



Town of Newmarket

Agenda

Council Workshop

Date: Wednesday, December 12, 2018
Time: 9:00 AM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Pages

1. Notice

In accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

2. Declarations of Pecuniary Interest

3. Items

3.1 9:00 AM - Clean Water Act Council Orientation Session 2

Note: Brigitte Roth of Acclaims Environmental Inc. will be in attendance to present on this matter.

3.2 +/- 11:00 AM - Health & Safety Council Orientation Session 30

Note: Samantha McFarlane of Public Services Health and Safety Association will be in attendance to present on this matter.

3.3 Harassment, Discrimination & Violence in the Workplace Council Orientation Session 64

Note: Lynn Georgeff, Director, Human Resources will be in attendance to present on this matter.

4. Adjournment



Taking care of your drinking water

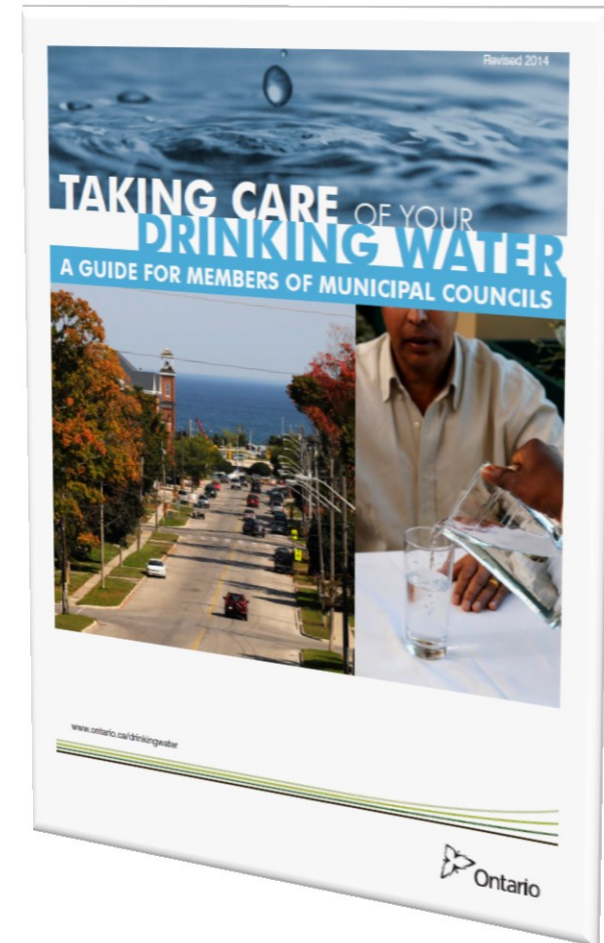
Prepared by:

Public Works Services

Date: December 12, 2018

Why are we here?

- Statutory Standard of Care
- Council, as Owner, needs to:
 - Understand personal duty.
 - Be informed: ask questions, get answers.
 - Be vigilant.
- Provide an overview of Newmarket's drinking water system.



Purpose of Quality Management

*“The purpose of the quality management approach in the context of drinking water is to **protect public health** by achieving **consistent good practice** in managing and operating a water system.”*

- Justice Dennis O'Connor, 2002,
Report of the Walkerton Inquiry

SDWA s. 19 Statutory Standard of Care – the Owner shall:

- Exercise ***level of care, diligence*** and ***skill***
 - ...that a ***reasonably prudent*** person would be ***expected to exercise*** in a similar situation; and
 - Act ***honestly, competently, with integrity***
 - ...ensuring the ***protection and safety*** of the users of the municipal drinking water system.
- ...or be guilty of an offence
(SDWA s.19(3)).

SDWA s. 19

– if found guilty of an offence:

- Maximum fines of up to **\$4 million** for a first offence and provision for ***imprisonment for up to five years***.
 - No minimum penalties are established.
 - Actual penalties would be decided by the courts depending on the severity and consequences of the offence.
- The provision of the Municipal Act, 2001 ***does not limit*** the ***personal liability*** of members of municipal councils and officials subject to the duty imposed by SDWA s.19.
 - Municipal councillors and officials could be penalized if a prosecution is commenced and a court determines they have failed to carry out the duty imposed under that section.

Duties – SDWA s.11-18

OWNER

- Ensure accredited Operating Authority (OA) operating DWS
- Report to the public on any matter required by regulations
- Agreement with accredited OA: DWS description, Owner vs. OA responsibilities (re: Act, approvals, emergencies, OP's)
- Can delegate responsibilities to OA in agreement (not S.19)
- Can rely on experts in good faith

OPERATING AUTHORITY (OA)

- Provide water meeting drinking water quality standards; labs used accredited, eligible to test
- Operate in accordance w/ Act
- Maintain DWS in fit state repair
- Satisfy req'ts for DWS Class
- Ensure DWS is operated by certified, trained persons as req'd; supervised by qualified persons (per reg's, approvals)
- Sampling, testing, monitoring requirements complied with
- Report as required

Corporate Due Diligence

Elements that help demonstrate due diligence include,

- Establishing and implementing the DWQMS
- Maintaining and auditing a system to demonstrate compliance – policies, procedures, roles and responsibilities, management review (DWQMS)
- Communication with staff on the DWQMS
- Budgets, resources, asset management strategies
- Internal and external audits and acting on results
- Meeting industry standards – understand what others are doing
- Support training programs for operators
- Communication and partnership with regulators (MECP, MOL)
- Reporting to MECP, Council and the public

DWQMS is Council's safeguard to achieving Statutory Standard of Care responsibilities

Municipal Drinking Water Licensing (MDWL) program

- **Municipal Drinking Water Licence (MDWL):**
 - May 2021 expiry (application deadline November 2020)
- **Drinking Water Works Permit (DWWP):**
 - May 2021 expiry (application deadline November 2020)
- **Permits to Take Water (PTTW):** (NA)
- **Operational plan:** updated annually (with ea. external audit) and endorsed by the Owner with each new council.
- **Accreditation maintained:** 2018 internal audit (DWQMS 2.0); 2019 external audit (DWQMS 2.0)
- **Financial Plan, 2015:**
 - Updated plan to be approved by Owner prior to MDWL application deadline in 2020

Annual QMS Activities

- **Emergency Response Training**
 - October/November 2018 tabletop exercise: major loss of chlorine residual
- **Internal audit**
 - September 2018
- **External audits**
 - January 2018
- **MECP Inspections**
 - August 2018

Annual QMS Activities

- **Annual Reports**
 - targeted March timeframe
 - council advised when posted.
- **Management Reviews**
 - Management Review meeting in March
 - Summary report posted in Spring timeline with deficiencies, decisions, action items
- **Annual Budget process**
 - looking at infrastructure review, asset management, outcomes of risk assessment

Safe drinking water: a shared responsibility

1. The province:

- Ministry of the Environment, Conservation and Parks
- Ministry of Health and Long-Term Care



