



City of Hamilton
GENERAL ISSUES COMMITTEE

Meeting #: 20-003
Date: January 30, 2020
Time: 3:00 p.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

1. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
2. **DECLARATIONS OF INTEREST**
3. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
4. **COMMUNICATIONS**
5. **DELEGATION REQUESTS**
6. **CONSENT ITEMS**
7. **PUBLIC HEARINGS / DELEGATIONS**
8. **STAFF PRESENTATIONS**
9. **DISCUSSION ITEMS**
 - 9.1 Procedure for Distribution of Federal and Provincial Orders (CM20001) (City Wide)
 - 9.2 Sharing of Consultant Reports and Identified Imminent Risks to Human Health or Safety (HUR20002) (City Wide)
10. **MOTIONS**
11. **NOTICES OF MOTION**
12. **ADJOURNMENT**



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	Thursday, January 30, 2020
SUBJECT/REPORT NO:	Procedure for Distribution of Federal and Provincial Orders (CM20001) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Aine Leadbetter Acting Manager, Organizational Development & Learning
SUBMITTED BY: SIGNATURE:	Janette Smith City Manager

Council Direction:

On November 27, 2019 Council passed the following motion:

“That staff be directed to develop a policy and/or protocol for approval by Council that when any federal and/or provincial ministry or provincial officer orders are received by management/staff, the actual orders or copies of the orders are to be immediately forwarded to City Council and such orders or copies of orders are to be displayed in a prominent place on the City web site and at the site of the incident.”

Information:

Council has made it a priority to increase the transparency with respect to the operations of the City of Hamilton. In response to this Council priority, City staff has developed a procedure to ensure that orders distributed by the Federal and Provincial levels of government are forwarded to City Council and communicated to the community through ensuring that orders are posted in a prominent location on the City of Hamilton website.

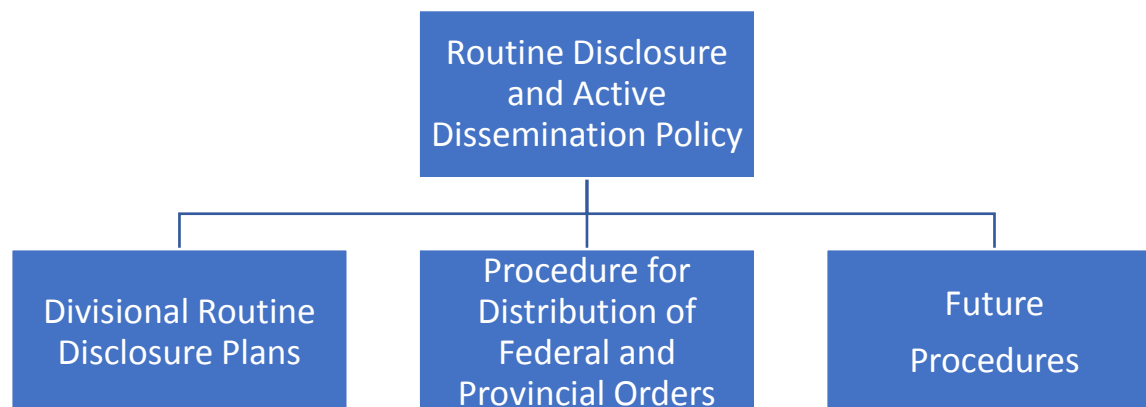
At the December 11, 2019 meeting of Council, Council approved the Routine Disclosure and Active Dissemination Policy to ensure the City of Hamilton has an overarching policy to ensure the public has greater access to government information.

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Procedure for Distribution of Federal and Provincial Orders (CM20001) (City Wide)
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Using the Routine Disclosure and Active Dissemination Policy, as the overarching Policy, with the addition of procedures such as the procedure for Distribution of Federal and Provincial Ministry or Provincial Officer Orders, will ensure staff have one area to look for all requirements related to the active dissemination of City of Hamilton documents. This procedure will ensure that Council receives notification of all federal and provincial orders received by the City of Hamilton and the same orders are accessible to the Public in one location (i.e. website).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The City of Hamilton may receive orders from government regulators and higher levels of government in the following areas:

- Ministry of Labour (MOL) – Ministry of Labour inspectors can issue orders where there are violations of the Occupational Health and Safety Act or regulations are found. Inspectors can issue orders related to a “stop work” order until a work order is addressed; a “compliance” order with a deadline to correct non-compliance; an order to prohibit or limit use of a toxic substance; or order an employer to conduct a workplace harassment investigation.

