



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.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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.

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

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 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