



**City of Kingston
Report to Council
Report Number 19-061**

To: Mayor and Members of Council
From: Deanne Roberge, Acting Commissioner, Corporate & Emergency Services
Resource Staff: John Bolognone, City Clerk
Date of Meeting: February 19, 2019
Subject: Policy on Pregnancy Leave and Parental Leave for Members of Council

Executive Summary:

On December 19, 2017 Council received [Report 18-024](#) which provided a summary of the provisions introduced through Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, and the associated amendments to various Provincial Acts. Bill 68 received Royal Assent on May 30, 2017. Report 18-024 also provided a summary of the amendments already in force and those amendments requiring a Proclamation of the Lieutenant Governor before becoming effective. Two Proclamation Dates were established: January 1, 2018 and March 1, 2019.

Bill 68 included an amendment to the *Municipal Act, 2001* whereby a member of Council no longer required a resolution of Council to grant an extended leave of absence (i.e. more than three months) if the absence was related to pregnancy or parental leave for twenty (20) consecutive weeks or less. Council approved an amendment to the Council Procedural By-law on December 19, 2017 to implement this new provision.

Subsection 270 (1) of the *Municipal Act, 2001* requires municipalities to adopt and maintain policies with respect to a number of matters. Bill 68 added a new paragraph 8. requiring the City to adopt and maintain a policy on pregnancy and parental leave for members of Council. This amendment will become effective as part of the Phase 2 Proclamation on March 1, 2019 by the Lieutenant Governor.

The purpose of this report is to provide Council with staff's recommended "Policy for Pregnancy Leave and Parental Leave for Members of Council" in order to implement the provisions of Bill 68. Staff recommends that Council adopt the attached Policy.

February 19, 2019

Page 2 of 6

Recommendation:

That Council approve the “Policy for Pregnancy Leave and Parental Leave for Members of Council” attached as Exhibit A to Report Number 19-061.

February 19, 2019

Page 3 of 6

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Deanne Roberge, Acting Commissioner,
Corporate & Emergency Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Acting Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Acting Commissioner, Community Services	Not Required
Jim Keech, President & CEO, Utilities Kingston	Not Required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not Required

February 19, 2019

Page 4 of 6

Options/Discussion:**Purpose**

Subsection 270 (1) of the *Municipal Act, 2001* has been amended to require municipalities to adopt and maintain a policy on pregnancy and parental leave for members of Council. The amendment is being proclaimed by the Lieutenant Governor on March 1, 2019. The purpose of this report is to present Council with a new policy that addresses the requirements of the *Municipal Act, 2001* that Council adopt and maintain a mandatory policy with respect to pregnancy and parental leave for members of Council.

Background

Bill 68 was tabled by the provincial government in November, 2016 following a period of public consultation in 2015. Many of the changes being made with the passage of Bill 68 are based on the feedback from municipalities, the public and other organizations during the consultation period. On December 19, 2017 Council received [Report 18-024](#) which provided a summary of the provisions introduced through Bill 68, the *Modernizing Ontario's Municipal Legislation Act, 2017*, and the associated amendments to various Provincial Acts. Bill 68 received Royal Assent on May 30, 2017. A number of the amendments introduced through Bill 68 require a Proclamation of the Lieutenant Governor before becoming effective. Two Proclamation Dates were established: January 1, 2018 and March 1, 2019.

Section 259 of the *Municipal Act, 2001*, as amended, provides that a Council Member's seat becomes vacant if the Member is absent from Council meetings for three successive months without being authorized to do so by 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 the adoption of a child. Bill 68 amended Section 259 of the *Municipal Act, 2001* to provide an exemption to that requirement such that no resolution of Council would be required to grant an extended leave of absence for a Member if the absence was related to pregnancy or parental leave for twenty consecutive weeks or less.

On December 19, 2017, Council approved the following amendment to the Council Procedural By-law Number 2010-1, as amended, in order to implement the amended provisions of the *Municipal Act, 2001*:

"Leaves of Absence / Vacant Office

- 7.13 The office of a Member of Council will become vacant if the Member is absent from the meetings of council for three consecutive months unless the leave of absence is authorized by a resolution of Council.

Notwithstanding the foregoing, an office is not vacated by a Member of Council who is absent for twenty consecutive weeks or less if the absence is as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with subsection 259 (1.1) of the *Municipal Act, 2001*. A resolution of Council is not required to authorize such leave of absence. The Member

February 19, 2019

Page 5 of 6

shall provide the City Clerk with written notice of the leave of absence for twenty consecutive weeks or less as a result of the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member."

Bill 68 provided a further amendment to the *Municipal Act, 2001* with respect to pregnancy and parental leave. Subsection 270 (1) of the *Municipal Act, 2001* requires municipalities to adopt and maintain policies with respect to a number of matters. Bill 68 added a new paragraph 8. that requires municipalities to adopt and maintain a policy on pregnancy and parental leave for members of Council. This amendment will become effective as part of the Phase 2 Proclamation on March 1, 2019 by the Lieutenant Governor.

