

The Corporation of the City of North Bay

By-Law No. 2019-99

**Being a By-Law to Amend By-Law 2018-15 to
Adopt the Council Member Pregnancy, Birth
and/or Adoption of Child 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 passed Resolution 2019-459 at its Meeting held on Tuesday, November 19, 2019, authorizing the Council Member Pregnancy, Birth and/or Adoption of Child Leave Policy be amended.

Now Therefore the Council of The Corporation of the City of North Bay does hereby enact as follows:

1. That Schedule "A" to By-Law No. 2018-15 to Adopt the Council Member Pregnancy, Birth and/or Adoption of Child Leave Policy be deleted and the attached Schedule "A" be inserted in lieu thereof.
2. This By-Law shall come into force and effect as of the 1st day of January, 2020.

Read a First Time in Open Council the 3rd day of December, 2019.

Read a Second Time in Open Council the 3rd day of December, 2019.

Read a Third Time in Open Council and Enacted and Passed this 3rd day of December, 2019.

Mayor Allan McDonald
SIRE\C01\BYLAW2019-99

City Clerk Karen McIsaac

THIS IS SCHEDULE "A"
TO THE CORPORATION OF THE CITY OF NORTH BAY
BY-LAW 2019-99



**Council Member Pregnancy,
Birth and/or Adoption of Child Leave**

Issued: January 30, 2018	Revision Dates: January 1, 2020	Approved by Council Resolution: 2018-20 2019-459
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Purpose:

The City of North Bay 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 the *Municipal Act, 2001*.

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

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

Definitions:

"City" shall mean The Corporation of the City of North Bay.

"Committee of Council" shall mean the General Government Committee, Community Services Committee or the Infrastructure and Operations Committee.

"Council" shall mean the elected body of The Corporation of the City of North Bay.

"Leave" shall mean Pregnancy and/or Parental Leave.

"Member" shall mean the Mayor or a Councillor of The Corporation of the City of North Bay.

"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*.

POLICY

Leave of Absence:

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) the Member exercising the leave shall complete Form 1 attached hereto and submit it to the City Clerk;
- (b) save and except in emergent circumstances which prevent the Member from doing so, the Member shall submit Form 1 to the City Clerk at least eight (8) weeks prior to commencing his/her leave of absence. It is acknowledged that a Member may not be capable of submitting his/her Form 1 eight (8) weeks - or anytime - prior to the commencement thereof in emergent circumstances. Each Member shall nonetheless endeavour to submit his/her Form 1 as much in advance of as possible prior to or as soon as possible after commencing his/her leave of absence;
- (c) for greater certainty, nothing herein shall prevent a Member from exercising his/her leave of absence for failing to submitting Form 1 prior to the commencement of his/her 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 his or her completed Form 1 provided that the period shall not exceed the period(s) noted in the paragraph (e) below; and
- (e) a Member shall be entitled to no more than twenty (20) consecutive weeks' leave in any 52-week period.

While a Member is on leave of absence 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 or by any other means permitted under the *Municipal Act, 2001*, S. O. 2001, c. 25 any Council and/or Committee meetings and/or events, if he/she chooses, at his/her discretion, and may cast any vote on any matter before Council and/or its Committee at any meeting he or she attends;
- (c) the Member shall advise the Clerk if he or she chooses to attend Council and/or Committee 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.

Compensation:

It 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 City Clerk as to their intention and any paperwork required will be completed by the City Clerk.

Committee Structure:

If the Member that is on Leave is the Chair of a Committee of Council the Vice-Chair will sit as Chair and the next appointed member to the Committee will sit as Vice-Chair.

If the Member that is on Leave is the Vice-Chair of a Committee of Council the Chair will remain the Chair and the next appointed member to the Committee will sit as Vice-Chair.

In all circumstances the Mayor will remain an Ex-Officio Member of the Committees.

Agencies, Boards and Commissions:

- (a) Council will appoint an interim Member to Agencies, Boards and Commissions to replace the Member on Leave, unless the Member on Leave has first given notice to the City Clerk that he or she wishes to continue to attend the meetings of the Agencies, Boards and Commissions to which he or she was appointed by way of a Striking Committee Report or Resolution of Council.
- (b) subject to paragraph (a) immediately above, the Member is not entitled to attend and vote intermittently at meetings of Agencies, Boards and Commissions.

Intermittent Return from Council Member Pregnancy, Birth and/or Adoption of Child Leave for 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 Council Member Pregnancy, Birth and/or Adoption of Child Leave:

Upon return from Leave the Member will resume all appointments to Council and Committees of Council and Agencies, Boards and Commissions that they previously held before the 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 Council's 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 February 1, 2018.



FORM 1

Council Member Pregnancy, Birth and/or Adoption of Child Leave

To: City Clerk

From: _____
Member's Name

Re: Notice of Council Member Pregnancy, and/or Birth Adoption of Child Leave

I hereby give notice to you and the Council of the City of North Bay 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 _____ terminated earlier by me.

Agencies, Boards and Commissions

I wish to continue to attend all meetings of Agencies, Boards and Commissions 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 Chief Administrative Officer 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: _____