



Report to: General Committee

Meeting Date: February 19, 2019

SUBJECT: Proposed Pregnancy or Parental Leave Policy for Members of Council
PREPARED BY: Kimberley Kitteringham, City Clerk, ext. 4729
Martha Pettit, Deputy Clerk, ext. 8220

RECOMMENDATION:

- 1) That the report titled, *“Proposed Pregnancy or Parental Leave Policy for Members of Council”* be received for information purposes; and,
- 2) That Markham City Council adopt the proposed *Pregnancy or Parental Leave Policy for Members of Council* included as **Appendix “A”** and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

Section 270 of the *Municipal Act* (the Act), as revised by Bill 68, requires that the City adopt and maintain a policy with respect to pregnancy or parental leaves for Members of Council. The purpose of this report is to provide Council with a proposed Policy for adoption.

BACKGROUND:

The Modernizing Ontario’s Municipal Legislation Act (Bill 68) was introduced in the Ontario Provincial Legislature in November, 2016 and received Royal Assent on May 3, 2017. As of March 1, 2019, Bill 68 requires all Ontario municipalities to adopt and maintain a policy with respect to the pregnancy or parental leaves of Members of Council.

Prior to Bill 68, if a Member of Council (Member) was pregnant, gave birth to a child or adopted a child, the Member was required to seek and receive a resolution of Council for an extended leave of absence, as would be required for an extended absence for any reason. Approval for this extended leave is provided for under Section 259(1)(c) of the *Act*, which provides that the Office of a Member of Council becomes vacant if the Member is absent from the meetings of Council for three successive months unless authorized to do so by a Council resolution. Bill 68 provides an exemption to this requirement, so that no Council resolution is required to grant a Member up to 20 consecutive weeks of leave if their 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.

Unlike City employees who are entitled to maternity/pregnancy and/or parental leave for the birth or adoption in accordance with the *Employment Standards Act, 2000* and the employee’s applicable collective agreement (or terms and conditions of employment), Members of Council are not City employees, are not subject to collective agreements and are not eligible for employment insurance.

OPTIONS/ DISCUSSION:

The proposed *Pregnancy or Parental Leave Policy for Members of Council* is included as **Appendix “A”**. The Policy approach recognizes a Member’s ability to take pregnancy, parental or adoption leave, while providing for delegated authority that would allow legislative and administrative matters to be addressed in a manner consistent with the Member’s wishes, while also ensuring the Member can fulfill their statutory role. A Member will be authorized to take up to 20 weeks of leave, without a Council resolution authorizing the absence, for the birth of their child (whether they are the birth mother or the spouse of the birth mother) or the adoption of a child (either parent). The leave may commence up to 20 weeks prior to the anticipated date of birth. Where practicable, two weeks’ written notice is required.

A Member’s salary and benefits continue unaltered throughout the leave and a Member will have access to all of their office and technical resources. During the leave, a Member may choose to attend Council or committee meetings without triggering a termination of the leave. The Member may request that the City Clerk undertake some administrative oversight over the Member’s Office and Staff during the leave.

FINANCIAL CONSIDERATIONS

None.

HUMAN RESOURCES CONSIDERATIONS

None.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Human Resources and Legal Services.

RECOMMENDED BY:

2019-02-08

X



Kimberley Kitteringham
City Clerk
Signed by: cxa

2019-02-08

X



Catherine Conrad
City Solicitor & Acting Director of Human Resour...
Signed by: cxa

2019-02-08

X



Trinela Cane
Commissioner, Corporate Services
Signed by: cxa

ATTACHMENTS:

[Appendix "A" - Proposed Pregnancy or Parental Leave Policy for Members of Council](#)