



MANAGEMENT REPORT

Date: February 17, 2016
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Meeting Date: February 24, 2016

TO: Library Board
FROM: Amanda Pitre-Hayes, Director of Planning & Projects
SUBJECT: Board Policy Revisions: AIDS & Executive Recruitment

SUMMARY

This report arises from the ongoing review of VPL policies and recommends action regarding two policies: The rescinding of the *AIDS Policy* and suggested amendments to the *Executive Recruitment Policy*.

PURPOSE

This report is for decision.

RECOMMENDATION

- A) THAT the Board rescind the *AIDS Policy* attached to this report as Appendix A.
- B) THAT the Board approve the amended *Executive Recruitment Policy* attached to this report as Appendix B.

COMMITTEE DISCUSSION

The Committee unanimously passed Recommendation A, agreeing that the newer policies noted in the report adequately protect staff who may have AIDS from discrimination. There was a lengthy discussion regarding Recommendation B. Trustee Chan noted her concern with eliminating the Board ratification of senior director positions. There was lengthy discussion about the role of the Board and the role of the Chief Librarian with regards to hiring staff, with

several Trustees noting that as a governance and policy Board, the VPL Board only hires the CEO and the CEO hires everyone else. There was discussion around the original intent that resulted in the addition of this item to the policy in 2012, information which was not available at the meeting, and the Committee agreed to defer making a recommendation and to bring the item to the full Board for a fuller exploration related to the original intent.

CHIEF LIBRARIAN'S COMMENTS

The Chief Librarian concurs with the recommendations. The Discussion section has been enhanced with background information relating to Recommendation B.

POLICY

The *AIDS Policy* and the *Executive Recruitment Policy* are Board policies.

STRATEGIC IMPLICATIONS

The ongoing review and revision of Library Board policies is necessary to ensure accuracy and appropriateness.

DISCUSSION

1) Staff recommend the rescinding of the AIDS policy (see Appendix A):

This policy was based on City of Vancouver policy, which was issued in 1987 when organizations were attempting to ensure that infected employees and applicants were protected from discrimination in the workplace. Employee rights are protected by Human Rights legislation and employment law. In addition, at VPL, we have relevant Board policies: *the Human Rights and Harassment policy* and the *Respectful Workplace policy* which addresses AIDS. As a result, this *AIDS Policy* is no longer required and it is recommended that the Board rescind the policy.

For information, the Director of Human Resources followed up with the City late in 2014 and was advised that they did not have plans at that time to go to Council to rescind their policies.

2) Staff recommend modifications to the Executive Recruitment policy:

This policy was first approved by the Board on Oct 3 1990 and subsequently revised including a recent update that occurred on July 25, 2012. This policy provides direction for the hiring approval process for executive positions at the director or above level. To ensure the policy fully articulates the scope of responsibility between the Board and the Chief

Librarian, staff recommend that the policy be amended to clarify the approvals required for the hiring of the Chief Librarian and director positions:

- The Board is responsible for the recruitment and hiring of Chief Librarian.
- The Chief Librarian is responsible for the recruitment and hiring of directors.

The 2012 revision to the Policy saw two changes: the addition of the Board's opportunity to meet with candidates and offer feedback to the Chief Librarian regarding the selection of the incumbent and a revision that sees the Board ratify the appointment of Directors. The idea for the Board ratification of Director-level appointments revision arose when the Governance Committee discussed the Chief Librarian's recommendation to remove Board approval of Director hires. While the Committee agreed that the Board does not play a role in the choice of the Director, Trustee Kazemi noted that some corporate boards ratify appointments of senior directors as a signal of support for the CEO's hiring decision. The intent was not to provide an opportunity for the Board to veto the Chief Librarian's hiring decision. It is uncommon for policy and governance boards to involve themselves in the operations of the organization, including the hiring of staff who report to the CEO. Accordingly, the Chief Librarian recommends the removal of Board ratification of Director level appointments from the Policy.

Suggested revisions are attached in Appendix B.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

FINAL REMARKS

The ongoing review of existing Library Board policies will continue and future reports in 2016 will include additional Policies for consideration.

Appendix A

AIDS [BD-C-2001]

The Library Board concurs with the City of Vancouver HIV/AIDS Infection policy issued by Vancouver City Council on December 15, 1987.

1. Council Philosophy:

A. Severe Medical Problem

Infected employees will be treated as persons with a severe medical problem with full recognition that this may entail absences, functional limitations and other work implications from their disabilities.

B. Safe Work Environment

Council acknowledges its obligation to provide a safe work environment for all employees and to ensure the health and safety of the public it serves. Where some risk may exist from exposure to blood or other body secretions, the City recognizes its obligation to take the necessary protective measures and to provide appropriate precautionary guidelines.

2. Right to Privacy and Confidentiality

A. Reporting Diagnosis

a. No Requirement to Disclose

Neither the treating physician nor the infected staff member is required to report the diagnosis to the City.

b. Voluntary Disclosure

i. To the Employer

If an employee chooses to disclose the diagnosis, the information provided will be recorded in only the Occupational Health records and it will be treated as highly confidential.

ii. To Other Civic Staff

Communicating the diagnosis to other civic staff will be done only with the agreement of the affected person.

3. Right to Work

A. Performance on the Job

An infected person is entitled to continue as a member of the civic workplace, as long

as:

- i. the employee can meet acceptable performance standards, and
- ii. medical evidence indicates the employee's condition does not pose a threat to either the individual, other staff members, or the public.