2. Public Health:

- York Region Public Health
- York Region Operations & Maintenance



3. Drinking water system Owner:

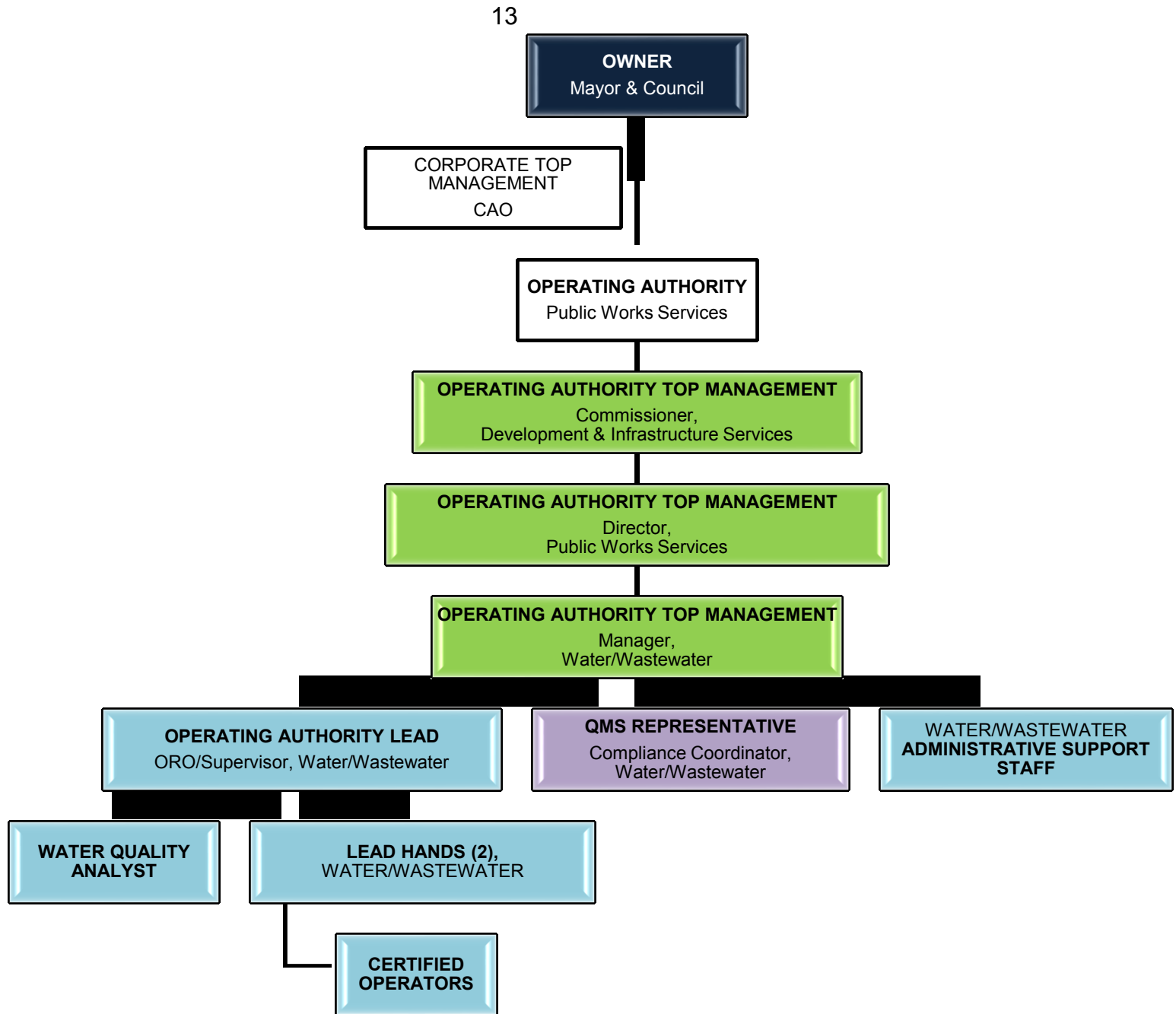
- Town of Newmarket Council

4. Accredited Operating Authority:

- Newmarket Public Works



Organization Chart



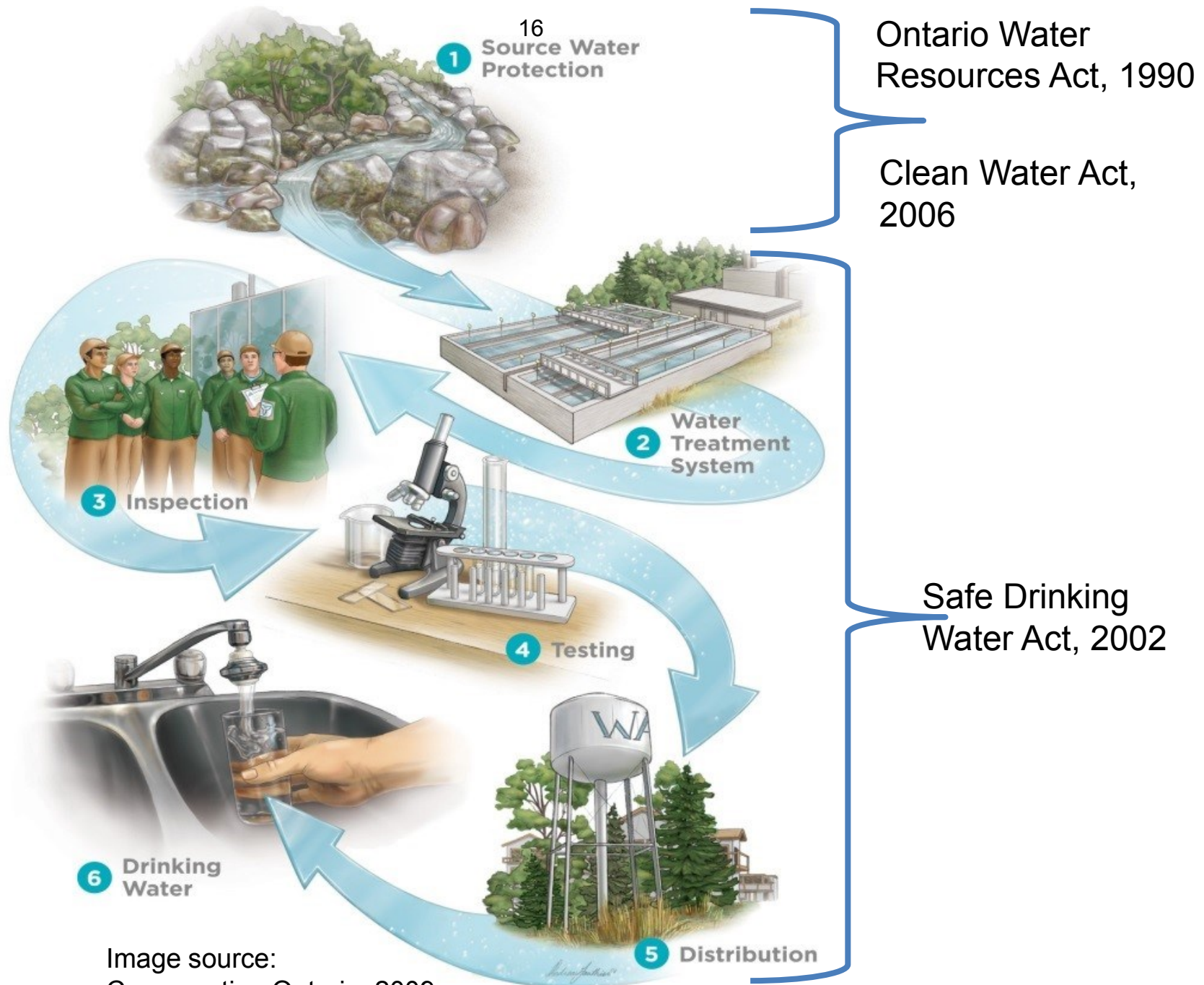
Town of Newmarket is committed to:

1. Maintenance and continual improvement of the quality management system,
2. Provide safe drinking water to our consumers, and
3. Comply with applicable legislation and regulations.