Ministry of Environment Conservation and Parks (MECP) – Ontario’s Environmental Protection Act permits the Ministry of the Environment, Conservation and Parks Directors and Inspectors to issue orders with respect to a variety of issues and operating conditions in relation to such things as water, wastewater, noise, air, vibration, and others.

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- Ministry of Health and Ministry of Long-Term Care – The Ministry of Long-Term Care determines the long-term care (LTC) homes ‘report card’ through a decision matrix based on a graduated scale. The Inspectors will consider the severity of the issue, the scope of the issue and the compliance history of the area of concern. LTC homes may receive written notifications or voluntary plan of correction requests. For issues with a high level of concern, compliance orders may be issued that require LTC homes to take action and also involve a follow up inspection once the deadline for compliance has passed.

For Paramedic Services, a Provincial order from the Ministry of Health related to ambulance service delivery would likely fall under the Ambulance Act, section 7. In accordance with that section of the Act, there is a requirement for the Minister to make any directive public.

- Ministry of Education – The Ministry is responsible for licensing child care programs and monitoring compliance as outlined in the Child Care and Early Years Act. Every child care program is licensed annually and receives a license to operate which can sometimes include terms and conditions (e.g. need to update child records, missing staff vulnerable sector checks). In the Act, there are requirements for child care programs to report serious occurrences (e.g. missing children, allegations of abuse). There are times when a Ministry Published Enforcement Action takes place as a result of the serious occurrence.
- Technical Safety and Standards Association (TSSA) - May issue orders under the Technical Standards and Safety Act. The Act governs the administration of public safety in the Province of Ontario and the Act regulations apply to three key sectors:
 - Boilers and pressure vessels, and operating engineers;
 - Elevating devices, amusement devices and ski lifts; and
 - Fuels

The City may receive orders related to City facility elevators, boilers and pressure vessels.

For all the above, the orders themselves may direct how and where the information is to be communicated or shared within the workplace or with the public at large. The recommended procedure will augment the posting requirements of the specific orders.

Orders Issues on behalf of the province – Both Public Health, under the Health Protection and Promotion Act, and Hamilton Fire, under the Fire Protection and Prevention Act, can issue Provincial orders and could issue these orders related to City facilities or services. If such orders are received, they would be reported by the

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Procedure for Distribution of Federal and Provincial Orders (CM20001) (City Wide)

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Division/Department receiving the order following the same procedure outlined in Appendix “A” to Report CM20001.

RELEVANT CONSULTATION

The Procedure for Distribution of Federal and Provincial Orders has been reviewed by Senior Leadership Team and the City Solicitor.

IMPLEMENTATION PLAN

This procedure will be communicated to all levels of leaders in the Corporation to ensure expectations are clear.

Orders will be posted to the City of Hamilton website as an information update. An Alert Banner will be posted at the top of the home page for a minimum of 48 hours with a link to the order.

Simultaneously the information update will be posted to a new section within the City Hall section on the home page along with all other information updates and in a new section of the government box on the Hamilton.ca home page.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report CM20001 – Procedure for Distribution of Federal and Provincial Orders

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Appendix 'A' to Report CM20001

*Corporate Procedure - Office of the City Clerk***DISTRIBUTION OF FEDERAL AND PROVINCIAL ORDERS**

PURPOSE	<ul style="list-style-type: none"> • To ensure Council receives notification of all Federal and Provincial Orders. • To ensure open and transparent Government by ensuring all Orders are accessible to the public on the website, as well as other City of Hamilton sites if specified in the order.
DEFINITIONS Orders	A formal written direction made pursuant to Federal or Provincial legislation.
AUDIENCE	This procedure applies to all City of Hamilton staff who receive Federal and Provincial Orders.
ACCOUNTABILITY	<p>Each General Manager is accountable to ensure that staff in their department are compliant with this procedure.</p> <p>The Director whose program or worksite receives the Order is responsible to send the Order to members of Council and to Digital Communications for posting on the City of Hamilton website.</p>
PROCEDURE	<ol style="list-style-type: none"> 1. Each General Manager will work with Directors to designate the responsibility to a specific job position within each Division. 2. Designated staff will ensure all staff are aware of the procedure and the responsibility to comply. 3. Further, the same Director is responsible for posting the Order in locations that may be specified in the Order itself. 4. Members of Council will be notified by email of all new orders that are posted to the City's website at the time of the posting.
COMPLIANCE	The Internal Auditor will monitor compliance to this procedure during planned audit functions of division responsibilities and business practices.
EXAMPLES	Orders may be received from, but not limited to:

