

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10012-2019

***BY-LAW TO ADOPT A PREGNANCY AND PARENTAL LEAVE POLICY FOR
COUNCIL MEMBERS***

WHEREAS section 259(1.1) of the Municipal Act, 2001, as amended, provides that a Member of Council of a Municipality may be absent from Council 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;

AND WHEREAS section 270 of the Municipal Act, 2001, as amended, provides that a municipality shall adopt and maintain policies with respect to pregnancy leaves and parental leaves of Members of Council;

AND WHEREAS the Council of the Corporation of the Town of Smiths Falls has deemed it appropriate to adopt a Pregnancy & Parental Leave Policy for Council Members.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. THAT the "Schedule A" Pregnancy and Parental Leave Policy for Council Members form part of this by-law is hereby adopted.
2. THAT this by-law shall take effect on the date of its passing.

Read a first and second time this 25th day of February, 2019

Read a third time and passed this 25th day of February, 2019



Mayor



Clerk



1.0 PURPOSE

This policy provides guidance on how the Town of Smiths Falls addresses a Council member's pregnancy or parental leave in a manner that respects a member's statutory role as an elected representative.

2.0 LEGISLATIVE AUTHORITY

Section 270 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that a municipality must adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council.

3.0 DEFINITIONS

"CAO" – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Clerk" – shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Council" – shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

"Head of Council" – shall mean the Mayor of the Municipality.

"Member" – shall mean a Member of Council.

"Municipality" – shall mean the Corporation of the Town of Smiths Falls.

"Pregnancy and/or Parental Leave" – 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*.

4.0 SCOPE

This policy applies to Members of Council.

5.0 POLICY STATEMENT

SUBJECT: PREGNANCY AND PARENTAL LEAVE OF MEMBERS OF COUNCIL

The Corporation of the Town of Smiths Falls recognizes a member of Council's right to take leave for the member's pregnancy, the birth of the member's child or the adoption of a child by the member as required by and in accordance with section 270 of the Municipal Act, 2001.

6.0 POLICY REQUIREMENTS

- 6.1 Town Council supports a member of Council's right to pregnancy and/or parental leave in keeping with the following principles:
1. A member is elected to represent his or her constituents.
 2. A member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
 3. A member will continue to receive communication from the Town as if the member were not on leave.
 4. A member reserves the right to participate as an active member of Council at any time during his or her leave.
 5. A member shall continue to receive all remuneration, reimbursements and benefits afforded to all members of Council.
- 6.2 Where a member of Council will be absent due to a pregnancy and/or parental leave, the member shall provide written notice to the Clerk indicating expected start and end dates.
- 6.3 The Mayor may make temporary appointments to any committees, boards, task forces, etc. that are constituted by Town of Smiths Falls and where the member is the only member of Council on that body.
- 6.4 Notwithstanding, at any point in time during a member's pregnancy or parental leave, the member may provide written notice to the Clerk of their intent to lift any of the temporary appointments to exercise their statutory role.
- 6.5 The member shall provide written notice to the Clerk of any changes to their return date.

7.0 COMPLIANCE

The Integrity Commissioner may investigate complaints against Members related to this policy.

8.0 ACCOUNTABILITY FRAMEWORK

Members, the Chief Administrative Officer and Clerk are responsible for adhering to this policy.

9.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.

6.0 POLICY MANAGEMENT

6.1 Staff are authorized and directed to take the necessary action to give effect to this policy.

6.2 The Clerk or Chief Administrative Officer or designates are delegated the authority to make administrative changes to this policy that may be required from time to time due to legislative changes or if, in the opinion of both of them, the amendments do not change the intent of the policy.



SMITHS FALLS

RISE AT THE FALLS

Report # 2019 - 11

To: Mayor & Council
From: Kerry Costello, Director of Corporate Services/Clerk
Date: January 31, 2019
Committee of the Whole Date: February 4, 2019
Title: Pregnancy & Parental Leave Policy for Council Members

- For Direction
- For Information
- For Adoption
- Attachment

Recommendation: THAT the Council of the Town of Smiths Falls review and provide comment on the Pregnancy & Parental Leave Policy for Council Members

Purpose: The purpose of this report is to seek approval on the Pregnancy & Parental Leave Policy for Council Members in accordance with Bill 68, Modernizing Ontario's Municipal Legislation Act. This policy provides guidance on how the Town of Smiths Falls addresses a member's pregnancy or parental leave in a manner that respects a member's statutory role as an elected representative.

Background: In accordance with Bill 68, every municipality shall pass a Pregnancy & Parental Leave Policy for Council Members by March 1, 2019. See Appendix A. The Corporation of the Town of Smiths Falls recognizes a member of Council's right to take leave for the member's pregnancy, the birth of the member's child or the adoption of a child by the member as required by and in accordance with section 270 of the Municipal Act, 2001.

Analysis & Options: Option 1: Adopt the policy as presented / amended.
Option 2: Status Quo (do nothing). Failure to have such a policy adopted would be in violation of Bill 68.

Budget/Financial Implications: None at this time.

Consultation: All Lanark County Clerks
Shane Kelford, Town Solicitor
Lynda McKimm, Human Resources Advisor

Link to Strategic Plan: N/A

Respectfully Submitted:

Kerry Costello,
Director of Corporate Services/Clerk

Reviewed for agenda by:

Malcolm Morris, CMO
Chief Administrative Officer