

THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS

BYLAW 2019-004

**BEING A BYLAW TO ADOPT THE ELECTED OFFICIALS
PARENTAL 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;

AND WHEREAS Council recognizes that municipal government is enhanced when a diverse range of individuals pursue positions as elected officials;

AND WHEREAS establishing Parental Leave for elected officials reduces barriers to entry for Council candidates who may become parents during their term of office;

AND WHEREAS the Municipality is not divided into wards and all elected officials act as elected officials for the whole Municipality;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
MUNICIPALITY OF HASTINGS HIGHLANDS ENACTS AS FOLLOWS:**

1. **THAT** the Elected Officials Parental Leave Policy attached as Schedule "A" hereto is hereby adopted;
2. **THAT** Mayor and Clerk be and are hereby authorized to sign this Bylaw and affix the corporate seal thereto;
3. **THAT** this Bylaw shall come into effect on the day it is passed.

ENACTED and **PASSED** in Council this 16th day of January, 2019.

'Vic A. Bodnar'

Vic A. Bodnar, Mayor

'Pat Pilgrim'

(Ms.) Pat Pilgrim, CAO/Clerk



SCHEDULE "A" to BYLAW 2019-004

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Human Resources/Administration			POLICY #:
POLICY: Elected Officials Parental Leave			
DATE: Jan 16, 2019	REV. DATE:	COVERAGE: Members of Council	PAGE #: 1-7

PURPOSE:

The Municipality of Hastings Highlands will provide guidance for a Council Member’s pregnancy or parental leave in a manner that respects the Member’s statutory role as an elected official.

POLICY STATEMENT:

The Municipality of Hastings Highlands recognizes a Council Member’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*, as amended.

SCOPE:

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

TITLE:

This Bylaw shall be called the **Elected Officials Parental Leave Policy**.

DEFINITIONS:

“Municipality” shall mean The Corporation of the Municipality of Hastings Highlands.

“Committee of Council” shall mean any internal Committees or Boards of the Municipality of Hastings Highlands, including Committee of Adjustment, Property Standards Committee, Budget Ad-Hoc Committee and the Cemetery Board.

“Council” shall mean the elected officials of The Corporation of the Municipality of Hastings Highlands.

“External Committee or Board” shall mean any external Committee or Board that the member has been appointed by way of bylaw.

“Leave” shall mean Pregnancy and/or Parental Leave.

“Member” shall mean the Mayor, Deputy Mayor or Councillor of The Corporation of the Municipality of Hastings Highlands.

“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*.

TERMS OF PARENTAL LEAVE

MAYORAL PARENTAL LEAVE:

- a) If the Mayor takes Parental Leave, any references in this bylaw to the Mayor shall be deemed to refer to the Deputy Mayor.

LENGTH AND PERIOD OF LEAVE:

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) A Member will be eligible for Parental Leave after serving thirteen (13) weeks on Council.
- b) Parental Leave taken under this bylaw shall not exceed twenty (20) consecutive weeks leave in any 52-week period.
- c) Parental Leave may commence prior to or after the birth or adoption of the Member's child, but must commence no earlier than seventeen (17) weeks prior to the estimated date of delivery or adoption of the child, and no later than seventeen (17) weeks after the day that the child is born or adopted by the Member.
- d) At the discretion of Council and with the support of the majority of Council, an extension to the approved Parental Leave or a subsequent leave may be granted.

REMUNERATION AND BENEFITS:

Compensation 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 Municipal Clerk as to their intention and any paperwork required will be completed by the Municipal Clerk.

During Parental Leave, a Member has the same entitlement to receive or participate in any benefits program or package, made available by the Municipality, that the Member would otherwise be entitled to receive or participate in.

NOTICE OF PARENTAL LEAVE:

- a) the Member exercising the leave shall complete Form 1 attached hereto and submit it to the Municipal Clerk;
- b) save and except in 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 their leave of absence. It is acknowledged that a Member may not be capable of submitting their Form 1 eight (8) weeks - or anytime - prior to the commencement thereof in emergent circumstances. Each Member shall nonetheless endeavour to submit their Form 1 as much in advance of as possible prior to or as soon as possible after commencing their leave of absence;
- c) for greater certainty, nothing herein shall prevent a Member from exercising their leave of absence for failing to submitting Form 1 prior to the commencement of their 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 their completed Form 1 provided that the period shall not exceed twenty (20) consecutive weeks leave in any 52-week period.

While a Member is on leave pursuant to this Policy:

- a) if agreed to by the Member in Form 1, Council shall continue to include the Member in all Council and Committee communications 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, any Council and/or Committee Meetings/External Committee or Board meetings and/or events, if they so choose, at their discretion, and may cast any vote on any matter before Council and/or its Committee at any meeting they attend;
- c) the Member shall advise the Municipal Clerk if they choose to attend Council and/or Committee Meetings and External Committee/Board 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 meetings while on leave pursuant to this Policy.

Committee Structure:

- a) 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
- b) If the Member that is on Leave is the **Vice-Chair** of a Committee of Council, the following will apply:
 - Chair remains as Chair
 - The next appointed member to the Committee will sit as Vice-Chair
- c) If the Member that is on Leave is a **Member** of a Committee of Council, the Chair and Vice-Chair will remain the same.
- d) Another Member shall be appointed to replace the Member that is on leave, until their return.
- e) In all circumstances the Mayor will remain an Ex-Officio Member of the Committees.

External Committee or Board:

- a) Council will appoint an interim Member to Committees and Boards to replace the Member on Leave, unless the Member on Leave has first given notice to the Municipal Clerk that they wish to continue to attend the meetings of the Committee and Boards to which they were appointed by way of bylaw.
- b) Subject to paragraph (a) immediately above, the Member is not entitled to attend and vote intermittently at meetings of Committees and Boards.

Intermittent Return from Elected Official 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 intermittently from Leave for Committee and/or Council Meetings this does not extend their Leave for any additional weeks.
- c) Should the Member return intermittently from Leave for Committee and/or Council meetings this does not mean that the Member has terminated their Leave.

Return from Leave:

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

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 the Council 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 January 16, 2019.



FORM 1

Elected Official Parental Leave To: Municipal Clerk

From: _____
Member's Name

Re: Notice of Elected Official Parental Leave

I hereby give notice to you and the Council of the Municipality of Hastings Highlands 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 _____ unless terminated earlier by me.

Committees/Boards

I wish to continue to attend all meetings of Committees/Boards and External Committees/Boards that I am appointed by way of bylaw 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 Municipal Clerk 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:

Municipal Clerk's Signature