



# Council Member Pregnancy and/or Parental Leave Policy

*Township of O'Connor*

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## 1. Purpose

Section 270(1)(8) of the *Municipal Act, 2001*, SO 2001, c 25 requires the Township of O'Connor to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of council.

## 2. Definitions

“Act” means the Municipal Act, 2001, SO 2001, c 25.

“Council” means the Municipality’s Council.

“Member” means a member of the Municipality’s Council.

“Municipality” means the Township of O'Connor.

“Pregnancy and/or Parental Leave” means the absence of a Member as a result of the Member’s pregnancy, the birth of the Member’s child or the adoption of a child by the Member.

## 3. Notice of Pregnancy and/or Parental Leave

To the extent circumstances so permit, a Member shall provide written notice to the Municipality’s Clerk-Treasurer at least 8 weeks before the plan to begin Pregnancy and/or Parental Leave.

It is understood that a Member may not be capable of submitting such notice within the 8 week period set out above or at any time before beginning Pregnancy and/or Parental Leave. A Member shall, nevertheless, act in good faith in providing written notice to the Municipality’s Clerk-Treasurer as far in advance of beginning Pregnancy and/or Parental leave as is reasonably possible.

## 4. Member’s office not to become vacant

If a Member is absent from the meetings of council as a result of Pregnancy and/or Parental Leave, the office of the member shall not become vacant if the member’s absence is:

- (a) for 20 consecutive weeks or less; or
- (b) authorized by council to exceed 20 consecutive weeks.

## 5. Accommodation

The Municipality shall accommodate a Member's Pregnancy and/or Parental Leave by doing all of the following:

1. Ensuring the Member continues to receive a copy of council packages and other relevant communications;
2. Ensuring the Member continues to receive all remuneration and benefits to which the Member is entitled;
3. Permitting the Member to have access to all equipment supplied to a regular member including but not limited to access to information technology equipment and elected officials staff support;
4. Permitting the Member to attend meetings of Council and/or committees in person or by any other means permitted by the Act if the member chooses to do so.

## 6. Loss of quorum

In the unlikely event that quorum is lost as a result of one or more Members being on Pregnancy and/or Parental Leave, Council shall make an application to a Judge of the Ontario Superior Court of Justice for an order authorizing the remaining Members to form a quorum.

## 7. Temporary appointments

Council shall make temporary appointments to fill any vacancies to committees, boards, or other bodies that the Member is a member of as an appointee of Council or local board which result from the Member being on Pregnancy and/or Parental Leave.

Notwithstanding, at any point in time during a Member's Pregnancy and/or Parental Leave, the Member can provide written notice to the Municipality's Clerk-Treasurer of their intent to lift any of the Council approved, temporary appointments and resume their participation. The Member shall inform the Municipality's Clerk-Treasurer, with proper notice, of any changes regarding their return date.

## 8. Expectation upon Expiry of Pregnancy and/or Parental Leave

It is expected that upon returning from Pregnancy and/or Parental Leave a Member will resume:

- (a) all appointments that have been temporarily filled by Council under this policy; and
- (b) attending the meetings of Council in person or by any other means permitted by the Act.

For clarity, if after returning from Pregnancy and/or Parental Leave the Member is absent from the meetings of Council for three successive months without being on Pregnancy and/or Parental Leave or being authorized to do so by a resolution of Council the Member's office shall become vacant. In such circumstances Council shall at its next meeting declare the office to be vacant, except if the vacancy occurs as a result of the Member's death, in which case Council may make the declaration at either of its next two meetings. (See Act s.259(1)(c) and s. 262(1)).

## 9. Compliance

In the event of policy violation, the Municipality's integrity commissioner may investigate and determine appropriate corrective action.

## 10. References and Relevant Legislation

When reviewing this policy reference may be made to:

- *Municipal Act, 2001*
- Staff-Council Relations Policy
- Integrity Commissioner Protocol
- Code of Conduct for Council Members

## 11. Review

This policy shall be reviewed each term of Council or as required to legislative changes.