council approval and their 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 their 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 and 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 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 their delegated authority. The Member shall provide written notice to the Municipal 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 the Pregnancy and Parental Leave for Members of Council Policy.

- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Direct compliance with the Pregnancy and Parental Leave for Members of Council 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 Pregnancy and Parental Leave for Members of Council Policy and address any related concerns.

- 7.4. **Manager of Human Resources** has the authority and responsibility to:
 - 7.4.1. Ensure compliance with the Pregnancy and Parental Leave for Members of Council Policy.

8. LEGISLATIVE REFERENCES:

- 8.1. Municipal Act, 2001
- 8.2. Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017