Water Waste/Water Competency and Years' Experience

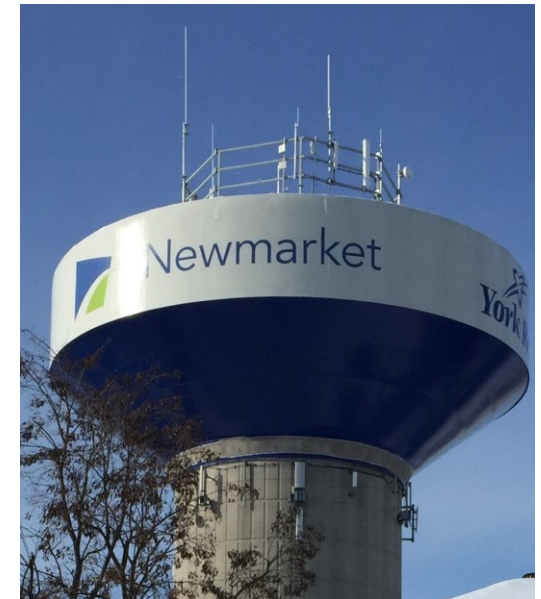
Role	Minimum Competency	Competency Achieved	Years' Experience
Manager, Water / Wastewater	Class I	Class II	29+
Op. Authority Lead - ORO / Supervisor	Class I	Class II	25+
Lead Hands	Class I	Class II	10+
Certified Operators (19)	OIT	Class I and Class II	1-30 years
Water Quality Analyst	WQA Certificate	WQA Certificate	2 years

A multi-barrier approach



Effective treatment

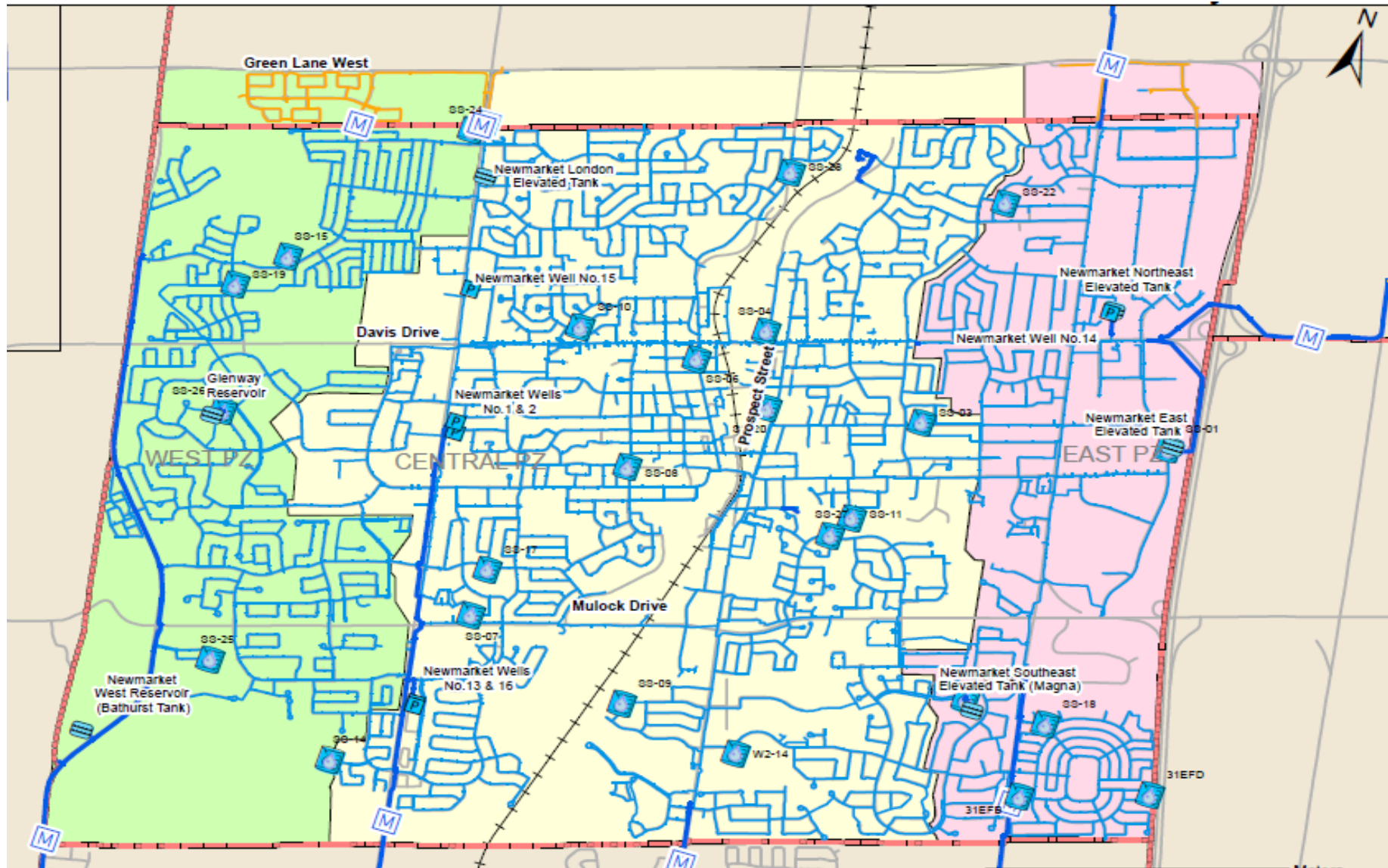
- Two main source types:
 1. surface water (York: Peel, Toronto)
 2. well water (York: 6 local wells)
- Water quality monitored continuously
- Well water treatment and chlorination is carried out by York Region.



Distribution system goals

- **Effective Design and Build**
 - Maximum daily use for residential and ICI customers
 - Fire fighting demand, and
 - Operational redundancy
- **Effective Operation**
 - Pressure management
 - Chlorine residual
 - Flushing and cleaning
 - Leak detection and condition assessment
- **Effective Maintenance**
 - Timely response to breakdowns
 - Preventive to ensure infrastructure longevity and reliability of service

Distribution system



Infrastructure planning

- Ensure infrastructure sustainability with 5-year plan (coordinated with Engineering and other divisions).
- Driven by:
 - Watermain age
 - Failures history (e.g. watermain breaks, water quality)
 - Condition assessments
 - Large capital maintenance and replacement projects
- Annual infrastructure meetings to discuss priorities and changing risks.
- Emergency repairs by contractors.

Effective monitoring & reporting

- Regular sampling and monitoring
 - Regulatory sampling throughout the distribution system
 - Operational chlorine residual program
- Incident response and notifications
 - Adverse water quality incidents (AWQI's)
 - Notifications to: MECP, YRPH, Owner, public
- Reports and communications

Ministry of Environment, Conservation & Parks (MECP)²²

- Annual MECP inspections
- Ranges of scores are between 90-100%
- Summary of other notes included
 - Backflow recommendation – what actions are taken in response
 - Other opportunities for improvement

O. Reg. 170/03 s.11²³

Annual Reports:

- A description of the drinking water system,
- A list of water treatment chemicals used;
- A summary of most recent water test results;
- A summary of adverse test results or other issues (including corrective actions taken)
- A description of major expenses incurred to install, repair or replace required equipment,
- The locations where this report is available.



