



**City of Kingston**  
**Report to Administrative Policies Committee**  
**Report Number AP-25-022**

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**To:** Chair and Members of the Administrative Policies Committee  
**From:** Jenna Morley, City Solicitor  
**Resource Staff:** Derek Ochej, Deputy City Clerk  
**Date of Meeting:** September 11, 2025  
**Subject:** Pregnancy / Parental Leave for Council Members Policy

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**Council Strategic Plan Alignment:**

Theme: Regulatory & compliance

Goal: See above

**Executive Summary:**

The purpose of this report is to provide an overview of the revised Pregnancy / Parental Leave for Council Members Policy. The *Municipal Act, 2001* requires municipalities to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of Council members.

The current policy, Pregnancy Leave and Parental Leave for Members of Council Policy (POL-75), attached to this report as Exhibit A, was approved by Council in 2019. Staff have completed a review of the current policy, including a review of policies from comparator municipalities. Staff are recommending that the current policy be rescinded and that a revised policy, attached to this report as Exhibit B, be approved. The revised policy includes language updates, streamlined processes for providing notice of leave, and clarification of timelines for taking and requesting leave.

**Recommendation:**

**That** the Administrative Policies Committee recommends to Council:

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**That** the Pregnancy Leave and Parental Leave for Members of Council Policy (POL-75), be rescinded, and the revised Pregnancy / Parental Leave for Council Members Policy, attached as Exhibit B to Report Number AP-25-022, be approved.



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**Options/Discussion:****Background**

Subsection 270 (1.8) of the *Municipal Act, 2001* (the *Act*) came into effect in 2019 and requires a municipality to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of Council members. In February 2019 Council approved Policy Number POL-75, Pregnancy Leave and Parental Leave for Members of Council Policy, attached to this report as Exhibit A. Staff have completed a due diligence review and are recommending the current policy be rescinded and a revised policy, Pregnancy / Parental Leave for Council Members Policy, be adopted. Details regarding the updates made in the revised policy can be found in the Analysis section of this report.

The purpose of having a pregnancy/parental leave policy is to provide a clear and transparent process on how the City addresses a Council member's request for pregnancy and/or parental leave while respecting their statutory role as an elected representative. Additionally, the policy recognizes the right of a Council member to take leave related to the member's pregnancy, birth of a child, or adoption of a child in accordance with the provisions of the *Act*.

Subsection 259 (1) (c) of the *Act* states the office of a member of Council of a municipality becomes vacant if the member is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council. The *Act* includes an exception that subsection 259 (1) (c) does not apply to a member who is absent for 20 consecutive weeks or less if the absence is the result of the member's pregnancy, the birth of the member's child or the adoption of the child by a member.

In addition to providing for a pregnancy/parental leave for a Council member as outlined above, having such a policy provides Council members the freedom to choose their level of participation in their role as an elected representative during their leave. This includes responding to communications via email and phone, attending and participating in committee meetings, and receiving communications, such as meeting agendas and minutes.

**Analysis**

Staff reviewed the pregnancy/parental leave policies of eight comparator municipalities in Ontario: Barrie, Belleville, Guelph, London, Peterborough, Quinte West, Thunder Bay and Windsor. These comparators were chosen due to a combination of their similar population size and/or geographic location.

Following review of municipal comparator research, as well as Clerk's Department and Legal Services staff review of the policy, the following updates have been incorporated into the revised policy:

- Transferring the policy to the current corporate policy template;