	<ul style="list-style-type: none">• Ministry of Labour• Ministry of Health• Ministry of Long Term Care• Ministry of Education• Technical Safety and Standards Association• Information and Privacy Commissioner• Ministry of the Environment, Conservation and Parks
CONTENT UPDATED	JANUARY 2020
APPROVAL	JANUARY 2020



CITY OF HAMILTON
CITY MANAGER'S OFFICE
Human Resources Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	January 30, 2020
SUBJECT/REPORT NO:	Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety (HUR20002) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Aine Leadbetter (905) 546-2424 Ext. 6667
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

RECOMMENDATION

That the Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Policy, Schedule G of the Code of Code of Conduct for Employees Policy attached as Appendix A to Report HUR20002, be approved for inclusion within the City's Code of Conduct Policy.

EXECUTIVE SUMMARY

The Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Policy provides principles for how imminent risks to human health or safety will be addressed and communicated to Council once identified by the consultants working with the City. The policy will be included as Schedule G under the existing Code of Conduct Policy, requiring staff to review their obligations and responsibilities on an annual basis as a part of the Code of Conduct sign off process. In addition to the policy, staff will also develop internal procedures to provide more detailed instruction on how staff will disclose information on imminent risks and how that information will be shared with council. These internal procedures will be finalized upon comprehensive consultation with all departmental stakeholders and incorporated accordingly.

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Alternatives for Consideration – See below

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no significant financial implications.

Staffing: There are no significant staffing implications.

Legal: There are no significant legal implications

HISTORICAL BACKGROUND

At the February 13th, 2019 meeting of Council, a motion was passed by Council that directed staff to “prepare a policy or protocol that directs City Staff to share any consultants’ reports, documents, memorandums or correspondence that raises any questions, concerns about any current or future risk to human health and safety; that the Council approved policy be appended to the City Staff Code of Conduct and to all employment contracts for the City Manager, Directors, and General Managers; and that the City Manager shall make all consultant reports, documents, memorandums, correspondence or background studies available for review upon request in writing by the Mayor or City Councillors”.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Once approved, the Code of Conduct document will be modified to include the Sharing of Consultant Reports Policy as Schedule G. All employees will be required to review the updated policy when released and additionally employees will review the policy on an annual basis as a part of the policy review process.

RELEVANT CONSULTATION

The Sharing of Consultant Reports Protocol has been reviewed by Senior Leadership Team, Legal Services, Risk Management, Procurement, and Human Resources.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Policy has been drafted to outline the City's approach to ensuring that any imminent risks to human health or safety in the community identified by consultants are communicated to City Leadership and Council in a timely manner.

Staff has drafted the Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Policy to focus on sharing risks that are determined to be imminent in nature. The scope was introduced specifically to ensure that leadership and Council is kept abreast of the most significant risks to the City that are the most likely to impact the community. The scope was also narrowed to ensure that the information received at Council remains at a manageable level. The work of consultants often identifies risks at various levels and with varying degrees of urgency, and as such, in any given report a consultant might include a large number of risks of varying degrees of urgency and significance for the City to consider. Narrowing the scope of the policy to include risks to human health or safety identified by consultants as imminent will ensure that the most significant risks are raised to the forefront.

The policy places responsibility on consultants to identify imminent risks to human health or safety and to communicate to City staff as soon as risks become apparent. Consultants are frequently bound by professional standards and are hired by the City for their specific expertise and advice. As such, consultants are in the best position to identify potential risks. When working with the City, consultants are bound to follow City policies and bylaws, and as such are required to follow this policy and to communicate with staff when imminent risks are identified throughout the course of their work with the City. Staff is working with Procurement to include language within consultant contracts to reinforce the requirement for consultants to communicate any imminent risks to human health or safety that are identified.

By including the policy as a part of the Code of Conduct Policy, employees will review Schedule G: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Policy and will be reminded of the City's approach communicating imminent risks to leadership on an annual basis, as a part of the Code of Conduct sign off process. By attaching the policy as a schedule of the Code of Conduct, any employee who fails to disclose any imminent risks to human health or safety in the community identified by a consultant will be in violation of the Code of Conduct Policy and will face disciplinary action.

SUBJECT: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety (HUR20002) (City Wide) Page 4 of 4

Following the approval of the policy, procedures will be drafted to operationalize the policy and to identify the specific roles and responsibilities of City staff and leadership in communicating identified imminent risks. An early draft procedure is attached as an example of what the procedure may include (Appendix B to Report HUR20002: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Procedure). Staff will finalize procedures in consultation with departments and the Senior Leadership Team.

