



438 Park Avenue  
Newmarket, Ontario L3Y 1W1

Email: [npl@newmarketpl.ca](mailto:npl@newmarketpl.ca)  
Website: [newmarketpl.ca](http://newmarketpl.ca)  
Phone: 905-953-5110

## Library Board Report

To: Newmarket Public Library Board  
From: Todd Kyle, C.E.O.  
Date: November 20, 2019  
RE: **Response to deputation of October 16, 2019**

### Background:

Library user Kayla Scott presented a deputation at the October 16, 2019 Board meeting, recounting a disappointing customer service incident and requesting the Board take action to ensure the Library is a safe, equitable and inclusive space, specifically with reference to gender identity and gender expression. The Board requested a follow-up report responding to the specific requests made in the deputation and in the accompanying document distributed at the meeting. As requested, this report will outline any gaps in policy and procedure identified as a result, and make recommendations as to how the Library might fill these gaps.

### Recommendation: Policy Development

Request: Develop gender inclusive/gender expressive, anti-discrimination library policies for patrons who use the Newmarket public library.

There is an existing policy framework at the Library that addresses some of the need identified in the deputation. As required by the Occupational Health and Safety Act (OHSA), the Library has a Workplace Harassment Policy; however, this policy applies only to harassment experienced by employees. The Collective Agreement between the Library and its CUPE employees also contains clauses that prohibit discrimination between the parties, and gender expression was added as a prohibited grounds for discrimination in recent negotiations. Finally, the Library Board has endorsed the York Region Inclusion Charter, which is currently being adapted to specifically refer to the Library.

The Charter is very useful as an overarching policy statement that refers to inclusion and to freedom from discrimination for all members of the community that the Library serves, and is shared with other public sector organizations including the Region of York. It is recommended that at this time the Charter be used as a policy framework for other actions identified in this report. Further development of policy with specific reference to gender identity/gender expression is not a matter specific to the Library but is likely to be relevant in the provision of all

services to the community by the Town of Newmarket. It is therefore recommended that the matter be referred to the Town administration. Library staff participate on the municipal Diversity and Inclusion Working Group (DIWG), which already plans to review corporate policy from a diversity lens. In this way, the Library can participate in a leadership role in a cross-corporate project, using the wider resources and expertise available, resulting in a shared common policy direction.

### **Recommendation: Staff Training**

Request: Ensure that all staff receive anti-discriminatory (gender expression/identity) training.

The deputation correctly identified that staff have not received any training in this matter. Again, anti-harassment training has already been given to staff consistent with the OHSA, but from a workplace perspective rather than from a general service provision perspective. It is recommended at this time that the C.E.O. seek options from community partners for relevant training, in consultation with the DIWG and with Town administration. This training might be best positioned as general sensitivity and customer service for a diverse community, rather than specific to gender expression/identity issues.

### **Recommendation: Corporate Complaint Mechanisms**

Request: Train, educate, and design proper customer service complaint mechanisms at the Newmarket Public Library.

It is uncertain what was meant by this request. The Library does have a Customer Complaints Policy, modelled on a parallel policy at the Town, which advises that complaints are welcome through a range of channels, and that they will be heard in escalating order of authority as needed, from the manager on duty to the C.E.O. In this case, the matter was referred by senior staff directly to the C.E.O. who began an investigation and responded to the complainant (Ms. Scott) the following day. As per the Policy, the C.E.O. in responding to the complaint outlined actions that the Library would take in response; as the complainant was not satisfied, she was given the option of making a deputation to the Library Board. No action is recommended in this matter.

### **Recommendation: Board Representation**

Recruit and ensure marginalized community members & allies (e.g. LGBTQ2) are represented on the Newmarket Public Library Board.

Library Board community representatives are appointed by Town of Newmarket Council as a result of a recruitment process led by the Legislative Services Department of the Town. The Library Board and C.E.O. have little influence over this process. According to the Public Library Act, appointments can only be made at the start of a new term of the Board (following municipal elections) or in the case of a vacancy.

Given all this, the Board's only potential action would be in suggesting preferred attributes of Board appointees to Legislative Services prior to the end of its current term. While there are a broad range of backgrounds and skills that may be desirable in Board appointees, the Board

may wish to point out the desirability of the attributes identified in the request. In addition, the Board may wish to recommend to Legislative Services that they consult with OnBoard Canada, an agency that supports inclusive leadership by providing training and recruitment services to public boards. It is therefore recommended that this action be referred to the Board's 2022 process to wind down its term prior to municipal elections in the fall of that year.

### **Recommendation: Corporate Policy Audit**

Conduct a corporate policy audit of all Newmarket library policies to search for human rights gaps & omissions that may pose risk to organization.

As previously mentioned, this is a process that the Diversity and Inclusion Working Group (DIWG) at the Town of Newmarket has already committed itself to. In addition, the Town's Human Resources Department had planned a review of HR-related policies at the Library to ensure compliance with applicable legislation. It is once again recommended that this action be referred to the Town of Newmarket for cross-corporate examination.

### **Further recommendations**

In the course of investigating the customer service incident, it also became apparent that recording the gender of library card holders was also a potentially problematic practice. The library's online system has three options (male, female, n/a). These are reflected on the application form, with the response noted as optional. However, most library cards are issued without the use of a form, as it is more convenient for the applicant for staff to simply copy information from the applicant's identification document. This does lead potentially to the need to assume the applicant's gender, or to verbally inquire.

It is rare that this information, collected for statistical purposes only, has ever been used. In the past, demographic information has been compiled to present to the Board a portrait of typical users. It might be advisable for the Library to simply cease collecting this information, leaving the default "n/a" on all new records created. If the Board wishes to proceed with this option, staff could be asked to investigate any other implications of ceasing to collect this information.

### **Conclusion:**

**The following motion is recommended:**

**THAT the Library Board receive the report on Response to Deputation of October 16, 2019;**

**AND THAT the Library Board authorize the C.E.O. to work with the Town of Newmarket to take action on staff training and on policy as outlined in the report;**

**AND THAT the Library Board add the matter of recommended attributes of Board appointees to its action list with a target completion date of June, 2022.**

**AND THAT the Library Board instruct the C.E.O. to investigate the implications of ceasing to record library cardholders' gender.**