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## 1. PURPOSE STATEMENT

The purpose of this Policy is to ensure that Markham Public Library (the “Library”, or “MPL”) actively fosters an environment of empathy, respect, understanding and acceptance of differences consistent with a recognition of universal human rights. MPL seeks to create a welcoming and inclusive environment, ensuring that users can access services free from harassment, abuse or discrimination.

## 2.0 SCOPE

This Policy applies to all members of the public using Library spaces (including virtual spaces) or services. Incidents involving customers and staff, volunteers or contractors are also within scope of this Policy. Issues of workplace harassment within MPL’s employee group are addressed under the *Respect in the Workplace Policy*.

## 3.0 DEFINITIONS

**Discrimination** – Treating a person differently, and in a negative manner, based on grounds protected under the Ontario *Human Rights Code*. These grounds include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. (*Canadian Human Rights Commission*)

**Harassment** – A course of vexatious comment or conduct that is, or ought to be known to be unwanted. Harassment includes any unwanted physical or verbal behaviour that offends or humiliates someone. Generally, harassment is a behaviour that persists over time. Serious one-time incidents can also sometimes be considered harassment. When connected to at least one of the grounds of discrimination, listed above, harassment can constitute discrimination. (*Occupational Health and Safety Act*)

**Sexism and Sexual Harassment** – Sexism is “an ideology that either explicitly or implicitly asserts that one sex (generally male) is inherently superior to another sex (typically female). Sexist ideology can be openly expressed in slurs, jokes or hate crimes. However, it can be more deeply rooted in attitudes, values and stereotypical beliefs. These beliefs may be conscious or unconscious.” (*Ontario Human Rights Commission*)

Sexual harassment is a form of harassment which includes conduct or comments of a sexual nature that the recipient does not welcome or that offend them. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are

directed at an individual because of their sexual orientation, sex, gender identify or gender expression.

**Systemic Barriers** – Attitudes, policies, practices, or systems that result in individuals from certain population groups receiving unequal access to or being excluded from participation in employment, services, or programs (e.g., through discrimination, racism, sexism, homophobia, transphobia, ableism, etc.) These barriers are systemic in nature, meaning they result from individual, societal or institutional practices, policies, traditions and/or values that may be “unintended” or “unseen” to those who do not experience them. (*Comité de coordination de la recherche au Canada*)

**Unconscious Bias** – An implicit association or assumption that operates outside of conscious awareness, informs our perception of an individual or a social group, and can influence our decision-making and/or behaviour towards the target of the bias. (*Government of British Columbia*)

**Racism** – “An ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these are unconsciously held and have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a various levels, in particular, individual, systemic and societal”. (*Ontario Human Rights Commission*)

**Ableism** – “A belief system...that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities.” (*Ontario Human Rights Commission*)

**Religious Discrimination** – Discrimination (as defined above) on the grounds of a person or group affiliation or identification with a particular religion, which is defined by the Supreme Court of Canada as “a particular and comprehensive system of faith and worship; a belief in a divine, superhuman or controlling power; and/or a personal conviction or belief that fosters a connection with the divine or with the subject or object of that spiritual faith.” (*Supreme Court of Canada*)

**Ageism** – Refers to two concepts: a socially constructed way of thinking about older persons based on negative attitudes and stereotypes about aging and a tendency to structure society based on an assumption that everyone is young, thereby failing to respond appropriately to the real needs of older persons.” (*Ontario Human Rights Commission*)

As with other forms of discrimination, ageism could include discriminatory or oppressive behaviour towards individuals based on age, whether intentional or because of unconscious bias, or structural bias in policy or practice resulting in inequity.

**Homophobia or Sexual Orientation Discrimination** – Homophobia is “the irrational hatred and fear of LGBTQIA+ people. Homophobia includes prejudice, discrimination, harassment, and acts

of violence brought on by fear and hatred. It occurs on personal, institutional, and societal levels.”  
(UCSF LGBT Resource Centre)

#### **4.0 POLICY STATEMENTS**

##### ***Commitment to Creating Harassment-Free Spaces & Services***

Public libraries play an integral part in promoting a culture that fosters inclusion, recognizes diversity and promotes equity. MPL is committed to providing inclusive services and spaces for the community and Library staff, based on respect and dignity. MPL will work to eliminate systemic oppression, unconscious bias and barriers to equity in our workplace and in the services we provide to the community. MPL’s inclusive service commitment extends to all.

