



# DISTRICT OF NORTH SAANICH

## COUNCIL POLICY

<b>TITLE: COUNCIL MATERNITY &amp; PARENTAL LEAVE</b>	<b>NO. COU-022</b>
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### 1.0 POLICY:

This Council Policy provides guidance on eligibility, process and principles for leaves under section 125(7) of the *Community Charter* when a Member of Council is a new 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: 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.*"

### 3.0 SCOPE:

This Policy applies to District of North Saanich Members of Council.

### 4.0 DEFINITIONS:

**"Parent"** - A parent is defined as: 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"** – Maternity Leave is leave entitlement for a person giving birth to a child.

**"Parental Leave"** – 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.

The Notice of Leave should include:

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- the start date of the leave and the expected return date;
- information about any Council duties that the Member of Council requests continue to perform during the leave; and
- any workplace accommodations requested for the duration of the leave.

No Council motion is required for approval of the 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 unpaid leave (unless otherwise agreed upon by the employer and employee), 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 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 sixty-one (61) consecutive weeks of unpaid leave beginning immediately following the end of the maternity leave, unless the employer and employee agree otherwise;
- (b) for a parent who does not take maternity leave, up to sixty-two (62) consecutive weeks of unpaid leave beginning after the child's birth and within seventy-eight (78) weeks after that event;
- (c) for an adopting parent, up to sixty-two (62) consecutive weeks of unpaid 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 leave approval based on the following:

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- (a) A Member of Council who takes 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 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 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 or parental leave, shall be recorded in the minutes as on approved leave.
- (e) During a Member of Council's maternity or parental leave, Council may authorize the temporary assignment of the Member's committee membership(s) or regional appointment(s). The Member of Council 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 leave unless the membership(s) and appointment(s) expire before their return.

**8.0 COMPENSATION AND BENEFITS:**

- (a) During the maternity or parental leave, the Member of Council will be compensated the difference between the EI benefit being received by the member and one hundred (**100%**) of their gross Council earnings. This benefit would be paid for the first seventeen (17) weeks of the leave, which includes the two (2) week EI waiting period.
- (b) While on maternity or parental leave, the Member of Council will continue to participate in any benefit programs offered by the District.

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