

The Corporation of the Municipality of Brockton



By-Law 2019-014

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Being a By-Law to Adopt a Council Pregnancy and Parental Leave Policy for the Municipality of Brockton.

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**Whereas** The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

**And Whereas** the *Municipal Act S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

**And Whereas** the *Municipal Act S.O. 2001, c 25, Section 270(1)* as amended, requires municipalities to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of council by March 1, 2019;

**And Whereas** the *Municipal Act S.O. 2001, c 25, Section 259(1.1)* as amended, provides that a Member of Council of a Municipality may be absent from Council 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;

**Now Therefore** the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That The Corporation of the Municipality of Brockton Council hereby adopts a Council Pregnancy and Parental Leave Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt Council Pregnancy and Parental Leave Policy By-Law".

**Read, Enacted, Signed and Sealed this 12th day of February, 2019.**

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Mayor – Chris Peabody

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Clerk – Fiona Hamilton

**Council Pregnancy or Parental Leave Policy**

<b>Department:</b>	Council	<b>Policy Number:</b>	H03-0200-19
<b>Section:</b>	Council	<b>Effective Date:</b>	February 12, 2019
<b>Subject:</b>	Pregnancy or Parental Leave	<b>Revised Date:</b>	
<b>Authority:</b>	By-Law 2019-014		

**1. Purpose**

The Municipality of Brockton recognizes a Member of Council’s (the “Member”) 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 Section 270(1) the *Municipal Act, 2001* as amended by Bill 68.

This policy provides guidance on how the Municipality addresses a Member’s pregnancy or parental leave to ensure a Member’s statutory role as an elected representative is respected.

**2. Definitions**

Pregnancy and/or Parental Leave – Shall be defined as 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*.

**3. Policy Requirements**

The Municipality of Brockton Council supports the Member’s right to pregnancy and/or parental leave in keeping with the following principles:

- a) A Member of Council is elected to represent the interests of his or her constituents.
- b) 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.
- c) A Member of Council on pregnancy and/or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.
- d) A Member of Council on pregnancy and/or parental leave shall continue to be paid their respective honorarium.

Where a Member will be absent due to a pregnancy and/or parental leave, the Member shall provide written notice to the Clerk of the Municipality of Brockton indicating expected start and end dates.

The Mayor may make temporary appointments to any committee, boards, task forces etc. that are constituted by the Municipality of Brockton, and where the Member if the only Member of Council on that body.

Notwithstanding the above, at any point in time during a Member’s pregnancy or parental leave, the Member reserves the right to exercise his/her delegated authority on Council, Committees and Boards. The Member shall provide written notice to the Clerk of the Member’s intent to lift any of the Council-approved, temporary appointments and exercise the Member’s statutory role or delegated authority.

**4. Responsibilities**

Members of Council and Municipal staff are responsible for adhering to the parameters of this policy.

**5. 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 the attached form and submit it to the Clerk of the Municipality of Brockton;
- b) For greater certainty, nothing herein shall prevent a Member from exercising his/her leave of absence for failing to submitting the attached form prior to the commencement of his/her leave of absence on account of emergent circumstances that are beyond the Member's reasonable control;
- c) Any single leave of absence shall be for the period requested by the Member as set out in his or her completed form provided that the period shall not exceed the period(s) noted below; and
- d) A Member shall be entitled to no more than twenty (20) consecutive weeks' leave in any 52-week period.

**6. Compensation**

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

**7. 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.

**8. Expectation 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*.



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

To: Municipal Clerk

From: \_\_\_\_\_  
Council Member's Name

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

I hereby give notice to you and the Council of the Municipality of Brockton that I will be taking leave from Council for the following reason:

- Pregnancy
- Birth of Child
- Adoption of Child

#### Dates of Leave

My leave will commence on \_\_\_\_\_ and terminate on \_\_\_\_\_  
or else 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 Municipality of Brockton will announce my leave, and the dates thereof, to Members of Council and staff for their information.

#### Failure to Return from Leave

I understand that should I fail to attend Council or 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 policy and the *Municipal Act, 2001, S.O. 2001, c. 25*.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_