Town Activities to Manage Water Quality Challenges

Key Challenges

- **Challenges**

- Chlorine residual maintenance
- Backflow events
- Short-staffing for winter maintenance vs. water operations

- **Plans to address these**

- Increased: sampling, preventive maintenance programs (e.g. flushing); studies with Stantec and work with York Region to improve water quality and reduce water age; changing pressure districts
- Backflow Prevention Program
- Consideration to seasonal staffing needs

Continuous Improvement

- 2018 initiatives support efficiency, cost savings and enhanced system performance
- Completed initiatives include:
 - Re-structuring of Water Waste/Water department to the following program areas – Water Quality Monitoring and Compliance, System Monitoring and Protection, System Maintenance and Waste Water Operations
 - Water sampling and enhanced sampling program
 - Comprehensive review of Standard Operating Procedures (SOP's)
 - Digitization of all forms for data capture and asset management purposes
 - QMS Awareness Training for all Staff
 - Implemented new online training and competency software for operators.
 - Pilot project for water quality data and adverse reporting
 - Working with York Region and partners/consultants to reduce water age and improve water quality and align to industry best practices

Effective Customer Service

- Water department staff respond to customer calls (7:30 am– 4:00 pm); after-hours by call centre
- Public Works Services 24/7 staff coverage.
- Same day call response, with most issues resolved over the phone.
- 85,000 customers keep eye on system.
- Potential to expand on community outreach and education events (e.g. through swabbing program, “touch-a-truck” PW initiative).

Owner Input Opportunities

- Financial plans – good until 2023
- Annual budget process to ensure sustainability of water system
- Annual Water Quality Report
- 5-year capital plan for infrastructure planning
- Customer service

Thank you

For more information, please contact

Luigi Colangelo, C. Tech. CRS

Manager of Water/Wastewater Services

Public Works Services

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lcolangelo@newmarket.ca

Municipal Council Orientation

Health & Safety





Who We Are

PSHSA serves 1.67 million workers across 10,000 workplaces within broad range of Public sectors and subsectors

 Emergency Services	 Education	 Healthcare	 Government
<ul style="list-style-type: none"> • Fire • Policing • EMS • Security • Corrections 	<ul style="list-style-type: none"> • School Boards • Universities • Colleges • Career Colleges • Museums • Libraries 	<ul style="list-style-type: none"> • Institutional Health • Primary Care • Long-term Care • Community Care • Diagnostic Services • Public Health • Mental Health • Treatment Services 	<ul style="list-style-type: none"> • Municipal Government • Provincial Government • Transit • Recreation • Public Works • First Nations



Purpose

- To provide fundamental health and safety information to Municipal Councils (e.g. mayors, reeve, counsellors, or aldermen)



Why Is Health & Safety Important?

Discussion:

Why should workplace health and safety be important to municipal council members?



Leadership and Health and Safety

Strong Leaders:

- Recognize that solid health and safety performance drives business results
- Promote a culture of safety in their organizations, and integrate prevention measures into business strategies, processes and performance measures.



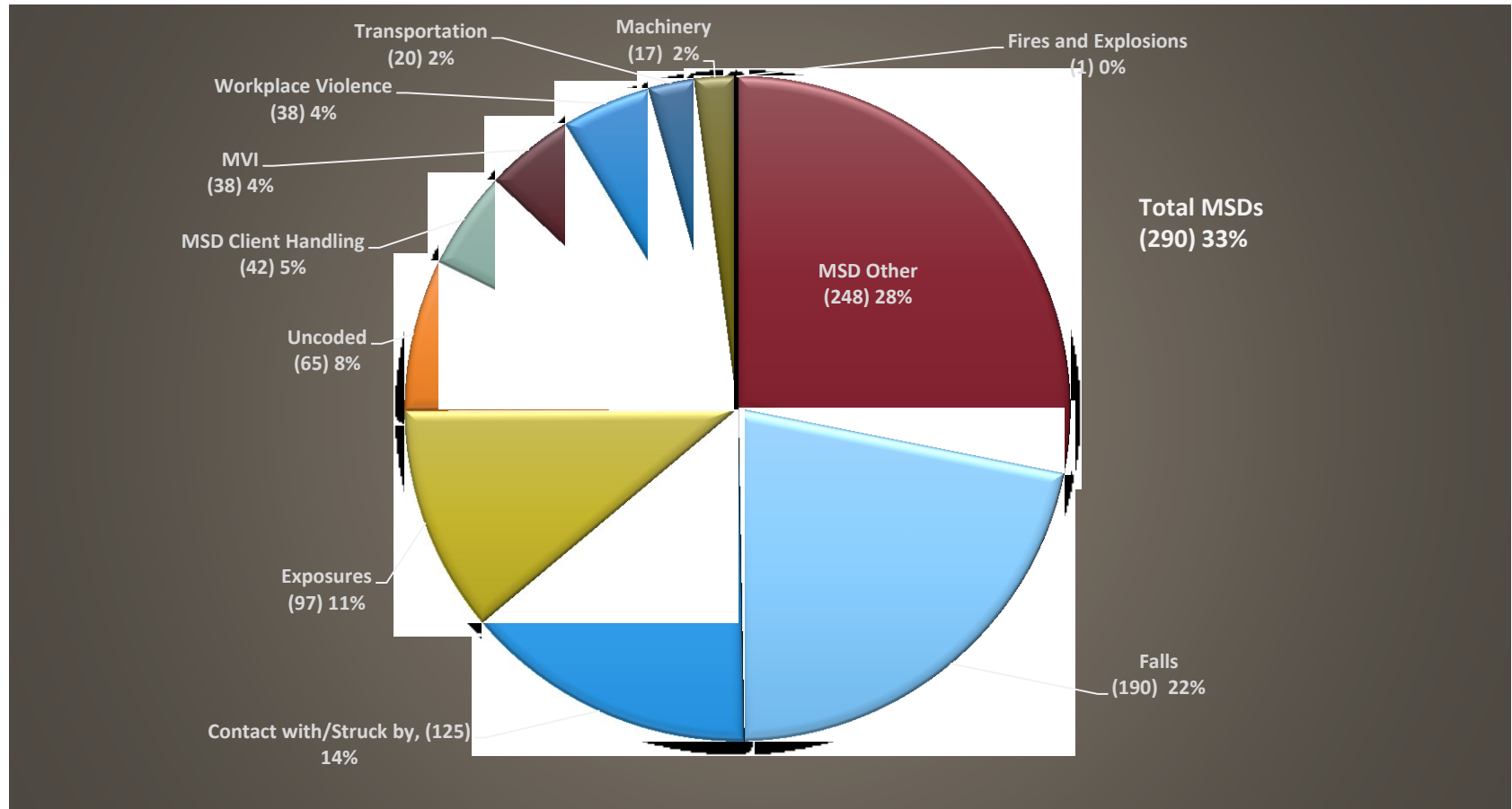
Schedule 1 LTI Frequency Rates by Sector 2013 to 2017



