



## Council Policy Manual

<b>Subject:</b> <b>Council Member Pregnancy and/or Parental Leave Policy</b>	<b>Approval Date:</b> July 22, 2019	<b>By-Law No.</b> 53-2019
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### 1.23 PURPOSE

Section 270 (1)(8) of the *Municipal Act, 2001, S.O. 2001, c. 25* requires the Municipality of Red Lake to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of Council.

### 1. DEFINITIONS

1.1 “**Act**” means the *Municipal Act, 2001, S.O., 2001 c. 25*.

1.2 “**Council**” means the Municipality’s Council.

1.3 “**Member**” means a member of the Municipality’s Council.

1.4 “**Municipality**” means the Municipality of Red Lake.

1.5 “**Pregnancy and/or Parental Leave**” means the absence of a Member as a result of the Member’s pregnancy, the birth of a Member’s child or the adoption of a child by the Member.

### 2. NOTICE OF PREGNANCY AND/OR PARENTAL LEAVE

To the extent circumstances so permit, a Member shall provide written notice to the Municipality’s Chief Administrative Officer (CAO) at least eight (8) weeks before the plan to begin Pregnancy and/or Parental Leave.

It is understood that a Member may not be capable of submitting such notice within the eight (8) week period set out above or at any time before beginning Pregnancy and/or Parental Leave. A Member shall, nevertheless, act in good faith in providing written notice to the Municipality’s CAO as far in advance of beginning Pregnancy and/or Parental Leave as is reasonably possible.

### 3. MEMBER’S OFFICE NOT TO BECOME VACANT

If a Member is absent from the meetings of Council as a result of Pregnancy and/or Parental Leave, the office of the Member shall not become vacant if the Member’s absence is:



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- (a) for twenty (20) consecutive weeks or less; or
- (b) authorized by Council to exceed twenty (20) consecutive weeks.

#### 4. ACCOMMODATION

The Municipality shall accommodate a Member's Pregnancy and/or Parental Leave by doing all of the following:

1. Ensuring the Member continues to receive a copy of Council packages and other relevant communications;
2. Ensuring the Member continues to receive all remuneration and benefits to which the Member is entitled;
3. Continuing to pay all of the Member's Municipal benefit premiums;
4. Permitting the Member to have access to all equipment supplied to a regular Member, including, but not limited to, access to information technology equipment, account access and elected officials staff support; and
5. Permitting the Member to attend meetings of Council and/or Committees in person or by any other means permitted by the Act if the Member chooses to do so.

#### 5. LOSS OF QUORUM

In the unlikely event that quorum is lost as a result of one or more Members being on Pregnancy and/or Parental Leave, Council shall make an application to a Judge of the Ontario Superior Court of Justice for an order authorizing the remaining Members to form a quorum.



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6. TEMPORARY APPOINTMENTS

Council shall make temporary appointments to fill any vacancies to committees, boards or other bodies that the Member is a member of as an appointee of Council or local board which result from the Member being on Pregnancy and/or Parental Leave.

Notwithstanding, at any point in time during a Member's Pregnancy and/or Parental Leave, the Member can provide written notice to the Municipality's CAO of their intent to lift any of the Council approved, temporary appointments and resume their participation. The Member shall inform the Municipality's CAO, with proper notice, of any changes regarding their return date.

7. EXPECTATION UPON EXPIRY OF PREGNANCY AND/OR PARENTAL LEAVE

It is expected that upon returning from Pregnancy and/or Parental Leave, a Member will resume:

- (a) all appointments that have been temporarily filled by Council under this policy; and
- (b) attending the meetings of Council in person or by any other means permitted by the Act.

For clarity, if after returning from Pregnancy and/or Parental Leave, the Member is absent from the meetings of Council for three (3) successive months without being on Pregnancy and/or Parental Leave or being authorized to do so by a resolution of Council, the Member's office shall become vacant. In such circumstances, Council shall, at its next meeting declare the office to be vacant, except if the vacancy occurs as a result of the Member's death, in which case Council may make the declaration at either of its next two (2) meetings. (Refer to Act, s. 259 (1) (c) and s. 262 (1)).

8. COMPLIANCE

In the event of policy violation, the Municipality's Integrity Commissioner may investigate and determine appropriate corrective action.



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### 9. REFERENCES AND RELEVANT LEGISLATION

When reviewing this policy, reference may be made to:

- Municipal Act, 2001
- Council-Staff Relations Policy
- Integrity Commissioner Protocol
- Code of Conduct

### 10. REVIEW

This policy shall be reviewed each term of Council or as required to legislative changes.



**Important Disclaimer:** this policy complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the "Act"). Wishart Law Firm LLP recommends that legal advice be sought by the Integrity Commissioner or anyone acting under his or her authority in responding to an application or conducting an inquiry pursuant to this policy. If you have any questions or concerns about this protocol or how to implement this policy, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this policy other than as expressly authorized or directed by Wishart Law Firm LLP.

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