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- Adding definitions for ‘committee’, ‘local board’ and ‘meeting’ for greater clarity and updating other definitions for consistency with existing City policies and by-laws.
- Adding a subsection (3.3 a and b) stating the City’s expectation that pregnancy leave will be taken no more than 17 weeks before the expected birth of the child and within 78 weeks after the child was born or placed for the purpose of adoption. These expectations are consistent with the requirements under the *Employment Standards Act, 2000*, S.O. 2000, c.41 for pregnancy and parental leave.
- Adding a subsection (3.3 c) with timelines for providing notice of intention to take a leave of absence or modify the timelines contained with a previously provided notice.
- Eliminating the form required to be completed by a Council member requesting leave. The revised policy will expect the Council member to provide their request in writing to the Clerk, with subsection 3.3 d detailing what information is to be provided.
- Adding a subsection (3.4 a) that recognizes the notice requirements in subsection 3.3 c may not be able to be met due to unexpected circumstances such as complications during pregnancy or the adoption of a child.
- Adding information in subsections 3.3 f and g that clarify the expectation that a Council member will use an automatic reply on their email for emails received from City employees that note the Council member is on leave. A Council member on leave will be free to determine their level of participation with respect to political functions, such as responding to constituent messages.
- Replacing gender specific pronouns with gender neutral pronouns.
- Amending the policy so that the Clerk is responsible for advising Council and the Corporate Management Team of a Council member’s leave and its expected duration.

The revised policy eliminates sections that contained information that is not required in the policy as they relate to operational matters for a Council member’s leave. This information will be shared with Council members at the time of their leave, and as situations arise. For the benefit of the reader, this information is shared below:

- A Council member on leave retains the right to attend and participate in Council and committee meetings, including voting. Subsection 3.3 e clarifies that if a Council member on leave wishes to attend a meeting during their leave, the City expects them to provide the Clerk with at least 48 hours’ advance notice.
- Council may choose to appoint temporary replacements to any of the committees that a Council member on leave serves upon during that Council member’s absence. If this occurs, the Council member on leave may still attend and participate in committee meetings but would no longer have voting rights.

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**Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations**

Providing a clear process for Council members to request a leave of absence due to pregnancy and/or the birth or adoption of a child supports the City's IIDEA initiatives in recognizing the importance of workplace flexibility based on family status. Additionally, by providing Council members with the ability to choose their level of participation during their absence, the City is creating an environment where a greater diversity of candidates may feel comfortable in running for elected office.

The Association of Municipalities of Ontario identifies in [Mapping the Experiences of Diverse Candidates Running for Municipal Office in Ontario](#) that timing is a common barrier to participation in municipal politics. More specifically, the report states that:

“Running a campaign and assuming a governance role is often done in addition to existing full-time responsibilities, such as maintaining relationships, parenting and caretaking for elderly family members. This disproportionately affects women, for example, who feel they have to make a choice between their career and families.”

**Existing Policy/By-Law**

*Municipal Act, 2001*

POL-75 Pregnancy Leave and Parental Leave for Members of Council Policy

**Financial Considerations**

None.

**Contacts:**

Derek Ochej, Deputy City Clerk, 613-546-4291 extension 1252

**Other City of Kingston Staff Consulted:**

Janet Jaynes, City Clerk

Andrew Reeson, Senior Legal Counsel

**Exhibits Attached:**

Exhibit A – POL-75 Pregnancy Leave and Parental Leave Policy for Members of Council

Exhibit B – Revised Pregnancy / Parental Leave for Council Members Policy



## Pregnancy Leave and Parental Leave for Members of Council Policy

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Policy Number	POL-75
Effective	February 19 2019
Review Date	Not scheduled
Final Approver	Council
Training Course Code	Not applicable
Document State	<b>CURRENT</b>

### 1.0 Purpose

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

### 2.0 Persons Affected

This Policy applies to Members of Council in accordance with sub-clause 270 (1), paragraph 8. of the Municipal Act, 2001.