MPL’s [Customer Service Promise](#) describes the expectations for behaviours in the Library, for both staff and customers, to support a positive and inclusive experience based in courtesy and respect.

Further, MPL strives to actively identify and eliminate barriers to inclusion in its policies, services (both online and physical) and the built environment, all of which are part of the Library experience and must reflect principles of diversity, inclusion and equity.

Any instances of discrimination, whether expressed in interpersonal behaviour or through systemic or policy barriers to access and service, will be addressed thoroughly and promptly.

##### ***Ontario Human Rights Code***

MPL recognizes and affirms the dignity of those we serve inclusive of all genders, sexual orientations, gender identities, socio-economic statuses, ages, mental health, abilities, sizes, housing statuses, races, cultures, ethnicities, beliefs and any other grounds protected under the [Ontario Human Rights Code](#).

##### ***Commitment to Inclusion, Diversity, Equity and Accessibility***

MPL provides access to information that represents a wide range of perspectives in order to foster diversity of thought and support democratic access to ideas and knowledge. MPL offers services and collections through a range of platforms and technologies to reduce economic barriers to access, as well as to expand participation for community members with different learning needs and preferences. MPL is also committed to accessibility and adheres to the *Accessibility for Ontarians with Disabilities Act* (AODA) – see MPL’s [Accessibility Policy](#) for more information.

MPL affirms its commitment to Reconciliation and acting on the Truth and Reconciliation Commission’s 94 [Calls](#) to Action as they relate to our work. MPL recognizes that reconciliation and justice for First Nations people includes the protection and recognition of their Treaty Rights and is distinct from the needs of other equity-deserving groups.

## **5.0 COMPLAINTS PROCESS**

Any person who believes that they have been subjected to harassment or discrimination in their use of the Library is encouraged to bring forward their concerns according to the following process:

### **5.1 Formal Complaint**

A person who believes that they are being harassed or are experiencing discrimination may choose to address the situation directly with the person(s) involved or ask Library staff to intervene. Should this behaviour continue after confronting the individual, the customer may then wish to pursue a formal complaint. A formal complaint is also appropriate should a customer experience discrimination due to a Library policy or a feature of the Library space.

A formal complaint includes a written statement of the situation, providing details of the behaviour/concern that they have experienced as harassment or discrimination. Formal complaints require as much written information as possible, including the name of the person accused of harassment, the place, date and time of the incident(s), and the names of any possible witnesses. Included in the complaint should be a description of what Human Rights grounds have been violated through this behaviour or circumstance. This report should be made within 30 days of the alleged incident to prevent the behaviour from continuing. If providing their complaint in writing creates a barrier to access, a customer may request support documenting their complaint from a member of staff.

Upon receipt of a formal complaint, MPL will firstly confirm that the behaviour or incident described in the complaint occurred, and secondly, if it did, determine if the complaint meets the criteria of a Human Rights complaint as described in this Policy. If not, the complaint may be addressed under the Library's [Unacceptable Conduct Policy](#). If the complaint is determined to be a Human Rights Complaint, Management will contact the complainant to begin an investigation as described below.

### **5.2 Investigation Procedure**

A Library Director or their designate is responsible to ensure an investigation is conducted in response to a harassment or discrimination claim. The Library will commence an investigation as quickly as possible. The Library may choose to use either an internal or external investigator, depending on the nature of the complaint.

The investigation will include:

- a. Interviewing the individual(s) who submitted the complaint, as well as any individuals who are alleged to have engaged in discrimination and/or harassment. The purpose of this interview is to ascertain all the facts and circumstances relevant to the complaint, including dates and locations.
- b. Interviewing witnesses if any.
- c. Reviewing any related documentation; and

- d. Making detailed notes of the investigation and maintaining them in a confidential file.

