

POLICY-PROCEDURE MANUAL

TITLE: COUNCIL MATERNITY AND PARENTAL LEAVE POLICY M-10

<u>PREPARED BY:</u>	<u>AUTHORIZED BY:</u>	<u>DATE OF ISSUE OR REVISION:</u>
Kiona Enders Director of Corporate Administration	Council	October 3, 2022 (R22-197)

1.0 POLICY:

This Council Policy provides guidance on eligibility, process and principles for Maternity Leave and Parental Leave under section 125(7) of the *Community Charter* when a Member of Council is pregnant or becomes a parent.

2.0 LEGISLATION:

The Community Charter does not contemplate a situation where a Member of Council would be on leave due to pregnancy or parental reasons.

Section 125(5) of the Community Charter provides as follows:

*“125(5) If a council member is absent from council meetings for
(a) A period of 60 consecutive days, or
(b) 4 consecutive regularly scheduled council meetings,
whichever is the longer time period, the council member is disqualified from holding
office in accordance with subsection (6).”*

Section 125(7) of the *Community Charter* provides, "disqualification under subsection (5) does not apply if the absence is because of illness or injury or is with the leave of the council."

In addition, the *Employment Standards Act* does not apply to members of Council as they are not considered employees within the Act.

3.0 SCOPE:

This Policy applies to the District of Kitimat Members of Council.

4.0 DEFINITIONS:

“Parent” means a natural or adoptive parent; or 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.

“Maternity Leave” shall have the same meaning as the *Employment Standards Act*. Maternity Leave is leave entitlement for a person giving birth to a child.

“Member of Council” means a person elected to the District of Kitimat Council.

“Parental Leave” has the same meaning as the *Employment Standards Act*. Parental leave is leave entitlement for a parent.

5.0 NOTICE OF LEAVE:

Prior to taking Maternity Leave or Parental Leave, a Member of Council must give six (6) weeks' written notice to the Mayor and CAO of their intention to do so. In unexpected circumstances, the notice may be waived in whole or in part by the Mayor and CAO. A Member of Council may, at any time, amend their Notice of Leave by providing details in writing to the Mayor and CAO.

The Notice of Leave must include:

- the start date of the Maternity Leave or Parental Leave and the expected return date;
- information about any Council duties that the Member of Council requests to continue to perform during the Maternity Leave and/or Parental Leave; and
- any accommodations requested for the duration of the Maternity Leave and/or Parental Leave.

No Council motion is required for approval of the Maternity Leave or Parental Leave. The Notice of Leave will fulfill the requirement of Section 125(7) of the Community Charter.

6.0 LEAVES (In accordance with the Employment Standards Act):

Maternity Leave

A Member of Council is eligible for a Maternity Leave, covering pre-and post-natal time, for a period of up to seventeen (17) consecutive weeks of paid leave, which must be taken during the period that begins:

- a) no earlier than 13 weeks before the expected birth date, and
- b) no later than the actual birth date and ends no later than the seventeen (17) weeks after the leave begins.

Parental Leave

A Member of Council is eligible for Parental Leave if their spouse or partner has given birth, or if they have adopted a child.

A Member of Council is eligible for Parental Leave:

- a) up to seventeen (17) consecutive weeks of paid leave beginning immediately following the end of the Maternity Leave;
- b) for up to seventeen (17) consecutive weeks of paid leave beginning after the child's birth and within seventy-eight (78) weeks after that event;
- c) for an adopting Parent, up to seventeen (17) consecutive weeks of paid leave beginning within seventy-eight (78) weeks after the child has been placed with the Parent.

7.0 PRINCIPLES OF LEAVE:

By this policy, Council confirms its intention to provide a Maternity Leave and/or Parental Leave approval based on the following:

- a) A Member of Council who takes Maternity Leave and/or Parental Leave pursuant to this Policy shall not be disqualified from Council by being absent from Council meetings during the leave.
- b) A Member of Council who takes Maternity Leave or Parental Leave pursuant to this Policy is not required to participate in Council meetings, public hearings and Council committee meetings or meetings of other bodies to which they are appointed by Council.
- c) Despite being on Maternity Leave or Parental Leave, a Member of Council may attend any meeting of Council and exercise all rights and privileges of office. Such exercise of rights and privileges of office will not affect Council's leave approval.
- d) For the purposes of the minutes, a Member of Council absent from a meeting due to Maternity Leave or Parental Leave, shall be recorded in the minutes as on approved leave.
- e) During a Member of Council's Maternity Leave or Parental Leave, Council may authorize the temporary assignment of the Member's committee membership(s) or regional appointment(s). The Member shall provide written notice to the Mayor and CAO of their intent to resume any of the Council-approved appointments.
- f) All memberships and appointments will be returned to the Member of Council at the end of their Maternity Leave and/or Paternity Leave unless the membership(s) and appointment(s) expire before their return.

8.0 COMPENSATION AND BENEFITS:

During the Maternity Leave or Parental Leave,

- the Council Member will receive compensation of one hundred percent (100%) of their gross Council earnings for the duration of their leave.

While on Maternity Leave or Parental Leave, the Council Member will continue to participate in any benefit programs offered by the District of Kitimat.