## 3.0 Policy Statement

- 3.1 The City of Kingston recognizes the right of a Member of Council to take leave related to the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with the provisions of the Municipal Act, 2001, as amended. The City is committed to providing a clear and transparent process for Members on pregnancy and parental leave.
- 3.2 Each Member of Council shall be entitled to a leave of absence from Council and Committee meetings for 20 consecutive weeks or less if the absence is the result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.
- 3.3 A resolution of Council is not required to authorize such leave of absence.
- 3.4 The Member requesting the leave shall complete Form 1 attached hereto and submit it to the City Clerk at least eight (8) weeks prior to commencing his or her leave.
- 3.5 Where there are emergent circumstances beyond the Member's reasonable control, the Member shall submit Form 1 to the City Clerk as much in advance as possible prior to commencing his or her leave or as soon as possible after commencing his or her leave.
- 3.6 For greater certainty, nothing herein shall prevent a Member from exercising his or her leave of absence for failing to submit Form 1 prior to the commencement of his or her leave on account of emergent circumstances beyond the Member's reasonable control.

## **Office does not Become Vacant**

3.7 The office of a Member shall not become vacant if a Member is absent for 20 consecutive weeks or less if the absence is the result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.

## **Member Exempt from Attending Meetings**

3.8 A Member on pregnancy or parental leave shall be exempt from attending Council meetings and meetings of any Council Committee, Agency or Board to which the Member has been appointed.

## **Receipt of Correspondence, Agendas, Minutes while on Leave**

If agreed to by the Member on Form 1, the Member shall continue to receive copies of all Council, Committee, Agency and Board communications and correspondence, including notices of regular and special meetings, all meeting agendas (both open and closed meetings) and related materials, and minutes of meetings.

## **Member may Attend Meetings while on Leave**

3.9 A Member on pregnancy or parental leave may attend Council, Committee, Agency and Board meetings or constituent meetings and or events at his or her discretion, and may cast a vote on any matter before Council and / or a Council Committee, Agency or Board to which the Member has been appointed at any meeting he or she attends.

3.10 The Member on pregnancy or parental leave shall advise the City Clerk if he or she

chooses to attend a Council, Committee, Agency or Board meeting during the leave.

## **Responding to Communications**

3.11 A Member on pregnancy or parental leave may respond to communications at a level that the Member determines and shall utilize an automatic reply e-mail feature to identify that he or she is on leave.

## **Meeting Attendance does not Extend or Terminate Leave**

3.12 If a Member decides to attend meetings intermittently during his or her leave, this shall not extend the leave for any additional weeks nor shall it be construed as terminating the Member's leave.

## **Council May Make Temporary Appointments**

3.13 If deemed appropriate, Council may make temporary appointments to fill any vacancies of the Member to Council Committees or any Agencies or Boards to which the Member has been appointed.

## **Remuneration**

3.14 A Member on pregnancy or parental leave shall continue to receive all remuneration and benefits afforded to Members of Council.

## **Return from Leave**

3.15 Upon the Member's return from pregnancy or parental leave he or she shall resume all appointments to Council and Committees of Council or any Agencies and Boards that he or she held before the leave.

### **Failure to Return from Leave**

3.16 In the event that the member fails to attend Council and Committee meetings after the expiry of his or her leave, the Member's seat may be declared vacant by Council in accordance with the terms and conditions of the City's Policy for Pregnancy Leave and Parental Leave for Members of Council and the provisions of the Municipal Act, 2001.

### **Employees**

3.17 Any employee who breaches this policy may be subject to discipline up to and including dismissal.

## **4.0 Responsibilities**

4.1 City Council is responsible for approving and maintaining this Policy.

4.2 Individual Members of Council are responsible for completing and submitting the required notice (Form 1) of pregnancy or parental leave to the City Clerk in accordance with this Policy.

4.3 The Chief Administrative Officer is responsible for advising Council and the Corporate Management team of the Member's pregnancy or parental leave and the expected

duration thereof.

## Breach of Policy

4.4 Employees are responsible for compliance with this policy and shall be aware that any employee who breaches this policy may be subject to discipline up to and including dismissal.

