

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

BY-LAW NO. 2019-07

**BEING A BY-LAW TO ADOPT THE COUNCIL MEMBER PREGNANCY,
BIRTH AND/OR ADOPTION OF CHILD LEAVE POLICY.**

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;

NOW THEREFORE the Council of the Corporation of the Municipality of East Ferris ENACTS AS FOLLOWS:

1. THAT the Council Member Pregnancy, Birth and/or Adoption of Child Leave Policy attached as schedule "A" hereto is hereby adopted.
2. This By-law shall take force and effect upon being passed.

READ A FIRST AND SECOND time this 22nd day of January, 2019;

READ A THIRD TIME AND FINALLY passed this ____ day of _____, 2019.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins



**THIS IS SCHEDULE "A"
TO THE MUNICIPLITY OF EAST FERRIS
BY-LAW 2019-07**

**Council Member Pregnancy
Birth and/or Adoption of Child Leave**

Issued: January 22 nd , 2019	Revision Dates:	Approved by Council Resolution:
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Purpose:

The Municipality of East Ferris 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 in accordance with the *Municipal Act, 2001*.

This policy provides guidance on how the Municipality of East Ferris addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

In accordance with section 270 of the *Municipal Act, 2001*, this policy applies only to Members of Council.

Definitions:

"Municipality" shall mean the Municipality of East Ferris.

"Council" shall mean the elected body of the Municipality of East Ferris.

"Leave" shall mean Pregnancy and/or Parental Leave.

"Member" shall mean the Mayor or a Councillor of the Municipality of East Ferris.

"Pregnancy and/or Parental Leave" shall mean 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*.

POLICY

Leave of Absence:

Each Member of Council shall be entitled to a leave of absence from the meetings of Council on account of pregnancy and/or the birth or adoption of the Member's child, subject to the following:

- (a) The Member exercising the leave shall complete Form 1 attached hereto and submit it to the Municipal Clerk;
- (b) save and excepting emergent circumstances which prevent the Member from doing so, the Member shall submit Form 1 to the Municipal Clerk at least eight (8) weeks prior to commencing his/her leave of absence. It is acknowledged that a Member may not be capable of submitting his/her Form 1 eight (8) weeks – or anytime – prior to the commencement thereof in emergent circumstances. Each Member shall nonetheless endeavor to submit his/her Form 1 as much in advance of as possible prior to or as soon as possible after commencing his/her leave of absence;
- (c) for greater certainty, nothing herein shall prevent a Member from exercising his/her leave of absence for failing to submitting Form 1 prior to the commencement of his/her leave of absence on account of emergent circumstances that are beyond the Member's reasonable control;
- (d) any single leave of absence shall be for the period requested by the Member as set out in his or her completed Form 1 provided that the period shall not exceed the period(s) noted in the paragraph (e) below; and
- (e) a Member shall be entitled to no more than twenty (20) consecutive weeks leave in any 52-week period.

While a Member is on leave of absence pursuant to the Policy:

- (a) if agreed to by the Member in Form 1, Council shall continue to include the Member in all Council and committee communication including, without limitation, notices of regular and special Council and committee meetings, and provide copies of all agendas (open and closed) and minutes of meetings;
- (b) the Member may attend, in person or by any other means permitted under the *Municipal Act, 2001*, S. O. 2001, C. 25 any Council and/or Committee meetings and/or events, if he/she chooses, at his/her discretion, and may cast any vote on any matter before Council and/or its Committee Meetings he/she attends;
- (c) the Member shall advise the Clerk if he or she chooses to attend Council and/or Committee Meetings during the leave; and

- (d) Notwithstanding paragraph 259(1) (c) *Municipal Act 2001*, S. O. 2001, c. 25, Council shall not declare the Member's seat vacant on account of the Member's absence(s) from Council meeting while on leave pursuant to this policy.

Compensation:

It shall be at the direction of the Member if they wish to continue to receive Council Remuneration while on leave. The Member shall advise the Municipal Clerk as to their intention and any paperwork required will be completed by the Municipal Clerk.

Committee Structure:

If the Member that is on leave is the Chair of a Committee of Council the following shall apply:

Vice-Chair sits as Chair

The next appointed member to the committee will sit as Vice-Chair

If the Member that is on leave is the Vice-Chair of a Committee of Council the following will apply:

The next appointed member to the Committee will sit as Vice-Chair

If the Member that is on leave is a Member of the Committees of Council the Chair and Vice-Chair will remain the same.

In all circumstances the Mayor will remain an Ex-Officio Member of the Committees.

Agencies, Boards and Commissions:

- (a) Council will appoint an interim Member to Agencies, Boards and Commissions to replace the Member on leave, unless the Member on Leave has first given notice to the Municipal Clerk that he or she wishes to continue to attend the meetings and the Agencies, Boards and Commissions to which he or she was appointed by way of a Striking Committee Report or Resolution of Council.
- (b) subject to paragraph (a) immediately above, the Member is not entitled to attend and vote intermittently at meetings of Agencies, Boards and Commissions.

Intermittent Return from Council Member Pregnancy, Birth and/or Adoption of Child Leave for Committee and/or Council Meetings:

- (a) if a Member attends Committee and/or Council meetings intermittently during their Leave the Member does not resume their position of Committee Chair or Vice-Chair for that meeting.

- (b) should the Member return intermittingly from Leave for Committee and/or Council Meetings that does not extend their leave for any additional weeks.
- (c) should the Member return intermittingly from Leave for Committee and/or Council meetings this does not mean that the Member has terminated their Leave.

Return from Council Member Pregnancy, Birth and/or Adoption of Child Leave:

Upon return from Leave the Member will resume all appointments to Council and Committees of Council and Agencies, Boards and Commissions that they previously held before the Leave.

Exception Upon Expiry of Leave:

If a Member fails to attend, in person or by any other means permitted under the *Municipal Act, 2001*, S. o. 2001, c. 25 Council's meeting immediately after the expiration of the Member's leave of absence, Council may declare the Member's seat vacant on account of such absence subject to and in accordance with the provisions of the *Municipal Act, 2001*, S. O. 2001, c. 25.

Effective Date:

This Policy comes into effect on _____.



FORM 1
Council Member Pregnancy, Birth and/or Adoption of Child Leave

To: Municipal Clerk

From: _____

Member's Name

Re: Notice of Council Member Pregnancy, and/or Birth Adoption of Child Leave

I hereby give notice to you and the Council of the Municipality of East Ferris that I will be taking leave from Council for the following reason(s) (check one);

- ☐ Pregnancy
- ☐ Birth of Child
- ☐ Adoption of Child

Dates of Leave

My leave will commence on _____ and
terminate on _____ terminated earlier
by me.

Agencies, Boards and Commissions

I wish to continue to attend all meetings of Agencies, Boards and Commissions during the period of my leave:

- ☐ Yes
- ☐ No

Continuing Communications While on Leave

I agree to continue to receive all communications generally sent to Members of Council while I am on leave:

- ☐ Yes
- ☐ No

Leave Announcement

I understand that the Chief Administrative Officer will announce my leave, and the dates thereof, to Members of Council and senior staff for their information.

Failure to Return from Leave

I understand that should I fail to attend Committee/Council Meetings after the expiry of my leave, that my seat may be declared vacant by Council in accordance with the terms and conditions of the Policy and the *Municipal Act 2001*, S. O. 2001, c. 25.

Print Name: _____

Signature: _____

Date: _____