

Category: Human Resources

**Title:** Pregnancy and Parental Leave for Members of Council

Policy Number: HRM-140

Approved by: Council Resolution C052-2019

Administered by: City Clerk's Office, Office of the CAO

Effective: March 1, 2019

---

## 1. Background

The City of Brampton is committed to providing a clear and transparent process for Members of Council to take pregnancy and parental leave. The *Municipal Act, 2001* requires the City to adopt a policy for such leaves in accordance with Section 270. It is recognized that a Member is elected to represent their constituents, and as such, a Member on pregnancy and/or parental leave will reserve the right to exercise their authority at any time during their leave.

## 2. Purpose

The purpose of this Policy is to provide guidance on how the City of Brampton addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

## 3. Application and Scope

This Policy applies to current Members of Council.

## 4. Outcomes

- 4.1 Members of Council will understand the leave entitlement relating to taking time off for pregnancy, the birth of a Member's child, or the adoption of a child by a Member.
- 4.2 Members of Council will understand their rights and authorities while on leave.
- 4.3 Ensure compliance with the *Municipal Act, 2001*, regarding the pregnancy and parental leaves of Members of Council.

## 5. Principles

The following guiding principles should be applied with respect to this policy:

- 5.1 Commitment: The City provides a supportive approach to pregnancy and parental leave, to support the well-being of Members of Council and their families.
- 5.2 Fairness: All Members of Council are treated fairly and consistently within the municipality.

## 6. General Requirements

- 6.1. City Council supports a Member of Council's right to pregnancy and/or parental leave as follows:
  - a) In accordance with Section 259(1.1) of the *Municipal Act, 2001*, a Member of Council is eligible to twenty (20) consecutive weeks of pregnancy leave and parental leave, not to extend beyond a Member's term of office.
  - b) A Member of Council's pregnancy and/or parental leave does not require Council approval, and in accordance with Section 259(1)(c) of the *Municipal Act, 2001*, Council will not declare the Member's seat vacant on account of the Member's absence(s) from Council meetings while on leave.
  - c) Legislative and administrative matters requiring action during a Member of Council's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Procedure By-law 160-2004.
  - d) The leave may start up to ten (10) weeks before a Member of Council's expected date of delivery, or before the date when a child has come into the care, custody or control of a parent for the first time.
  - e) A Member of Council should notify the City Clerk, in writing, of their intent to take leave, at their earliest convenience, but at least four (4) weeks before the start of the leave unless there is an extenuating circumstance.
  - f) If a Member of Council wishes to seek a leave in excess of twenty (20) consecutive weeks, a resolution of Council is required. The Member will advise the City Clerk, in writing, of the request to extend their leave as soon as it is known with details on the nature of the requested extension.
  - g) Council has the authority to waive certain sections of this policy due to special circumstances to ensure compliance with the *Municipal Act, 2001*.

## 6.2. Salary and Benefits

- a) A Member of Council will continue to receive Council remuneration and all benefits afforded to them while on pregnancy or parental leave.

## 6.3. Management of a Member's Office during Leave

- a) Members of Council may wish to consult with the City Clerk regarding administrative oversight of their office while on leave.

## 6.4. City Council and Committee Meetings

- a) The Member of Council may attend, in person or by any other means permitted under the *Municipal Act, 2001*, any Council and/or Committee meetings and/or events for which they are entitled.
- b) The Member of Council may choose to cast any vote on any matter before Council and/or its Committees for which they are entitled.
- c) The Member of Council will advise the Clerk if they choose to attend Council and/or Committee Meetings during the leave.
- d) If agreed to by the Member of Council, the Member will continue to be included in Council and committee communications including, without limitation, notices of regular and special Council and committee meetings, and be provided with copies of all open agendas and minutes of meetings, in accordance with the Procedure By-law.
- e) For Council committees with exclusive membership, a Member of Council, in accordance with section 2.13 of the Procedure By-Law may designate another Member of Council to attend a committee meeting on their behalf.

## 6.5. Regional Council

- a) In the event the Member of Council on leave is also a Regional Councillor, then the temporary replacement Regional Councillor, as selected by the Brampton City Council Member, would fulfil the role of the absent Regional Councillor as a temporary replacement for a meeting of the Regional Council, as per Section 268 of the *Municipal Act, 2001*.
- b) Alternatively, for an absence of a Regional Councillor for a period greater than one (1) month, City Council can appoint one of its members as an alternate Regional Councillor until the absent Regional Councillor is able to resume the role of Regional Councillor, as per Section 267 of the *Municipal Act, 2001*.

## 6.6. External Boards and Committees

- a) Council will appoint an interim Member of Council to external boards and committees to replace the Member of Council on leave, unless the Member on leave has first given notice to the City Clerk that they wish to continue to attend the meetings of the external boards and committees to which they were appointed by way of a resolution of Council.

## 6.7. Return from Pregnancy and/or Parental Leave

- a) Upon return from leave, the Member of Council will resume all appointments to Council, Committees of Council, external boards and committees that they previously held before the leave, unless Council decides otherwise.

## 7. Roles and Responsibilities

Members of Council and City staff are responsible for adhering to the parameters of this Policy. Additionally:

- 7.1. Members of Council are responsible for providing timely information to the City Clerk regarding their leave.
- 7.2. The City Clerk is responsible for administrative oversight of this Policy.
- 7.3. Human Resources is responsible for providing general support and guidance on the application of this policy.

## 8. Monitoring and Compliance

- 8.1. The City Clerk shall be responsible for monitoring the application of this Policy and for receiving complaints and/or concerns related to this Policy.
- 8.2. The Integrity Commissioner may investigate complaints against members related to this Policy.

## 9. Definitions

- 9.1 'Leave' means pregnancy or parental leave.
- 9.2 'Member of Council' means the Mayor or a Councillor of The Corporation of the City of Brampton.
- 9.3 'Pregnancy leave' means leave entitlement for a person giving birth to a child.
- 9.4 'Parental leave' means leave entitlement for a parent.
- 9.5 'Parent' means:

- a) A natural or adoptive parent;
- b) A person who is in a relationship of some permanence with the natural or adoptive parent of the child and intends to treat the child as their own.

**10. References and Resources**

**External references**

- [Municipal Act, 2001](#)

**References to related bylaws, Council policies, and administrative directives**

- [Procedure By-law 160-2004](#)

**Revision History**

Date	Description
2019/03/01]	Approved by Council Resolution C052-2019 on February 20 2019 - New
2022/03/01]	Next Scheduled Review