## 5.0 Approval Authority

<b>Role</b>	<b>Position</b>	<b>Date Approved</b>
Quality Review	City Clerk	January 23, 2019
Subject Matter Expert	City Clerk	January 23, 2019
Legal Review	Senior Legal Counsel	January 23, 2019
Management Review	City Clerk	January 23, 2019
Final Approval	Council	February 19, 2019

## 6.0 Revision History

<b>Effective Date</b>	<b>Revision #</b>	<b>Description of Change</b>

## 7.0 Appendix

Information for this section has not yet been provided.

## Related Definitions

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### Member

Member for the purposes of this Policy means a Member of City Council.

### Pregnancy and Parental Leave

Pregnancy and Parental Leave for the purposes of this Policy means the period of time the Member will not attend meetings of Council or any other Committee to which the Member has been appointed as a result of the Member's pregnancy, the birth of the Member's child, or the adoption of a child by the Member.

# POL-XX - PREGNANCY / PARENTAL LEAVE FOR COUNCIL MEMBERS POLICY

<b>Policy #</b>	POL-XX
<b>Effective Date</b>	October 7, 2025.
<b>Status</b>	Draft.
<b>Final Approver</b>	Council.

## 1. Interpretation

1.1 In this policy, unless the context requires otherwise:

**"City"** means The Corporation of the City of Kingston;

**"clerk"** means the person appointed by the *City* as clerk and includes the *clerk's* designate;

**"CMT member"** means a member of the *City's* corporate management team and includes the person appointed chief administrative officer by the *City*, the person appointed treasurer by the *City*, and a commissioner responsible for the leadership and operation of a portfolio of *City* departments;

**"committee"** means any advisory or other committee, subcommittee or similar entity of *Council* or of a *local board*;

**"Council"** means the council of the *City*;

**"council member"** means a person elected to office on the *Council*, including the mayor;

**"local board"** means a municipal service board, transportation commission, public library board, board of health, police service board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of the *City*, excluding a school board and a conservation authority;

**"meeting"** means any regular, special or other meeting of *Council*, of a *local board* or of a *committee* of either of them, where,

(a) a quorum of members is present; and

- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of *Council*, the *local board* or *committee*;

**"Municipal Act, 2001"** means the *Municipal Act, 2001*, S.O. 2001, c. 25; and

**"pregnancy/parental leave"** means a leave of absence with pay by a *council member* who is absent from *meetings* of *Council* as a result of the *council member's* pregnancy, the birth of the *council member's* child or the adoption of a child by the *council member*.

- 1.2 In this policy, "include", "includes" and "including" indicate that the subsequent list is not exhaustive.
- 1.3 A reference to any legislation, regulation, by-law, rule, policy or provision thereof includes a reference to any legislation, regulation, by-law, rule or provision thereof enacted in substitution thereof or amendment thereof.
- 1.4 A reference to legislation includes all of the regulations made thereunder.

## **2. Purpose**

2.1 The purpose of this policy is to:

- (a) recognize that a *council member* is entitled to take *pregnancy/parental leave*;
- (b) recognize that, in accordance with subsection 259 (1.1) of the *Municipal Act, 2001*, the office of a *council member* does not become vacant if the *council member* is absent for 20 consecutive weeks or less and the absence is a result of the *council member's* pregnancy, the birth of the *council member's* child or the adoption of a child by the *council member*; and
- (c) set out clear and transparent expectations of how a *council member* will determine the beginning and end of *pregnancy/parental leave* and give notice to the *City* that they expect to take a *pregnancy/parental leave*;

all in a manner that respects a *council member's* statutory role as an elected office holder and that is consistent with the *Municipal Act, 2001*.

