



BY-LAW

NO. 2023 –

Being a By-law to Adopt a Pregnancy and Parental Leave for Council Members Policy for The Corporation of the Municipality of Kincardine

Whereas pursuant to the said Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

Whereas Section 270 (8) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires the Municipality of Kincardine to adopt and maintain a policy setting out pregnancy leaves and parental leaves of members of Council; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Pregnancy and Parental Leave for Council Members Policy; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Pregnancy and Parental Leave for Council Members Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That Policy GG.6.13 passed by Resolution #02/20/19 and all other Policies passed by By-law or Motion inconsistent with this By-law, be repealed.
4. That By-law may be cited as the "Pregnancy and Parental Leave for Council Members Policy By-law".

Read a First and Second Time this 5th day of July, 2023.

Read a Third Time and Finally Passed this 5th day of July, 2023.

Mayor

Clerk

Policy No.: COUNCIL.03

Section: Your Government and People

Policy Title: Pregnancy & Parental Leave for Council Members

Adopted Date: July 5, 2023

By-law No.: 2023 -

Revision Date:

1. Purpose

The Pregnancy & Parental Leave for Council Members Policy provides the framework and guidance on how the Municipality of Kincardine addresses a Council Member's pregnancy or parental leave in a manner that respects a member's statutory role as an elected representative. Section 270(1)(8) of the Municipal Act, 2001, S.O. 2001, c.25 requires the Municipality of Kincardine to adopt and maintain a policy setting out pregnancy leaves and parental leaves of members of council.

2. Scope

This policy applies to all Members of Council.

3. Definitions

“**Pregnancy Leave**” or “**Parental Leave**” shall mean an absence of twenty (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. Responsibility

The Clerk shall be responsible for monitoring the application of this policy. This policy will be reviewed by the Clerk in each term of Council or as required due to legislative changes.

5. Procedure/ Policy

- (a) The office of a Member of Council shall not become vacant if a member is absent for twenty (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.
- (b) Where a Member of Council will be absent due to pregnancy and/or parental leave, the member shall:
 - a. Provide written notice to the Clerk or designate approximately two weeks before the start of the leave;
 - b. The notice should include the start date of the leave and the expected return date; and
 - c. Information about which duties, if any, will continue to be undertaken by the Member of Council during the leave.
- (c) The Mayor may make temporary appointments to any committees, boards, task forces, etc. that are constituted by the Municipality of Kincardine and where the Member is the only Member of Council on that body.
- (d) Notwithstanding Section 5(c), at any point in time during a Member's pregnancy or parental leave, the Member may provide written notice to the Clerk or designate of their intent to lift any of the temporary appointments to exercise their statutory role or any changes to their return date.
- (e) A Member's pregnancy and/or parental leave does not require Council approval and their office cannot be declared vacant as a result of the leave. Council will be advised of the pregnancy and/or parental leave and the expected start and end dates.
- (f) A Member will continue to receive communication from the Municipality as if the Member were not on leave. This shall include Council and Committee agendas.

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- (g) A Member reserves the right to participate as an active member of Council at any time during their leave.
- (h) A Member shall continue to receive all remuneration, reimbursements and benefits afforded to all Members of Council.
- (i) Members of Council on pregnancy and/or paternal leave shall continue to have access to all equipment supplied to a regular Member including but not limited to access to the municipal office, information technology equipment and elected officials staff support.

6. Related Documents/Legislation

6.1. Section 270 of the *Municipal Act, 2001*

6.2. COUNCIL.01 - Code of Conduct for Members of Council, Local Boards and Committee Members

7. Exclusions

This policy does not apply to Municipal Staff, or Members of Local Boards/Committees, the Municipality of Kincardine Police Services Board.