



REPORT N° HR 2019-11

Date	25/03/2019
Submitted by	Gerry Lalonde
Subject	Policy-Pregnancy Leaves and Parental Leaves of Members of Council
File N°	HR 2019-11

1) **NATURE/GOAL :**

This is a staff report that introduces a new policy for Members of Council that addresses a new leave under the Municipal Act for pregnancy and parental leave for Council Members.

Having policies in place helps to ensure clarity and consistency in the interpretation and implementation of allowable expenditures and the use of corporate resources.

2) **DIRECTIVE/PREVIOUS POLICY :**

The City does not have a Pregnancy and Parental Leave policy for Members of Council

3) **DEPARTMENT'S RECOMMENDATION :**

WHEREAS the Council of the City of Clarence-Rockland receive Staff Report HR 2019-11, entitled “ Pregnancy Leaves and Parental Leaves of Members of Council”

BE IT RESOLVED THAT Municipal Council hereby adopts the Pregnancy and Parental Leave policy for Members of Council.

ATTENDU QUE le Conseil de la Cité de Clarence-Rockland reçoit le rapport du personnel HR 2019-11 intitulé " Congés de maternité et congés parentaux des membres du Conseil"

QU'IL SOIT RESOLU QUE le Conseil municipal adopte la Politique de Congés de maternité et congés parentaux des membres du Conseil

4) **BACKGROUND :**

Subsection 270 (1) of the Municipal Act, 2001 requires municipalities to adopt and maintain policies with respect to a number of matters. Bill 68 included an amendment to the Act regarding pregnancy and parental Leave that requires the municipality to adopt and maintain a policy on pregnancy and parental leave for members of Council.

Section 259 of the Act provides that a Member's seat becomes vacant if the Member is absent from Council meetings for three successive months without being authorized to do so by a Council resolution. Prior to Bill 68, a Member was required to obtain a resolution of Council for an extended leave of absence due to pregnancy, the birth of a child or adoption of a child. Bill 68 provided an exemption to the above noted provision such that no resolution of Council is required to grant an extended leave of absence for a Member if the absence is related to pregnancy or parental leave for twenty (20) consecutive weeks or less.

Section 259 of the Municipal Act, 2001 now includes the following exception to the rules for when a Council member's seat becomes vacant: "(1.1) 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".

The City of Clarence-Rockland could still decide to excuse absences from meetings for any reason, including for pregnancy or parental leave, beyond twenty (20) weeks.

5) **DISCUSSION :**

The policy meets the requirements of the Municipal Act. Under the policy, the offices of council members could not be deemed vacant due to a related absence for 20 consecutive weeks or less. Municipalities will be given the option to excuse absences, for any reason, beyond 20 weeks.

The policy includes provisions for the member to be paid during their absence and that any other expenses normally paid should continue to be covered. Unlike municipal employees who are entitled to maternity/pregnancy and/or parental leave, the Employment Standards Act, 2000, members of Council are not employees and are not eligible for employment insurance.

6) **CONSULTATION:**

N/a

7) **RECOMMENDATIONS OR COMMENTS FROM COMMITTEE/ OTHER DEPARTMENTS :**

N/a

8) **FINANCIAL IMPACT (expenses/material/etc.):**

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9) **LEGAL IMPLICATIONS :**

N/a

10) **RISK MANAGEMENT :**

N/a

11) **STRATEGIC IMPLICATIONS :**

N/a

12) **SUPPORTING DOCUMENTS:**

Pregnancy Leaves and Parental Leaves of Members of Council Policy – English

Pregnancy Leaves and Parental Leaves of Members of Council Policy – French