

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2019-005

PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL POLICY

WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, 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 unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, Section 270 of the *Municipal Act, 2001*, as revised by Bill 68, Modernizing Ontario's Municipal Legislation Act, requires that a municipality must adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 THAT, the Pregnancy and Parental Leave for Members of Council Policy, attached hereto as Schedule "A", be adopted.

2. ULTRA VIRES

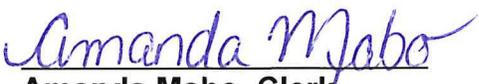
Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. EFFECTIVE DATE

ENACTED AND PASSED this 14th day of February, 2019.


Brian Campbell, Reeve




Amanda Mabo, Clerk

**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2019-005**

SCHEDULE "A"



SECTION:	NUMBER:
C	9

**SUBJECT: PREGNANCY AND PARENTAL LEAVE FOR MEMBERS OF COUNCIL
POLICY**

1.0 PURPOSE

This policy provides guidance on how the Municipality addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

2.0 LEGISLATIVE AUTHORITY

Section 270 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that a municipality must adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council.

3.0 DEFINITIONS

"CAO" – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Clerk" – shall mean the person or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Council" – shall mean the Council of the Municipality in accordance with the Council Composition By-Law in effect.

"Head of Council" – shall mean the Reeve of the Municipality.

"Member" – shall mean a Member of Council.

"Municipality" – shall mean the Corporation of Tay Valley Township.

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	March 1, 2019	N/A	1 of 3



SECTION:	NUMBER:
C	9

“Pregnancy and/or Parental Leave” – 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*.

4.0 SCOPE

This policy applies to Members of Council.

5.0 POLICY STATEMENT

The Municipality recognizes a 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 as required by and in accordance with the *Municipal Act, 2001*.

6.0 POLICY REQUIREMENTS

6.1 Council supports a Member’s right to pregnancy and/or parental leave in keeping with the following principles:

1. A Member is elected to represent his or her constituents.
2. 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.
3. A Member will continue to receive communication from the Municipality as if the Member were not on leave.
4. A Member reserves the right to participate as an active Member of Council at any time during his or her leave.
5. A Member shall continue to receive all remuneration, reimbursements and benefits afforded to all Members of Council.

6.2 Where a Member will be absent due to a Pregnancy and/or Parental Leave, the Member shall provide written notice to the Clerk and Chief Administrative Officer indicating expected start and end dates.

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	March 1, 2019	N/A	2 of 3



Tay Valley Township

SECTION:	NUMBER:
C	9

6.3 The Head of Council may make temporary appointments to any committees, boards, task forces, etc. that are constituted by the Municipality and where the Member is the only Member of Council on that body.

6.4 Notwithstanding, at any point in time during a Member's Pregnancy and/or Parental Leave, the Member may provide written notice to the Clerk of their intent to lift any of the temporary appointments to exercise their statutory role.

6.5 The Member shall provide written notice to the Clerk of any changes to their return date.

7.0 COMPLIANCE

The Integrity Commissioner may investigate complaints against Members related to this policy.

8.0 ACCOUNTABILITY FRAMEWORK

Members, the Chief Administrative Officer and Clerk are responsible for adhering to this policy.

9.0 POLICY REVIEW

This Policy shall be reviewed at least once per term of Council.

10.0 REFERENCES

Policies and Procedures/Documents

Code of Conduct for Members of Council and Local Boards
Procedural By-Law

Other Resources

Municipal Act, 2001, as amended

ISSUED BY:	DATE ISSUED:	SUPERSEDES:	PAGE:
Council	March 1, 2019	N/A	3 of 3