

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:

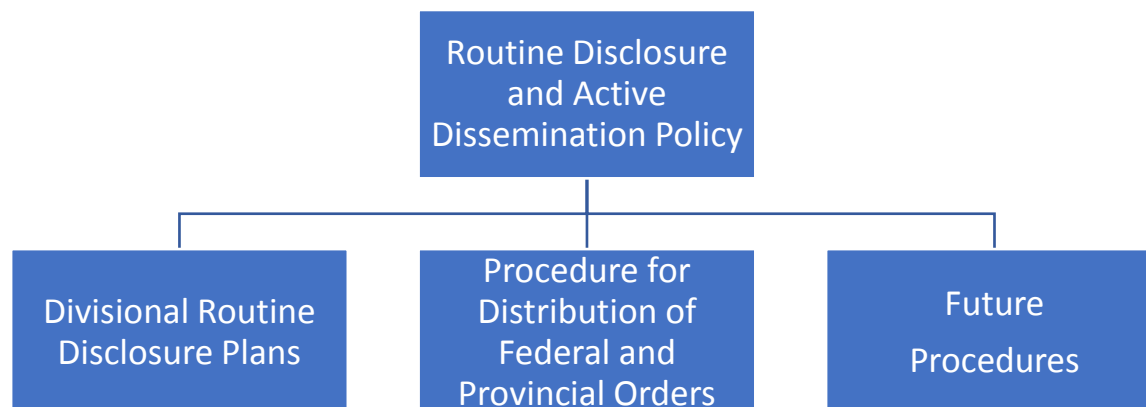
On November 27, 2019 Council passed the following motion:

“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.



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.

- 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

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.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

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