Discussion

The attached Policy for Pregnancy Leave and Parental Leave for Members of Council (Exhibit A) fulfills the requirements of the *Municipal Act, 2001*, as amended. The Policy recognizes the right of a Member of Council to take leave related to a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member and provides guidance on addressing the Member's leave in a manner that respects the Member's role as an elected representative.

The Policy reiterates the provisions of the Council Procedural By-law Number 2010-1, as amended, that a Member's seat will not become vacant due to an absence of twenty weeks or less related to the Member's pregnancy or parental leave and that such leave does not require approval by Council. It is recognized the Council would have the option to extend the pregnancy or parental leave beyond twenty weeks, which would require a resolution of Council.

The Policy requires the Member to submit a written notice to the City Clerk outlining the expected start date and return date of the pregnancy or parental leave at least 8 weeks prior to the commencement of the leave. Form 1, attached to the Policy, has been designed to facilitate the written notice. It is recognized that where unexpected circumstances arise, the Member may not be able to submit the required written notice 8 weeks in advance or even before the leave commences. Where there are unexpected circumstances beyond the Member's reasonable control, the required written notice should be submitted as far in advance as possible or as soon as possible after the leave commences. The City Clerk will provide the Chief Administrative Officer (CAO) with a copy of the written notice and the CAO will announce the leave and its expected duration to Council and senior staff for their information.

The Policy also provides that the Member shall continue to receive all communications, meeting agendas, minutes and associated materials as if the Member was not on leave, in accordance with the wishes of the Member (Form 1). This would include Council and any Committees, Agencies or Boards to which the Member had been appointed. The Policy also provides that a Member wishing to attend a meeting during his or her leave would first have to advise the City Clerk. While at the meeting the Member could cast a vote on any matter before Council or the Committee, Agency or Board. Should a Member decide to attend one or more meetings during the leave, this would not extend the leave for any additional weeks nor would it be construed as terminating the leave.

February 19, 2019

Page 6 of 6

If deemed necessary, Council may make temporary appointments to fill the Member's vacancy on any Committees, Agencies or Boards to which the Member had been appointed. Once the Member returns from the leave, he or she shall resume all appointments to Council, Council Committees or any Agencies and Boards to which the Member had been appointed.

The Policy also includes provisions for the Member to continue to receive his or her remuneration and any benefits during the pregnancy or parental leave.

In the event that the Member fails to attend Council and Committee meetings after the expiry of his or her leave, the member's Council seat may be declared vacant by Council in accordance with the terms and conditions of the City's Policy for Pregnancy Leave and Parental Leave for Members of Council and the provisions of the *Municipal Act, 2001*.

Staff recommends that the Policy attached as Exhibit A be adopted by Council.

Existing Policy/By-Law:

The *Municipal Act, 2001*;

Council Procedural By-law Number 2010-1, as amended.

Notice Provisions:

There are no notice provisions with respect to this report.

Accessibility Considerations:

This report is AODA compliant and may be available in alternate formats upon request.

Financial Considerations:

There are no financial considerations with respect to this report.

Contacts:

John Bolognone, City Clerk, 613-546-4291, extension 1247

Other City of Kingston Staff Consulted:

Janet Jaynes, Deputy City Clerk

George Wallace, Senior Special Projects Manager

Exhibits Attached:

Exhibit A Policy for Pregnancy Leave and Parental Leave for Members of Council



Policy for Pregnancy Leave and Parental Leave for Members of Council

Policy #	TBD
Effective Date	February 19, 2019
Review Date	Each Term of Council or as required to implement Legislative Changes
Status	Current
Final Approver	Council

Note - if a policy is approved by Council then it must be posted on the [City website policy page](#)

1.0 Purpose

The purpose of this Policy is to provide guidance on how the City of Kingston addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

2.0 Persons Affected

- 2.1 This Policy applies to Members of Council in accordance with sub-clause 270 (1), paragraph 8. of the *Municipal Act, 2001*.

3.0 Policy Statement

- 3.1 The City of Kingston recognizes the right of a Member of Council to take leave related to the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with the provisions of the *Municipal Act, 2001*, as amended. The City is committed to providing a clear and transparent process for Members on pregnancy and parental leave.

Pregnancy or Parental Leave

- 3.2 Each Member of Council shall be entitled to a leave of absence from Council and Committee meetings for 20 consecutive weeks or less if the absence is the result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.
- 3.3 A resolution of Council is not required to authorize such leave of absence.
- 3.4 The Member requesting the leave shall complete Form 1 attached hereto and submit it to the City Clerk at least eight (8) weeks prior to commencing his or her leave.
- 3.5 Where there are emergent circumstances beyond the Member's reasonable control, the Member shall submit Form 1 to the City Clerk as much in advance as possible prior to commencing his or her leave or as soon as possible after commencing his or her leave.
- 3.6 For greater certainty, nothing herein shall prevent a Member from exercising his or her leave of absence for failing to submit Form 1 prior to the commencement of his or her leave on account of emergent circumstances beyond the Member's reasonable control.