B. Supervisor's Request for Assessment

A supervisor who believes that a physically handicapped employee is unable to perform the assigned duties adequately may request an examination and assessment by the Director of Occupational Health Services.

C. Reassignment

An employee who cannot carry out regular duties effectively or safely may be reassigned to other available work.

4. Environmental Safety Issues

A. Casual Contact

The HIV/AIDS virus cannot be transmitted through casual contact. Sharing such things as an office, work equipment, eating facilities, toilets, water fountains and similar common use items, do not pose a risk of contracting the virus, and therefore no precautionary procedures beyond normal hygienic practices are required.

B. Regular Review of Policies and Procedures

Policies and procedures for the protection of all employees in jobs where exposure to blood may occur will be regularly reviewed and updated as required, in accordance with current public health and safety recommendations.

C. Contagious Work Environment

A work environment offering exposure to infectious diseases may pose an increased risk to a person with HIV/AIDS infection. Work reassignment, if available, or appropriate counselling and extra precautions will be provided as required.

5. Inability to Work

A. Rights to Benefits

When an infected employee is no longer able to work, the City's sick leave, medical leave of absence, and disability benefits policy will apply to the extent of eligibility under these plans.

6. Concerns of Co-workers

A. Education Program

The City is committed to educating employees about the presence of AIDS in the workplace. Supervisors will receive training, thereby preparing them to deal with concerns expressed by their subordinates.

B. Management's Responsibility

Where an employee shares their work environment with an infected employee, and is concerned about their own health and safety, the supervisor, in consultation with the Director of Occupational Health Services, must arrange to explain the lack of risk involved in casual contact.

C. Disciplinary Procedures

When a risk is negligible or appropriate protective guidelines are in place, an employee who refuses to work with an infected person will be subject to disciplinary action. The City recognizes that persons who fear something may react irrationally and that discipline will be used as a last resort.

7. Discrimination

A. By Managers or Fellow Employees

Discriminatory acts by managers or fellow employees against an infected individual are unacceptable and will be subject to disciplinary action.

B. HIV Antibody Testing

The City will not require HIV antibody testing of any of its employees.

Approved by: Library Board

Date: September 26, 2001

Appendix B

BOARD POLICY (CURRENT):

Executive Recruitment [BD-L-2012]

All positions on the VPL Organization Chart, at the Director level and above, are posted internally and externally at the same time.

The Library will ensure that the hiring process shall provide an appropriate level of confidentiality for candidates during recruitment.

All hiring processes shall be carried out in accordance with the terms and conditions of the Human Rights Code, RSBC 1996 C210, as amended.

The Chief Librarian decides when advertising is required and informs the Board.

The Chief Librarian recommends the use of an executive search firm to the Board where circumstances warrant it.

The Chief Librarian's Position

The Board is responsible for interviewing and selecting the Chief Librarian. The Board will consult with the City Manager before appointing the Chief Librarian in accordance with the "Guidelines on the Relationship Between the City of Vancouver and the Vancouver Public Library Board".

The Board will establish the selection panel for the Chief Librarian search.

Directors' Positions

The Chief Librarian is responsible for the recruitment and hiring decisions for vacant Director positions. The recruitment process will provide an opportunity, for the VPL Board to meet with and provide comment on the candidates. Appointment to Director positions will be ratified by the Library Board.

Approved by: Library Board

Date: October 3, 1990

Revised: August 27, 2003, May 25, 2005 and July 25, 2012

References: [Guidelines on the Relationship Between the City of Vancouver Council and the Vancouver Public Library Board](#)

BOARD POLICY (AMMENDED)

SUBJECT: Executive Recruitment	
CATEGORY: Human Resources	POLICY CODE: VPL-BD-HR-005-2016

Objective

This policy sets out the approvals required for the hiring of the Chief Librarian and Director positions.

Scope

This policy applies to the recruitment of the Chief Librarian and Director positions.

Policy Statements

The Board is responsible for the recruitment and hiring of the Chief Librarian, with administrative support from Human Resources and the senior leadership team. The Board will consult with the City Manager before appointing the Chief Librarian, in accordance with the “Guidelines on the Relationship Between Vancouver City Council and Vancouver Public Library Board”.

The Chief Librarian is responsible for the recruitment and hiring of Directors. The recruitment process will provide for an opportunity for the Board to meet with and provide comment on prospective candidates.

Related Policies

- [Hiring and Employment of Relatives and others in Personal Relationships \(Administrative Policy\)](#)
- [Guidelines on the Relationship Between Vancouver City Council and Vancouver Public Library Board \(Board Policy\)](#)

Policy Administration Roles and Responsibilities

Director of Human Resources	Owns and updates the policy as required.
SFHR Committee	Reviews policy as required and recommends changes to the Board
Board	Approves policy and revisions to the policy
Chief Librarian	Administers the policy

Approval History

ISSUED BY:	Library Board	APPROVED BY:	Library Board	DATE:	1990/10/03
REVISED BY:	Library Board	APPROVED BY:	Library Board	DATE:	2003/08/27
REVISED BY:	Library Board	APPROVED BY:	Library Board	DATE:	2005/05/25
REVISED BY:	Library Board	APPROVED BY:	Library Board	DATE:	2012/07/25
REVISED BY:	Directors Group	APPROVED BY:	Library Board	DATE:	2016/02/24
DATE OF NEXT REVIEW:	2021/02/24			REVIEW CYCLE:	5 Years