

Report to / Rapport au:

**Ottawa Public Library Board
Conseil d'administration de la Bibliothèque publique d'Ottawa**

September 14, 2021 / 14 septembre 2021

Submitted by / Soumis par:

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File Number: OPLB-2021-0903

SUBJECT: Public Holidays – National Day for Truth and Reconciliation

OBJET: Jours fériés - Journée nationale de la vérité et de la réconciliation

REPORT RECOMMENDATIONS

That the Ottawa Public Library Board:

- 1. Receive the Public Holidays report for information;**
- 2. Approve that all statutory holidays received by the City's Management and Professional Exempt (MPE) group automatically be given to Ottawa Public Library (OPL) MPE staff; and,**
- 3. Approve that OPL provide public services on the National Day for Truth and Reconciliation effective September 2022, as further described in this report, and direct staff to include funding in the 2022 draft operating budget.**

RECOMMANDATIONS DU RAPPORT

Que la Bibliothèque publique d'Ottawa :

- 1. Prenne connaissance du rapport contenant les informations sur les jours fériés;**
- 2. Approuve que tous les jours fériés reçus par le groupe exclu, Direction et professionnels (EDP) de la Ville soient directement donnés au personnel EDP de la BPO; et,**
- 3. Approuve que les services publics de la BPO lors de la Journée nationale de la vérité et de la réconciliation soient effectifs en septembre 2022, comme détaillé dans ce rapport, et de diriger le personnel pour que ce dernier puisse inclure le financement dans le budget de fonctionnement préliminaire de 2022.**

BACKGROUND

In keeping with the Public Libraries Act, RSO 1990, c.P.44 (the Act), other relevant statutes, laws, and good governance practices, the Board retains accountability for the full range of decisions affecting the organization. The Board has decided, however, to use a policy or strategic model of governance that focuses most of the attention of the Trustees on setting strategic direction and objectives, making decisions on major projects and monitoring performance.

In keeping with section 15 of the Act, the Chief Executive Officer (CEO) shall have general supervision over, and direction of, the operations of the public library and its staff and shall have the other powers and duties that the Board assigns to him or her from time to time. While the Ottawa Public Library (OPL) Board Policy #002-OPL (Delegation of Authority), delegates to the CEO authority over staffing and operations, the Board retains authority over OPL's Management and Professional Exempt (MPE) terms and conditions, and also retains authority over the budget.

OPL has three cadres of employees:

- Management and Professional Exempt – The CEO, senior management, managers, and OPL's internal planning consultants.

- Unionized – employees who are members of the CUPE 503 – Library Group bargaining unit.
- Administrative Support – employees who are neither MPE nor unionized, but who have, by management practice, been provided terms and conditions that are in line with those offered to the similarly-situated CUPE 503 cadre.

On June 3, 2021, the federal government of Canada enacted legislation establishing September 30 of each year as the National Day for Truth and Reconciliation (NDTR). As detailed in Bill C-5, the new national holiday is intended "*to respond to the Truth and Reconciliation Commission of Canada's call to action number 80 by creating a holiday called the National Day for Truth and Reconciliation, which seeks to honour First Nations, Inuit and Métis Survivors, their families, and communities, and to ensure that public commemoration of their history and the legacy of residential schools remains a vital component of the reconciliation process.*"

On September 8, 2021, City Council approved a report recommending limited service provision on September 30, using the same corporate service model they apply to the November 11 public holiday.

The purpose of this report is to provide the Board with information on the application of this new holiday on the various cadres of employees, how OPL will reinforce its commitment to the Truth and Reconciliation Calls to Action, and to seek approval on future service levels for this new public holiday.

DISCUSSION

Application of new holiday:

Bill C-5 amends the *Canada Labour Code* to add the National Day for Truth and Reconciliation to the list of public holidays for which employees whose employment is governed by the *Canada Labour Code* are to be granted a holiday with pay. At the provincial level, the National Day for Truth and Reconciliation has not been included within the list of public holidays set out in the *Employment Standards Act, 2000*, which governs public library employees.

Unionized and Administrative Support - The current Collective Agreement between OPL and the Ottawa-Carleton Public Employees' Union (CUPE) Local 503, Library Group (dated January 1, 2016 – December 31, 2019) contains definitions of "statutory/public holiday" that extend to any newly-proclaimed provincial or federal public holidays.

Specifically, in addition to the holidays identified “...*any day proclaimed by the Governor General in Council shall be a statutory holiday*” for employees of the bargaining unit.

This same interpretation applies to OPL employees within the Administrative Support cadre, and so employees in both cadres are entitled to the National Day for Truth and Reconciliation as a holiday with pay.

