




Hamilton

INFORMATION UPDATE

TO:	Mayor and Members City Council
DATE:	February 7, 2019
SUBJECT:	Delays in Waste Collections Due to Inclement Weather and Staff Work Refusal (ES19002) (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Craig Murdoch, B. Sc., Director, Environmental Services Division Public Works Department
SIGNATURE:	

This Information Update is to inform the Mayor and Members of Council of delays in waste collection services experienced on February 6, 2019 due to inclement weather and a work refusal brought forward by the City of Hamilton's (City) waste collection staff.

On the morning of February 6th, the City was under a freezing rain advisory issued by Environment Canada. Ice accumulation began in the City around 6:00 a.m. and the City's waste collection staff exercised their right to refuse work as outlined under the Ontario Occupational Health and Safety Act (OHSA) due to the inclement weather. Under Section 43 of the OHSA, workers in the Province of Ontario have the right to refuse unsafe work when the worker has reason to believe that;

- any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- workplace violence is likely to endanger himself or herself; or
- any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.

Once the concerns and details of the work refusal were brought forward by the waste collection staff, management immediately initiated the investigative process, commonly referred to as Stage 1 Work Refusal, as outlined in the OHSA.

Management suggested a number of strategies that they believed would protect workers from weather related hazards that might be encountered during their shift and

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worked with waste collection staff collectively, and respectfully to resolve the circumstances. Management and waste collection staff were unable to come to a resolution. As outlined in the OHSA, if a work refusal cannot be resolved between the employer and the employees, the Ministry of Labour (MOL) is contacted to investigate and resolve the work refusal. This is commonly referred to as Stage 2 Work Refusal.

During the MOL's investigation, it was deemed that side packer garbage trucks that are parked indoors could be approached and operated safely and as a result, workers were assigned to perform work. Waste collection staff were informed to contact their Supervisors, who followed staff out to their collection routes, should they encounter any aspect of their job that they felt was unsafe.

At approximately 3:00 p.m. staff received the MOL investigator's verbal ruling for equipment parked outdoors. It was determined that equipment could safely be accessed, and equipment circle checks could be performed safely with minor modifications to the process. At this time, management made the decision not to send staff out in the remaining collection vehicles because of the time of day.

The MOL inspector provided recommendations to the City, such as providing long handled ice scrapers and brushes, and rubber mallets to help remove accumulation of ice. These recommendations were implemented for the following day's operations.

The MOL inspector concluded their investigation and determined the circumstances that led to the work refusal were "not likely to endanger a worker" and workers were expected to return to their duties. All waste collection staff returned to work this morning.

As a result of the work refusal, the collection of garbage, green bins, bulk waste and leaf and yard waste within the A-zones has been delayed. Collection of garbage, green bins, bulk waste, leaf and yard waste in the B-zones and collection of blue box material for the whole City was not affected by the work refusal as they are collected by contractor.

City residents affected by the delay are asked for their patience and if their waste was not collected on their regular scheduled collection day, then to bring the waste back in and place at the curb before 7 a.m. the next day for pick up. Waste management staff will continue to provide updates through the City's communications group.

If you have questions, please contact Joel McCormick, Manager of Waste Collections, at 905-546-2424 extension 4770.

APPENDICES AND SCHEDULES ATTACHED

Not applicable