ALTERNATIVES FOR CONSIDERATION

City staff assessed the option of using a broader scope in the policy that would include the sharing of consultant reports that have identified any risk to human health or safety. City staff is recommending that the City not move forward with a broadened scope, as this would result in greater volumes of reports being shared where risks are minimal and where staff has already actioned responses. The City has existing practices of sharing reports and mitigating actions in annual reports to Council.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report HUR20002 – Schedule G: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety.

Appendix B to Report HUR20002 - Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety Procedure

Corporate Human Resources Policy		Code of Conduct for Employees
Work Environment		Content Updated: 2020-01-15
Policy No: HR-01-09		
Page 1 of 1		Approval: YEAR-MM-DD

Schedule G: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety	
PURPOSE STATEMENT	<p>The City of Hamilton hires consultants to provide expert, objective advice and to identify opportunities and challenges for the City to pursue. Through their work, consultants may identify risks of various types and severity and include recommendations for action.</p> <p>Where City staff receive a report from a consultant that identifies an imminent danger to human health or safety, the City Manager will ensure that information is promptly and appropriately shared with Council.</p>
SCOPE	<p>This policy applies to all City of Hamilton employees and consultants contracted by the City of Hamilton.</p> <p>This policy does not include consultants retained in the course of a litigation matter.</p>
PRINCIPLES	<p>Consultants must communicate any imminent risks to human health or safety that they become aware of as a part of the work they are conducting for the City with City staff immediately.</p> <p>City staff in receipt of a report from a consultant that has identified an imminent risk to human health or safety must disclose this information to leadership.</p> <p>The City Manager shall ensure that immediate risks to human health or safety are communicated to Council promptly.</p> <p>The City Manager will ensure that procedures are developed to outline the process of communication and responsibilities for City leadership and staff.</p>
HISTORY	<p>The following stakeholders were consulted in the creation or revisions made to this Policy:</p> <ul style="list-style-type: none"> • Senior Leadership Team • Legal Services • Risk Management • Human Resources



<i>Human Resources</i>	
SHARING OF CONSULTANT REPORTS WITH IDENTIFIED IMMINENT RISKS TO HUMAN HEALTH OR SAFETY PROCEDURE	
PURPOSE	<ul style="list-style-type: none"> To ensure Council receives notification of imminent risks to human health or safety as identified by consultants working for the City. To outline the process for communicating imminent risks to human health or safety identified by consultants.
DEFINITIONS	
Risk to Human Health or Safety	Any hazard, existing or potential, that may reasonably be expected to have an imminent risk to public health or safety.
Imminent	
Risk	<p>A circumstance or condition that is certain to happen soon.</p> <p>The likelihood that a circumstance or condition will result in an adverse impact on human health or safety in the community.</p>
AUDIENCE	This procedure applies to all City of Hamilton employees.
ACCOUNTABILITY	<p>Each General Manager is accountable to ensure that staff in their department are compliant with this procedure.</p> <p>General Managers and the City Manager are responsible for ensuring that imminent risks to human health or safety are shared with Council.</p>
PROCEDURE	<ol style="list-style-type: none"> City staff who are advised of an imminent risk to human health or safety in the community by a consultant will follow up with the consultant to understand the risk and seek appropriate recommendations. City staff will ensure that all identified imminent risks to human health or safety in the community are communicated

	<p>immediately to their direct supervisor or designate and the Director of their division.</p> <ol style="list-style-type: none"> 3. Directors will inform the General Manager of the Department of the identified imminent risk to human health or safety in the community and provide details on recommendations from consultants and mitigation plans as available. 4. The General Manager or their designate will share information on imminent risks to human health or safety in the community identified by consultants in addition to any mitigation plans developed with the City Solicitor and the City Manager. 5. The City Manager and General Manager will ensure that imminent risks to human health or safety are communicated appropriately and promptly with Council. 6. Risks will be communicated to Council in a manner appropriate to the situation. This may include but is not limited to emails, press releases, or information updates. 7. Staff will provide consultant reports and documentation to Council upon written request to the General Manager or the City Manager.
COMPLIANCE	<p>Employees are expected to communicate disclosures of imminent risks to human health and safety identified by consultants promptly. Failure to comply with Schedule G: Sharing of Consultant Reports with Identified Imminent Risks to Human Health or Safety or this procedure may result in appropriate disciplinary measures up to and including dismissal.</p> <p>The Internal Auditor will monitor compliance to this procedure during planned audit functions of division responsibilities and business practices.</p>
CONTENT UPDATED	JANUARY 2020
APPROVAL	JANUARY 2020