Sector	2013	2014	2015	2016	2017
AGRICULTURE	2.13	2.06	1.87	1.91	1.85
TRANSPORTATION	1.87	1.88	1.64	1.81	1.8
FORESTRY	1.58	1.53	1.75	1.75	1.86
MUNICIPAL	1.62	1.62	1.56	1.58	1.72
HEALTH CARE	1.39	1.34	1.28	1.36	1.38
CONSTRUCTION	1.25	1.17	1.11	1.15	1.16
AUTOMOTIVE	1.31	1.17	1.05	1.15	1.14
FOOD	0.92	0.83	0.84	0.88	0.89
SERVICES	0.84	0.79	0.76	0.83	0.87
MINING	0.93	0.79	0.77	0.7	0.81
STEEL	0.84	0.84	0.64	0.71	0.86
CHEMICAL/PROCESS	0.71	0.71	0.64	0.77	0.76
MANUFACTURING	0.69	0.66	0.61	0.68	0.67
PULP & PAPER	0.56	0.59	0.61	0.63	0.55
ELECTRICAL	0.38	0.38	0.39	0.42	0.46
EDUCATION	0.38	0.46	0.35	0.39	0.42

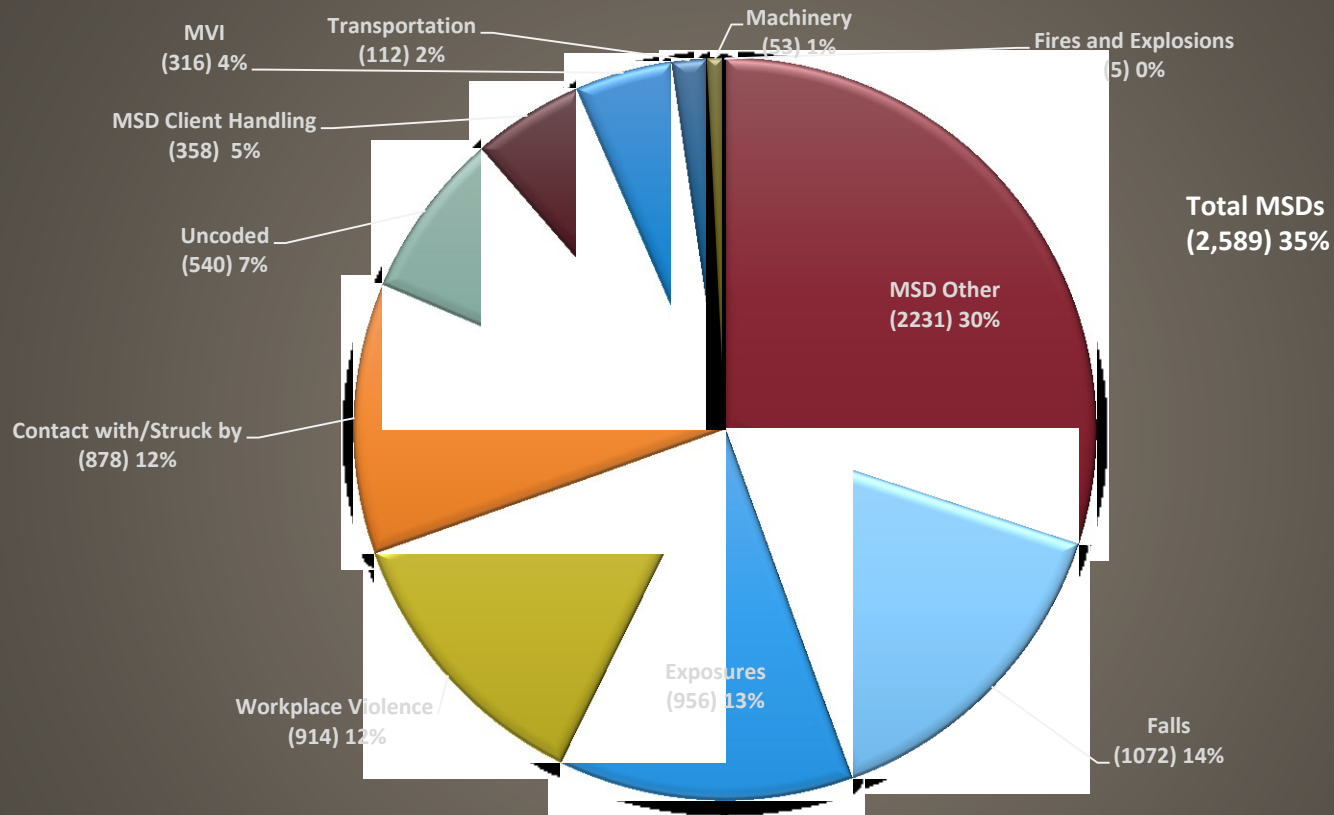


Municipal and Provincial Government Schedule 1 LTI Counts by Injury Type 2017



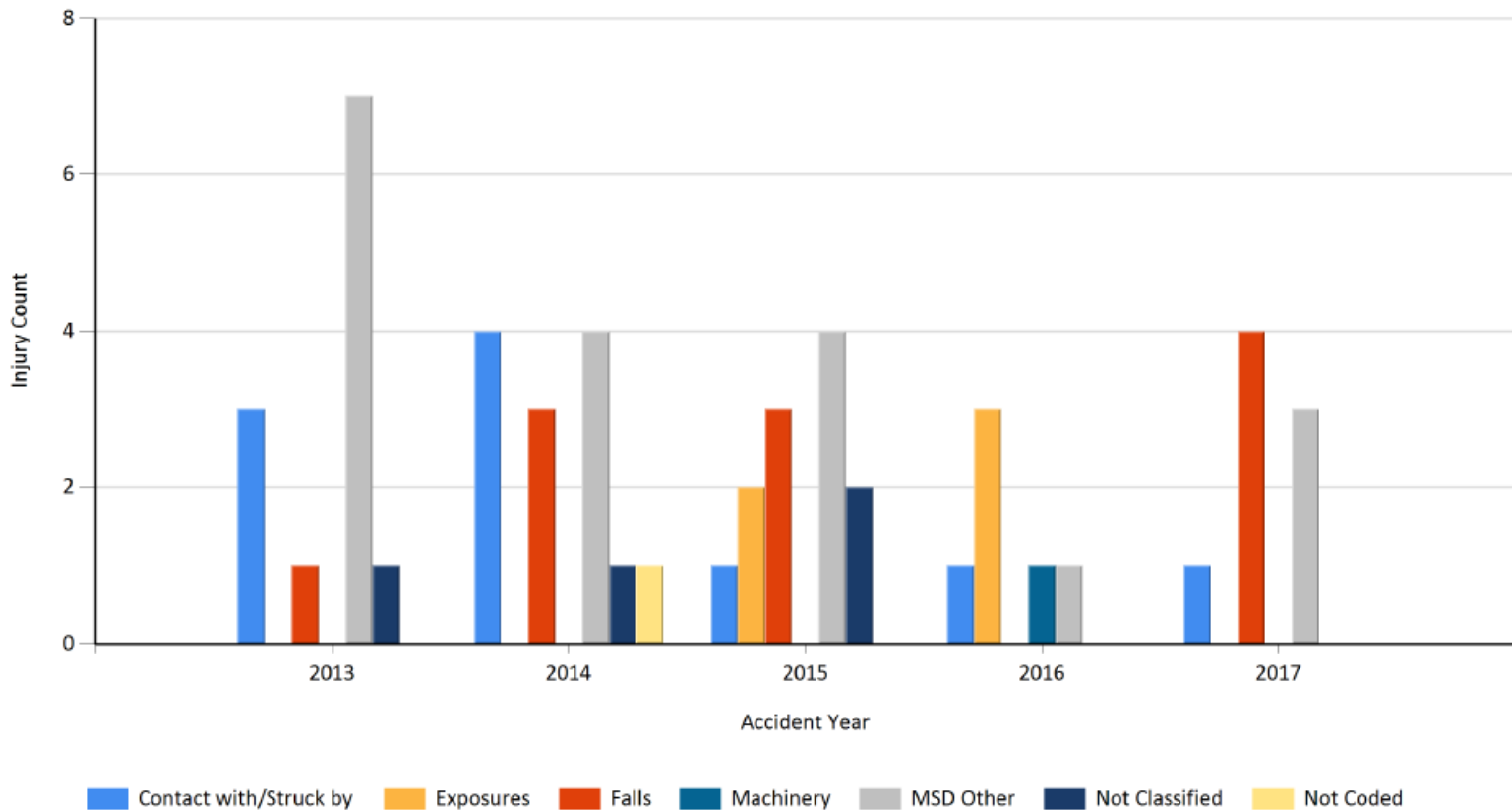


Municipal and Provincial Government Schedule 2 LTI Counts by Injury Type 2017



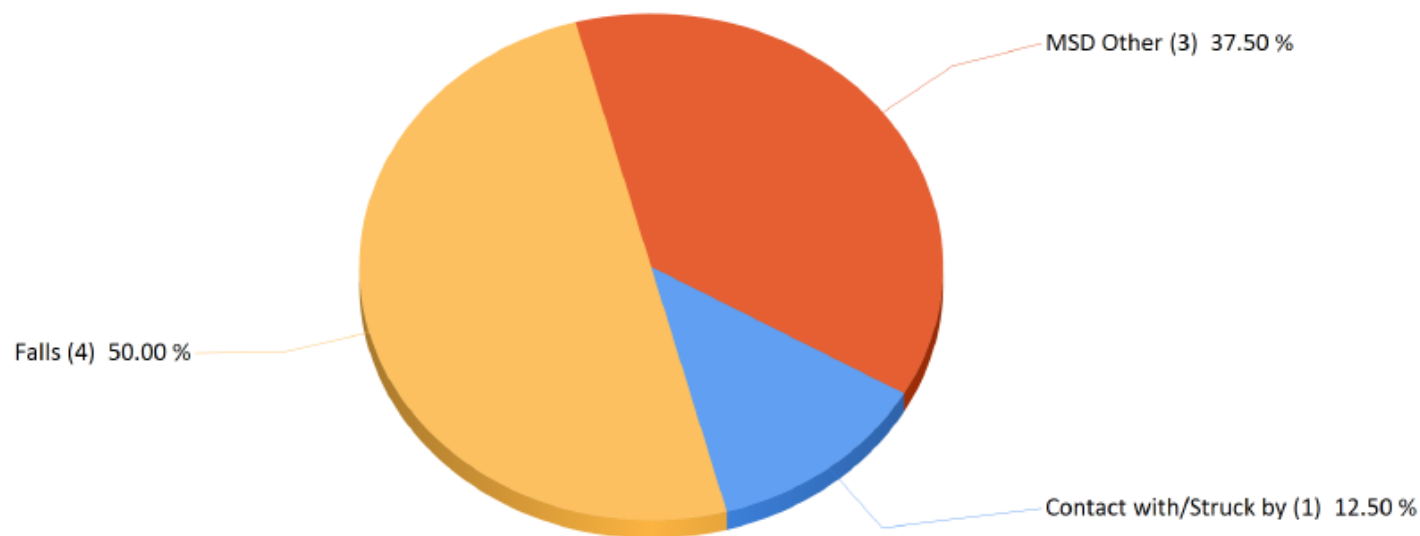


Town of Newmarket, LTIs by Injury Type: 2013 - 2017



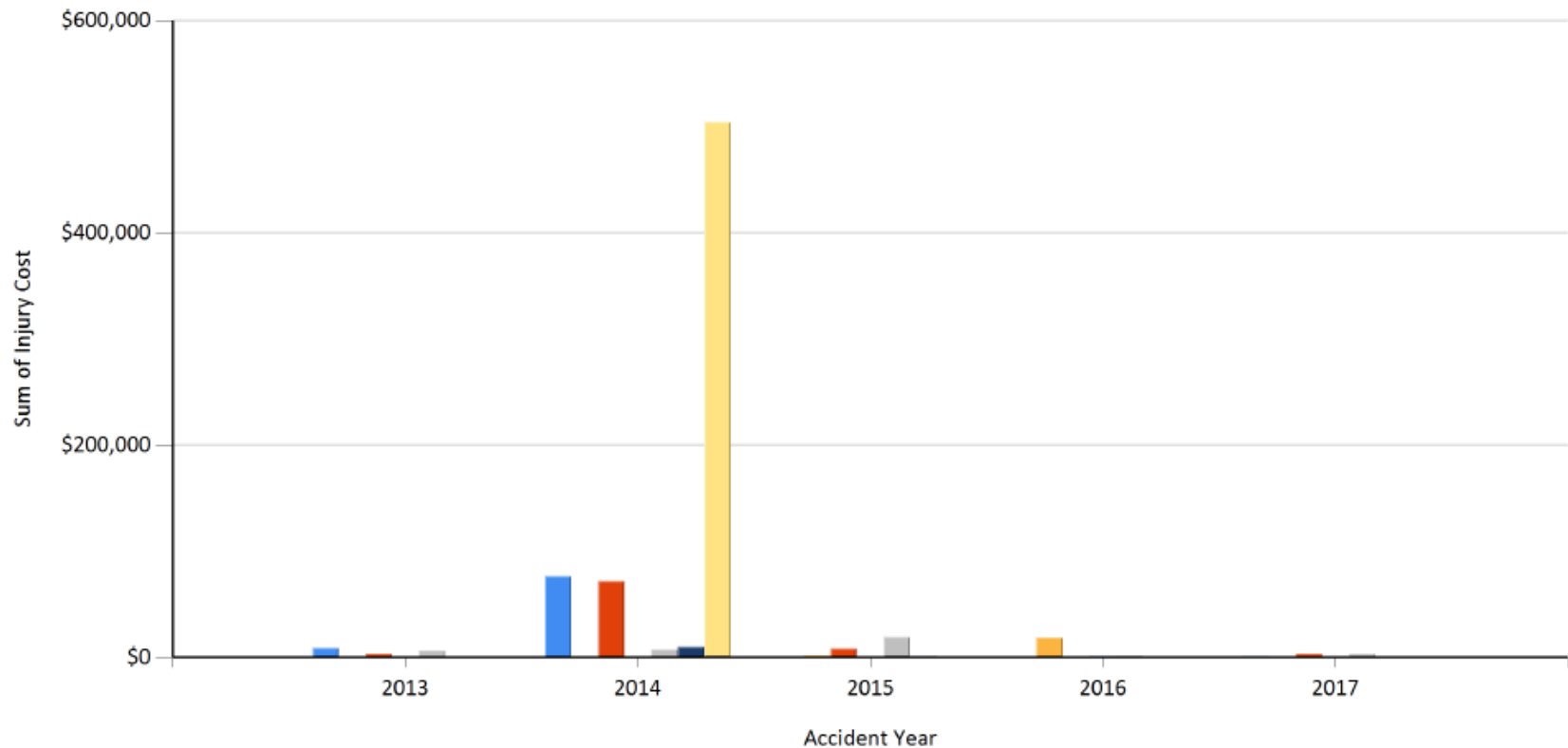


Town of Newmarket, LTIs by Injury Type: 2017





Town of Newmarket, Injury Costs by Injury Type: 2013-2017



■ Contact with/Struck by
 ■ Exposures
 ■ Falls
 ■ Machinery
 ■ MSD Other
 ■ Not Classified
 ■ Not Coded



Safe Environments.
Healthy Workers.