In the instance of a complaint based on systemic discrimination (see *Definitions*) MPL will conduct a review of relevant policies, service models, procedures, physical site, etc; this may include a third-party assessment if needed.

It is the goal of this program to complete any investigation and communicate the results to the complainant and respondent within **thirty (30) days**. However, this timeline is variable depending on the seriousness of the complaint and/or complexity of the investigation.

### **5.3 Corrective Action**

A Library director or their designate will determine what action should be taken as a result of the investigation and communicate the finding to the individual who submitted the complaint.

Corrective measures may include one or more of the following:

- a. Suspending Library access to someone found to have engaged in discrimination or harassment.
- b. Review/revision of any policies or procedures that create systemic barriers.
- c. In the event a member of staff is involved, this could result in potential disciplinary action, coaching, retraining or other corrective action.
- d. Modification of operations determined to have caused discrimination.

### **5.4 Appeal Process**

The outcome of an investigation may be appealed by requesting a review by the Library CEO through the submission of a written appeal. The CEO will respond to the request for appeal within 30 days.

## **6.0 RESPONSIBILITIES**

### **Library Users shall:**

- Behave consistently with the [Customer Service Promise](#) and this Policy by engaging with the Library in a manner that is consistent with the inclusive, diverse and equitable environment that library seeks to maintain;
- Behave in a manner that supports discrimination- and harassment-free spaces in person and online;
- Report instances of discrimination or harassment promptly to staff.

### **Employees shall:**

- Comply with and enforce this Policy;

- Speak to anyone who behaves in a manner that compromises the use and/or equitable access of the Library for others, or who engages in behaviour that could be experienced as harassment or discrimination;
- Receive and resolve any informal complaints received from Library users;
- Assist customers as needed with the submission of formal complaints;
- Take action against discriminatory, harassing and violent behaviour as soon as it occurs or comes to their attention. This may include:
  - Initiating a discussion with the person involved to restate the expectation that they act in a manner that supports a discrimination- and harassment-free environment.
  - Removing the individual from the Library for the day.
  - Pursuing an exclusion for one week or a longer period, depending on the severity of the incident, as outlined in the *Unacceptable Conduct Policy*.
  - Contacting York Regional Police and/or City of Markham Security in the instance of illegal behaviour.
  - Complete Incident Reports and follow up with library management as per library practice.

**Library Managers shall:**

- Be familiar with this Policy and the Complaints procedure;
- Educate and advise their Staff about the applicable policies and procedures;
- Take action against discriminatory, harassing and violent behaviour as soon as it occurs or comes to their attention. This may include:
  - Initiating a discussion with the person involved to restate the expectation that they act in a manner that supports a discrimination- and harassment-free environment.
  - Removing the individual from the library for the day.
  - Pursuing an exclusion for one week or a longer period, depending on the severity of the incident, as outlined in the *Unacceptable Conduct Policy*.
  - Contacting York Regional Police and/or City of Markham Security in the instance of illegal behaviour.
- Review incident reports filed by staff and provide follow up action as required;
- Debrief staff on any incidents involving exclusion, incident reporting, illegal behaviour or harassment;
- Take all complaints of harassment seriously and report the matter to Senior Management promptly.

**Library Directors shall:**

- Respond to formal complaints promptly and appropriately;
- Conduct investigations as required, or retain external investigators where necessary;

- Communicate investigation results to complainants;
- Initiate corrective action; and/or
- Proactively address barriers to inclusion by assessing policies or services regularly for systemic discrimination, unconscious bias or structural exclusion.

**CEO shall:**

- Respond to, and consider, requests for appeal;
- Ensure that all Library staff are familiar and able to comply with this Policy.

**Library Administration shall:**

- Develop and distribute this Policy;
- Ensure that this Policy is updated according to the policy review and retention schedule;
- Ensure this Policy is posted publicly on the MPL website and available to staff on the Intranet.

**7. RELATED POLICIES**

- [Unacceptable Conduct Policy](#)
- *Respect in the Workplace Policy (Harassment and Violence)* (POL-HR)