Office does not Become Vacant

- 3.7 The office of a Member shall not become vacant if a Member is absent for 20 consecutive weeks or less if the absence is the result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.

Member Exempt from Attending Meetings

- 3.8 A Member on pregnancy or parental leave shall be exempt from attending Council meetings and meetings of any Council Committee, Agency or Board to which the Member has been appointed.

Receipt of Correspondence, Agendas, Minutes while on Leave

- 3.9 If agreed to by the Member on Form 1, the Member shall continue to receive copies of all Council, Committee, Agency and Board communications and correspondence, including notices of regular and special meetings, all meeting agendas (both open and closed meetings) and related materials, and minutes of meetings.

Member may Attend Meetings while on Leave

- 3.10 A Member on pregnancy or parental leave may attend Council, Committee, Agency and Board meetings or constituent meetings and or events at his or her discretion, and may cast a vote on any matter before Council and / or a Council Committee, Agency or Board to which the Member has been appointed at any meeting he or she attends.
- 3.11 The Member on pregnancy or parental leave shall advise the City Clerk if he or she chooses to attend a Council, Committee, Agency or Board meeting during the leave.

Responding to Communications

- 3.12 A Member on pregnancy or parental leave may respond to communications at a level that the Member determines and shall utilize an automatic reply e-mail feature to identify that he or she is on leave.

Meeting Attendance does not Extend or Terminate Leave

- 3.13 If a Member decides to attend meetings intermittently during his or her leave, this shall not extend the leave for any additional weeks nor shall it be construed as terminating the Member's leave.

Council May Make Temporary Appointments

- 3.14 If deemed appropriate, Council may make temporary appointments to fill any vacancies of the Member to Council Committees or any Agencies or Boards to which the Member has been appointed.

Remuneration

- 3.15 A Member on pregnancy or parental leave shall continue to receive all remuneration and benefits afforded to Members of Council.

Return from Leave

- 3.16 Upon the Member's return from pregnancy or parental leave he or she shall resume all appointments to Council and Committees of Council or any Agencies and Boards that he or she held before the leave.

Failure to Return from Leave

- 3.17 In the event that the member fails to attend Council and Committee meetings

after the expiry of his or her leave, the Member's seat may be declared vacant by Council in accordance with the terms and conditions of the City's Policy for Pregnancy Leave and Parental Leave for Members of Council and the provisions of the *Municipal Act, 2001*.

4 Responsibilities

- 4.1 City Council is responsible for approving and maintaining this Policy.
- 4.2 Individual Members of Council are responsible for completing and submitting the required notice (Form 1) of pregnancy or parental leave to the City Clerk in accordance with this Policy.
- 4.3 The Chief Administrative Officer is responsible for advising Council and the Corporate Management team of the Member's pregnancy or parental leave and the expected duration thereof.

5.0 Approval Authority

Role	Position	Date Approved
Quality Review	City Clerk	January 23, 2019
Subject Matter Expert	City Clerk	January 23, 2019
Legal Review	Senior Legal Counsel	January 29, 2019
Management Review	City Clerk	January 23, 2019
Final Approval	Council	February 19, 2019

6.0 Revision History

Effective Date	Revision #	Description of Change

7.0 Appendix

Form 1 - Notice of Pregnancy Leave and Parental Leave for Members of Council

8.0 Related Definitions

- 8.1 “Member” for the purposes of this Policy means a Member of City Council.
- 8.2 “Pregnancy and Parental Leave” for the purposes of this Policy means the period of time the Member will not attend meetings of Council or any other Committee to which the Member has been appointed as a result of the Member’s pregnancy, the birth of the Member’s child, or the adoption of a child by the Member.



Notice of Pregnancy Leave and Parental Leave for Members of Council

To: City Clerk

From: _____
(Council Member's Name)

Re: Notice of Pregnancy or Parental Leave

I hereby give notice that I will be taking leave from Council for the following reason (check one):

- Pregnancy
- Birth of a Child
- Adoption of a Child

Dates of Leave

Anticipated Date of Commencement: _____

Anticipated Return Date: _____

Committees and Boards

I wish to continue to attend all meetings of the Committees and Boards to which I have been appointed during the period of my leave:

- Yes
- No

Communications While on Leave

I agree to continue to receive all communications, agendas and associated materials generally sent to Members of Council during the period of my leave:

- Yes
- No

Announcement of Leave

I understand that the Chief Administrative Officer will announce my leave and the dates thereof to the Members of Council and Corporate Management Team for their information.

Failure to Return from Leave

I understand that if I fail to attend Council and Committee 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 City's Policy for Pregnancy Leave and Parental Leave for Members of Council and the provisions of the *Municipal Act, 2001*.

Print Name: _____

Signature: _____

Date: _____