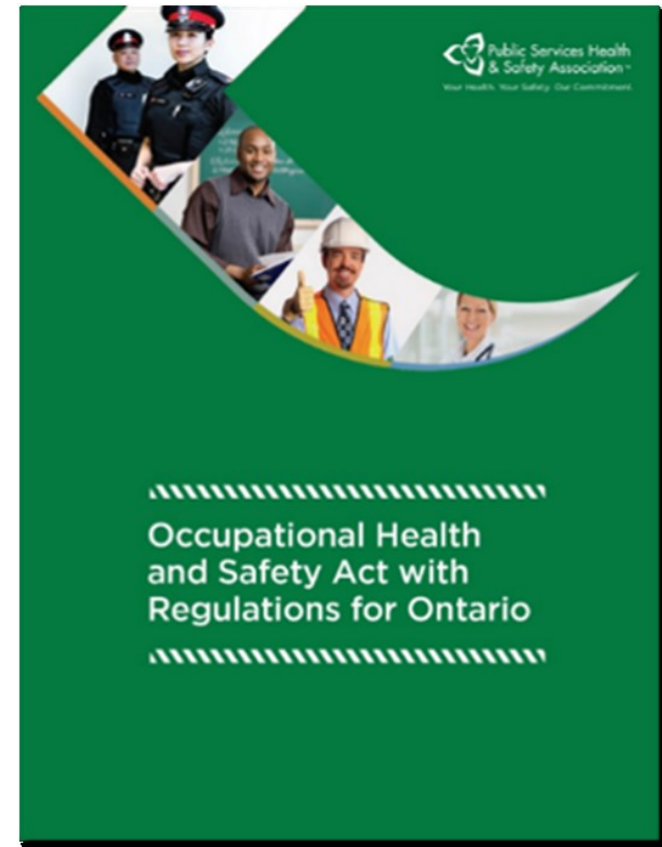
HEALTH, SAFETY, AND THE LAW



Occupational Health and Safety Act (OHSA)

The OHSA's purpose is to:

- Protect workers from health & safety hazards on the job
- Set out duties for all workplace parties and rights for workers
- Establish procedures for dealing with workplace hazards
- Enable enforcement of the law





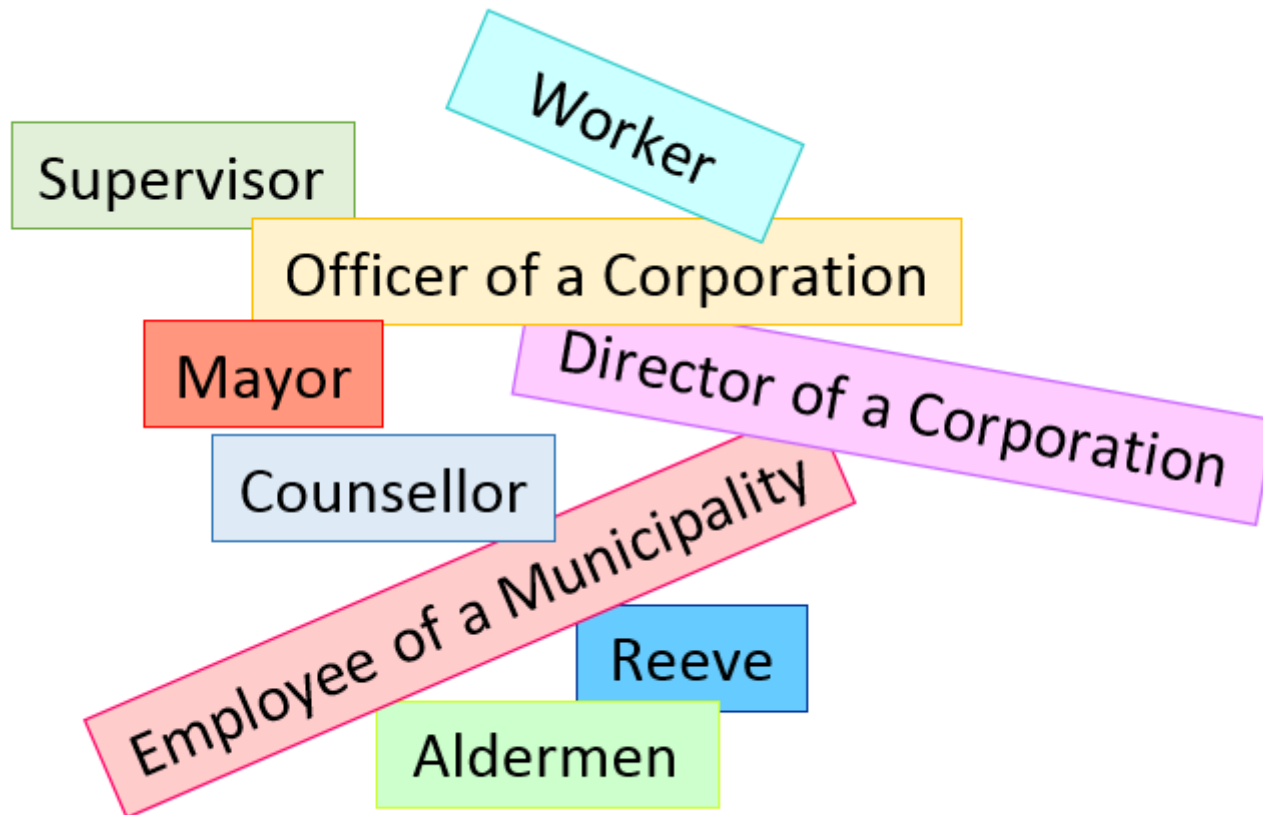
Internal Responsibility System (IRS)

- Shared responsibility for health and safety
- Promotes safety culture
- Promotes best practice
- Helps develop self-reliance
- Ensures compliance





A Member of Council May Be A:





Where Do You Fit Under the OHSA?

Are You a Worker?	Are you a Supervisor?	Are you a Director of a Corporation?
<ul style="list-style-type: none">A worker includes any person who performs work or supplies for monetary compensation, s.1(1) OHSA	<ul style="list-style-type: none">A supervisor is a person who who has charge of a workplace or authority over a over a worker, s.1(1)OHSA	<ul style="list-style-type: none">A body of elected or appointed members, who collectively direct action of a of a corporation



Duties of A Worker

Section 28:

- Work in compliance with OHSA and regulations;
- Use or wear equipment and/or PPE required by employer;
- Report any absence or defect in any equipment or protective device;
- Report any contravention of OHSA and regulations;
- Do not remove or make ineffective any safety devices;
- Work in a safe manner; and
- No horseplay, pranks, feats of strength, unnecessary running, or rough or rowdy conduct in the workplace.

Fines:

Failure to Report Unsafe Work:

- A municipal worker was present while a contractor was setting up connections for a new site to the city's water and sewer systems. The work was being done in an unsupported trench.
- A MOL Inspector observed the work being performed in the dangerous situation while the municipal worker observed.
- The MOL inspector fined the municipal worker and the contractor's supervisor – both failed to ensure the safety of the worker and the work site.



