

	<i>Pregnancy or Parental Leave Policy for Members of Council</i>	
	Policy Category: <i>(Follow corporate standard to be developed)</i>	
	Policy No.:	Implementing Procedure No.:
Approving Authority: <i>Council</i>	Effective Date: <i>March 1, 2019</i>	
Approved or Last Reviewed Date: <i>N/A</i>	Next Review Year: <i>2021</i>	
Area(s) this Policy applies to: <i>Council Members</i>	Owner Department: <i>Legislative Services & Corporate Communications</i>	
Related Policy(ies): <i>Council Code of Conduct</i>		

Note: Questions about this policy should be directed to the Owner Department.

1. Purpose Statement

This Policy provides guidance on how the City of Markham addresses a **Member of Council's** pregnancy or parental leave in a manner that respects a **Member's** statutory role as an elected representative.

2. Applicability and Scope Statement

In accordance with Section 270 of the *Municipal Act*, this Policy applies to all **Members of Council**.

3. Background

The City of Markham recognizes a **Member of Council'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 Section 270 of the Act, as revised by Bill 68.

4. Definitions

“**ACT**” means the Municipal Act, 2001, as amended

“**CITY**” means The Corporation of the City of Markham.

“**CITY CLERK**” means the City Clerk and Returning Officer of the City.

“**COUNCIL**” means the Council of the City.

“**MEETING**” means any regular, special or other meeting of Markham City Council, of a local board or of a committee of either of them.

“**MEMBER**” means a Member of Markham City Council.



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“**PREGNANCY LEAVE**” means an absence of 20 consecutive weeks or less as a result of a Member’s pregnancy or delivery of a child.

“**PARENTAL LEAVE**” means an absence of 20 consecutive weeks or less as a result of

- the birth of a Member’s child where the Member is a parent but not the birth mother, and who is in a relationship of some permanence with the birth mother; or
- as a result of the adoption of a child by the Member;
in accordance with Section 259(1.1) of the Municipal Act, 2001.

5. Policy Statements

1. GENERAL PROVISIONS

- 1.1. A **Member** is eligible for up to a maximum of 20 weeks of **Pregnancy or Parental Leave**, not to extend beyond the end of a **Member’s** term of office.
- 1.2. For **Pregnancy Leave**, the leave may start up to 20 weeks before a **Member’s** expected date of delivery.
- 1.3. For **Parental Leave**, the leave may begin on the earlier of the date the child is born or the date the child first comes into the care, custody or control of the Member.
- 1.4. A **Member** must notify the **City Clerk** in writing of their intention to take leave two weeks before the start of the leave, where practicable. The notice should include:
 - The start date of the leave and the expected return date;
 - Information regarding who is responsible for the supervision of the Councillor’s Assistant; and,
 - Information about which duties, if any, will continue to be undertaken by the **Member** during the leave.
- 1.5 The **Member** shall provide written notice to the City Clerk of any changes to their return date.

2. SALARY AND BENEFITS

- 2.1. A **Member** on **Pregnancy Leave or Parental Leave** continues to receive their salary and is eligible for all benefits for the duration of their leave in accordance with the established remuneration and benefits for **Members**.



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3. MANAGEMENT OF A MEMBER'S OFFICE DURING LEAVE

3.1. Members may choose to continue to manage their office during their leave, but they may also delegate some administrative oversight to the **City Clerk**. Any such delegation should be specific, communicated in advance of the leave and done in writing.

3.2. Members will continue to have access to all equipment supplied to **Members**, including but not limited to access to their Civic Centre offices, information technology equipment, email, telephone and account access and the services of their Councillor's Assistant.

4. COUNCIL AND COMMITTEE MEETINGS

4.1. Despite being on a **Pregnancy Leave** or **Parental Leave**, a **Member** may attend any **Meeting** and exercise all rights and privileges of their office.

4.2. Members will continue to receive all **Meeting** agendas and minutes.

4.3. A **Member's** absence from a **Meeting** while on **Pregnancy Leave** or **Parental Leave** is a right established by the **Act**, therefore **Council** will not be required to excuse the Councillor's absence by Council resolution during the period of the Leave. The absence, provided that the Leave does not exceed 20 weeks, does not count towards the time period for which unexcused absences result in a forfeiture of office as set out in Section 259 (1) of the **Act**.

4.4. If a **Member** is absent from a **Meeting** due to **Pregnancy Leave** or **Parental Leave**, the **City Clerk** will record the reason for the absence in the **Meeting** minutes.

5. POLICY MANAGEMENT

5.1. The **City Clerk** or Director, Human Resources or designates are delegated the authority to make administrative amendments to this Policy that may be required from time to time due to legislative changes or, if, in the opinion of both of them, the amendments do not change the intent of the Policy.