Furthermore, if OPL were to open to the public, “...*An employee required to work on any of the holidays ...shall be paid at the rate of one and one-half (1 ½) the employee’s regular straight time hourly rate of pay for all hours worked on such holiday in addition to the pay for the holiday.*”

Management and Professional Exempt - OPL’s MPE Terms and Conditions do not include this same language, and thus, MPE employees are currently exempt from this new public holiday. OPL MPE, by practice, have received the same entitlements as the City’s MPE group; however, this is not in alignment with the City of Ottawa’s MPE cadre, for whom Ottawa City Council approved in 2008 that “all statutory holidays received by CUPE 503 and/or CIPP automatically be given to MPE staff.”

Staff recommend that the Board align the Terms and Conditions of public holidays for OPL’s MPE employees by approving that all statutory holidays received by the City’s MPE group automatically be given to OPL MPE staff.

Commitment to Service:

For Indigenous communities, September 30 is commonly known as Orange Shirt Day, a legacy of the St. Joseph Mission Residential School Commemoration Project that took place in Williams Lake, BC, in May 2013. The events were designed to commemorate the residential school experience, to witness and honour the healing journey of the survivors and their families, and to commit to the ongoing process of reconciliation.

According to the Orange Shirt Society: “It is an opportunity to create meaningful discussion about the effects of Residential Schools and the legacy they have left behind. A discussion all Canadians can tune into and create bridges with each other for

reconciliation. A day for survivors to be reaffirmed that they matter, and so do those that have been affected. Every Child Matters, even if they are an adult, from now on.”¹

The introduction of a holiday to commemorate Truth and Reconciliation is an opportunity for OPL, and other public libraries to play an active role in reconciliation and participate in meaningful discussions about the effects of Residential Schools and the legacy they have left behind. OPL consults with representatives from host Nations to develop strong relationships and incorporate Indigenous perspectives into library programs and services. When the new public holiday was announced, staff consulted with local Indigenous partners, including representatives of both the Algonquins of Pikwakanagan First Nation and the Kitigan Zibi Anishinabeg First Nation, as well as local urban Indigenous representatives, to obtain their perspectives on how OPL should engage with the community on this day, in the best interests of reconciliation. The individuals consulted felt that the library should be available to provide library services on that day, to support learning about residential schools and the Truth and Reconciliation Commission.

As mentioned above, a report was approved by Ottawa City Council on September 8, 2021, that recommended limited service provision on September 30, using the same corporate service model they apply to the November 11 public holiday. OPL does not currently offer any services on public holidays. Because of this, and because of the limited time available to plan for providing service on September 30, staff recommend that OPL remain closed on this new public holiday in 2021. However, OPL will recognize the National Day for Truth and Reconciliation in 2021 by providing public programming in the days leading up to September 30, providing staff training and education opportunities, and providing orange t-shirts to all OPL employees, to wear on Orange Shirt Day. In addition, OPL branches will be lit with orange lights on September 30, as part of a broader recognition of this day at City of Ottawa facilities.

For the longer-term, staff recommend that OPL open on this public holiday effective September 30, 2022, providing service hours that align with the OPL Sunday open hours staffing model. The financial implications of remaining open on September 30 in 2022, based on the recommended approach, is estimated at \$45,000. These funds will be refined and come through via the budget process for 2022.

¹ The Story of Orange Shirt Day: [About Us \(orangeshirtday.org\)](https://www.orangeshirtday.org/)

CONSULTATION

In the spirit of reconciliation, staff consulted local Indigenous partners in July 2021, to obtain their perspectives on how OPL should recognize this new holiday.

Staff also consulted with the City's Legal Services regarding the interpretation of language in the Collective Agreement.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

BOARD PRIORITIES

These recommendations support the OPL's values of community and inclusion, supports the OPL strategic direction of "redesign the library experience", and contributes to the OPL's strategic goal of increasing the number of active cardholders by 25%.

BUSINESS ANALYSIS IMPLICATIONS

This section should outline any business analysis considerations as well as future requirements for metrics or data analysis. This includes providing relevant evidence to support the recommendations, such as: data, analyses, modeling, dashboards, forecasting, mapping, or demographics. Please indicate whether there are anticipated future data requirements, or impacts, as a result of this report. If there are no business analysis considerations, provide a comment to that effect.

FINANCIAL IMPLICATIONS

The financial implications of remaining open on September 30 in 2022, based on the recommended approach, is estimated at \$45,000, based on anticipated 2022 rates of pay. The funding required is for compensation (salary, wages, and benefits).

LEGAL IMPLICATIONS

There are no technological implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technological implications associated with this report.

DISPOSITION

If approved, staff will include the financial implications in the 2022 draft operating budget for consideration by the Board on November 30, 2021.