Duties of A Supervisor

Section 27:

- Ensure workers work in compliance with Act and regulations
- Ensure workers wear and use appropriate protective equipment
- Inform workers about hazards and dangers
- Provide written instructions as required
- Take all reasonable precaution for the protection of workers at all times



Duties of Directors and Officers of a Corporation

Section 32:

- Every director (council member) and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,
 - a) This Act and the regulations;
 - b) Orders and requirements of inspectors and Directors; and
 - c) Orders of the Minister.



Chief Administrative Officer (CAO)

Under OHSA, the CAO is defined as an Employer

- Duties are outlined under s.25 and s.26 of OHSA, but include:
 - Provision and maintenance of required equipment, materials and PPE
 - Provision of information, instruction and competent supervision to workers
 - Communication of any hazards in the workplace
 - Preparation and review of (at least annually) a Health and Safety Policy and a Workplace Violence and Harassment Policy
 - Taking every precaution reasonable in the circumstances for the protection of the worker



How do Council and Administration Differ?

“Councils and their administration have different roles within the municipality, but their roles have common goals and purposes. In general, it is the role of the elected council to represent the community and set the direction and policy for the municipality, and it is the role of staff to manage people and resource to achieve council’s vision”

Ministry of Municipal Affairs and Houses (MMAH)



Safe Environments.
Healthy Workers.

DUE DILIGENCE



What is Due Diligence?

- The level of judgment, care, prudence, determination and activity that a person would reasonably be expected to do under particular circumstances
- Applied to occupational health and safety, due diligence means that employers shall take all reasonable precautions, under the particular circumstances to prevent injuries or incidents in the workplace



Penalties under the OHSA

Section 66(1):

Every person who contravenes or fails to comply with the OHSA, regulations or orders/requirements from MOL is guilty of an offence and on conviction is liable to a fine of not more than:

- \$100,000 and/or imprisonment of not more than 12 months

Section 66(2):

- If a corporation is convicted of an offence, the max. fine is:
 - \$1,500,00 per violation



Legal Liability

- Offences under the OHS Act are automatic or *strict liability* offences
 - You are guilty until you prove your innocence
- Only one way to prove your innocence
- Must prove that you have been **duly diligent**



Court Bulletin: Regional Municipality of Waterloo Fined \$50,000

Outline:

- 8 municipal workers were working on a construction project at the region's water pumping station.
- During the work, workers penetrated the interior concrete block walls of the building when they drilled into the walls.
- Asbestos-containing vermiculate was disturbed and spilled out from the wall cavities.
- Although a Designated Substance Survey from 2014 identified the asbestos, the employer failed to advise the workers of its presence prior to the commencement of work activities.

City of Fernie, B.C – Ice Rink Fatalities

Outline:

- At 4am on October 17th, 2017, two municipal employees and one contractor responded to an alarm triggered by the release of ammonia in the arena's mechanical room
- A pinhole leak in refrigeration system allowed ammonia to mix with a brine solution, eventually bursting the pipe and venting a high concentration of ammonia
- All 3 workers succumbed to the exposure during emergency maintenance work
- WorkSafeBC -
<https://www.youtube.com/watch?v=BBxzXKRSjsc>



Due Diligence is Proactive

Must be present in the workplace before an accident or incident takes place:

1. Recognize, assess, control and evaluate hazards
2. Ensure written policies, practices and procedures
3. Establish training, instruction, and communication
4. Observation and monitoring of OHS system
5. Consistent correction of hazards and enforcement
6. Documentation and record-keeping



What Can Council Do to Demonstrate Due Diligence?

1. **Have Knowledge of legal obligations** – *knowledge of relevant, applicable OHSA and regulations*
2. **Have Knowledge of hazards** – *periodic review of incident statistics, review of any audit reports, stay informed with JHSC issues/concerns*
3. **Ensure ongoing support to control hazards** – Responsible decision-making about budgets for health and safety needs, prioritization of competing needs based on risk associated with hazards, and development of and ongoing improvements to safe work procedures, policies, and practices
4. **Review and approval of written health and safety policies, practices and procedures** – e.g. Violence & Harassment in the Workplace Policy
5. **Participation in Training and Orientation** – e.g. Basic H&S Awareness Training for Workers
6. **Documentation and record-keeping** – e.g. request reports from various departments, council's own meeting minutes and training records



Case Study

- A worker in your organization has experienced threats and intimidating behaviour by a local resident.
- The JHSC complained in writing to management about the situation and suggested that the organization implement a violence prevention policy. The manager did not respond for several months.
- Eventually, the worker was assaulted by the local resident and suffered a critical injury. Police and MOL were called.
- The MOL ordered a violence hazard risk assessment, establishment of a H&S policy and program, and the implementation of violence awareness training.

WHAT COULD THE BOARD DO TO AVOID A SIMILAR SITUATION FROM OCCURRING?



Possible Action

- Ensure your organization's Occupational H&S Management System is reviewed at least annually
- Ask management to report on key H&S issues prompted by new legislation
- Ensure management reports on issues identified by JHSCs as required
- Require regular briefings on H&S activities and performance
- Make H&S a regular meeting agenda item
- Ask questions



Safe Environments.
Healthy Workers.

Thank you!

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905 7514938

Connect with us:



[@PSHSA.ca](https://twitter.com/PSHSA.ca)



Public Services Health and
Safety Association on LinkedIn



[YouTube.com/PSHSA](https://www.youtube.com/PSHSA)



[Instagram.com/PSHSA](https://www.instagram.com/PSHSA)

Phone: 416.250.2131

Toll free: 1.877.250.7444

Workplace Health & Safety

- *Council sets direction for policies*
- *CAO and leadership ensure policies and programs are in place, communicated and workers are working in compliance*
 - *Corporate Health & Safety Policy and Procedures Manual*
 - *Harassment/Discrimination Policy*
 - *Violence Free Workplace Policy*
 - *Code of Conduct*

Workplace Health & Safety

Discrimination

➤ *Unequal treatment of a person based on one of the prohibited grounds identified in the Ontario Human Rights Code:*

<i>Race</i>	<i>Ancestry</i>	<i>Place of origin</i>
<i>Colour</i>	<i>Ethnic Origin</i>	<i>Citizenship</i>
<i>Creed</i>	<i>Age</i>	<i>Sex</i>
<i>Sexual Orientation</i>		<i>Disability</i>
<i>Marital Status</i>		<i>Family Status</i>
<i>Record of Offences</i>		

Workplace Health & Safety

Harassment

- *Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome*

Workplace Health & Safety

Harassment

- *Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome*

Workplace Health & Safety

Violence

- *Attempt to or exercise physical force by a person against a worker, in a workplace that causes or could cause physical injury to the worker*
- *A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker*

Workplace Health & Safety

Violence Free Workplace

- *Domestic violence that could find its way into the workplace*

Workplace Health & Safety

Strategy: Creation of a respectful environment

All workers must abide by their Code of Conduct

- Council Code
- Employee Code

Workplace Health & Safety

Council Obligations

- *Know your obligations*
- *Review applicable policies provided as part of the Council Reference Manual*
- *As part of the Internal Responsibility System (IRS) address non-compliance directly or through appropriate chain of command*

Workplace Health & Safety