## **3. Specifics**

- 3.1 A *council member* is entitled to take *pregnancy/parental leave*.
- 3.2 During *pregnancy/parental leave*, a *council member* may be absent from *meetings*.
- 3.3 The *City* expects that:

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- (a) if a *council member* expects to take *pregnancy/parental leave* that is, in whole or in part, a result of the *council member's* pregnancy, the *council member* will begin their *pregnancy/parental leave* no earlier than the day that is 17 weeks before their due date;
- (b) a *council member* will begin their *pregnancy/parental leave* no later than 78 weeks after the day the child is born, is adopted or otherwise comes into the *council member's* custody, care and control for the first time;
- (c) a *council member* expecting to take *pregnancy/parental leave* will make reasonable efforts to:
  - (i) give the *clerk* written notice at least eight weeks before the day the *pregnancy/parental leave* is to begin;
  - (ii) if the *council member* has already given written notice but now expects to begin *pregnancy/parental leave* on an earlier day than was set out in the written notice, give the *clerk* a new written notice at least two weeks before that earlier day;
  - (iii) if the *council member* has already given written notice but now expects to begin *pregnancy/parental leave* on a later day than was set out in the written notice, give the *clerk* a new written notice at least two weeks before the day set out in the original notice;
  - (iv) if the *council member* has already given written notice but now expects to end *pregnancy/parental leave* on an earlier day than was set out in the written notice, give the *clerk* a new written notice at least two weeks before the day set out in the original notice;
  - (v) if the *council member* has already given written notice but now expects to end *pregnancy/parental leave* on a later day than was set out in the written notice, give the *clerk* a new written notice at least two weeks before the day set out in the original notice;
- (d) a *council member* who gives a written notice under clause (c) will include the following in the written notice:
  - (i) the day the *council member* expects their *pregnancy/parental leave* to end;
  - (ii) whether the *pregnancy/parental leave* is the result of the *council member's* pregnancy, the birth of the *council member's* child, the adoption of a child by the *council member*, or some combination thereof;

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- (iii) whether the *council member* does not wish to receive the notices and other communications from the *clerk* that the *council member* would ordinarily receive during the *pregnancy/parental leave*;
- (e) if the *council member* expects to attend a *meeting* during their *pregnancy/parental leave*, the *council member* will make reasonable efforts to give the *clerk* written notice at least 48 hours before such *meeting*;
- (f) if the *council member* on *pregnancy/parental leave* is not available to respond to emails from others within the *City*, the *council member* will use automatic replies on their email client software system to let others within the *City* know that the *council member* is not available to respond to emails; and
- (g) the *council member* on *pregnancy/parental leave* will perform their political functions, including representing and interacting with their constituents, in their sole discretion.

### 3.4 For clarity:

- (a) the *City* recognizes that, despite a *council member* making reasonable efforts, a *council member* may not be able to give the *clerk* written notice in accordance with clause 3.3 (c) in the event of unexpected circumstances, including complications during a pregnancy, a child born before its due date or the adoption of a child;
- (b) the *City* will continue to pay remuneration and expenses to a *council member* on *pregnancy/parental leave* in respect of their services as a *council member* in accordance with *City of Kingston By-Law Number 2022-48*; and
- (c) notwithstanding anything in this policy, if a *council member's* absence from *meetings* of *Council* is not, in fact, as a result of the *council member's* pregnancy, the birth of the *council member's* child or the adoption of a child by the *council member*, then the office of the *council member* may become vacant in accordance with the *Municipal Act, 2001*.

## 4. Administration

### 4.1 The *clerk* must take reasonable steps within their authority to:

- (a) give written notice to *council members* and *CMT members* if the *clerk* receives written notice that a *council member* expects to take *pregnancy/parental leave*, including any of the information prescribed in clause 3.3 (d) received by the *clerk*; and

(b) direct compliance with this policy.

**5. Approval Authority**

Role	Position	Date Approved
Quality Review	Clerk	July 24, 2025
Subject Matter Expert	Clerk	July 24, 2025
Legal Review	Senior Legal Counsel	July 24, 2025
Management Review	Clerk.	January 23, 2019
Final Approval	Council	February 19, 2019

**6. Revision History**

Effective Date	Revision	Description of Change