

## Resolution of the Panel of Administrators

**Number: 2002/07/16-05**

**Date: July 16, 2002**

**Subject: Amendments to Part 33 of the *Occupational Health & Safety Regulation* (BC Regulation 296/97 as amended)**

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### **WHEREAS:**

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("Act"), the Workers' Compensation Board (the "Board") may make regulations the Board considers necessary or advisable in relation to occupational health and safety and occupational environment;

### **AND WHEREAS:**

The Occupational Health and Safety Regulation (O.H.S.R.) pertains to occupational health and safety and occupational environment;

### **AND WHEREAS:**

The Board, pursuant to its mandate under the Act, has proposed amendments to Part 33 (Occupational First Aid) of the O.H.S.R. and has given notice of the proposed amendments and held a public hearing on the proposed amendments to Part 33 (Occupational First Aid) of the O.H.S.R. in accordance with section 226(1) of the Act;

### **AND WHEREAS:**

The Panel of Administrators (the "Panel"), after due consideration of all the presentations to the Board, considers it necessary and advisable in accordance with the Board's mandate under the Act in relation to occupational health and safety and occupational environment to amend Part 33 (Occupational First Aid) of the O.H.S.R.;

### **AND WHEREAS:**

Pursuant to the Provincial Government's Regulatory Reform Policy ("Policy"), the Panel has evaluated the proposed amendments according to the regulatory criteria set out in the Policy;

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**AND WHEREAS:**

The Panel will make public the Regulatory Criteria Checklist;

**THE PANEL OF ADMINISTRATORS RESOLVES THAT:**

1. The amendments to Part 33 (Occupational First Aid) of the O.H.S.R. set out in Appendix A and B are approved.
2. The Regulatory Criteria Checklist in Appendix C is approved.
3. The above amendments to Part 33 (Occupational First Aid) of the O.H.S.R. will be deposited with the registrar of regulations in such form as may be required by the registrar.
4. The above amendments to Part 33 (Occupational First Aid) of the O.H.S.R. come into force 90 days after their deposit under the *Regulations Act*.

DATED at Richmond, British Columbia, July 16, 2002.

## APPENDIX A

### Definitions

33.1	In this Part
<i>“attendant”</i>	means a first aid attendant who is designated by an employer to provide first aid to workers at a workplace, and who holds a first aid certificate valid for that workplace;
<i>“central first aid”</i>	means the location where first aid equipment and supplies for a workplace are kept;
<i>“certificate”</i>	means, as described in Schedule 6, a Level 1, 2 or 3 first aid certificate <del>issued</del> <b>recognized</b> by the board;
<i>“certificate endorsement”</i>	means an endorsement, <del>issued</del> <b>recognized</b> by the board, to the holder of a first aid certificate;
<i>“ETV”</i>	means an emergency transportation vehicle meeting the requirements of sections 33.30 and 33.31;
<i>“first aid”</i>	means the provision and use of the equipment, supplies, facilities and the services of an attendant as required by this Part;
<i>“first aid facility”</i>	means a first aid room or dressing station;
<i>“first aid kit”</i>	means the first aid equipment and supplies specified in Schedule 2;
<i>“hazard classification”</i>	means the rating assigned to an industry specified in Schedule 7;
<i>“health care facility”</i>	means a hospital or other place where acute, intermediate or extended health care services are provided;
<i>“hospital”</i>	means a hospital or diagnostic and treatment centre that has an emergency department or resuscitation area and a physician on duty, or immediately available on call, 24 hours a day;
<i>“industrial ambulance”</i>	means a vehicle meeting the requirements of sections 33.30 and 33.32;
<i>“injured worker”</i>	means a worker who reports with an injury or illness during work;
<i>“MTC”</i>	means a mobile treatment centre meeting the requirements of section 33.33;

<i>“number of workers per shift”</i>	means the calculated value, used in Tables 1 to 6 of Schedule 1, to determine first aid requirements;
<i>“physician”</i>	means a person registered under the <i>Medical Practitioners Act</i> ;
<i>“potential for delay”</i>	means a likelihood that the transport of an injured worker to medical treatment may be delayed 15 minutes or more after the time the injured worker is ready to be transported;
<i>“qualified practitioner”</i>	means a person registered under the <i>Chiropractors Act</i> , the <i>Dentists Act</i> , the <i>Naturopaths Act</i> or the <i>Podiatrists Act</i> ;
<i>“remote workplace”</i>	means a workplace which is located 2 hours or more surface travel time away from a hospital;
<i>“surface travel time”</i>	means the normal time to safely transport an injured worker on a stretcher by land or water, having consideration for the weather, road conditions, traffic patterns and other factors which may affect travel and are likely to prevail during working hours;
<i>“training agency”</i>	means a person or organization recognized by the board to provide first aid instruction.

### **Explanatory Note**

Definitions of “certificate” and “certificate endorsement” amended to permit the board to recognize documents issued by agencies other than board.

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## APPENDIX A (continued)

### REQUIREMENTS FOR SPECIFIC WORKPLACES

#### Health Care Facilities Section 33.15

- Health care facilities      33.15 (1) A health care facility with an emergency resuscitation area may designate that area as the workplace first aid facility, provided that
- (a) immediate access is available to workers during working hours,
  - (b) written procedures are developed for moving a worker requiring stretcher transport to the designated treatment area,
  - (c) the transport equipment required by the procedures is provided, and
  - (d) a first aid kit, appropriate for the level of attendant required, is available to be taken to the scene of an injury.
- (2) On written request, ~~the board will issue~~ a Level 2 certificate *will be issued* to a physician or registered nurse who has
- (a) at least 6 months experience in an emergency department, or
  - (b) successfully completed a recognized course of training in emergency procedures.
- (3) The experience or training required in subsection (2) must have been completed not more than 24 months before the request for certification.
- (4) Certification granted under subsection (2) is restricted for use in health care facilities and is not transferable to other industries.

#### Explanatory Note

Section amended to recognize that board may not itself necessarily issue the required certificates.

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## APPENDIX A (continued)

### Municipal fire departments Section 33.16

- Municipal fire departments 33.16
- (1) If there are 5 or more firefighters at a workplace, at least one must hold a Level 1 certificate.
  - (2) If there are 20 or more firefighters at a workplace, at least one must hold a Level 3 certificate.
  - (3) If 25% or more of the firefighters at a workplace have a valid Emergency Medical Assistant First Responder (EMA FR) Level III licence issued under the *Health Emergency Act*, the requirements of subsections (1) and (2) do not apply.
  - (4) On written request, ~~the board will issue~~ a Level 1 or 2 certificate *will be issued* to a firefighter who holds an EMA FR Licence as follows:
    - (a) EMA FR Level II Licence = board Level 1 Certificate;
    - (b) EMA FR Level III Licence = board Level 2 Certificate.
  - (5) Certification issued under subsection (4) is restricted to the fire service industry and is not transferable to other industries.
  - (6) A firefighting crew dispatched on an emergency call must have
    - (a) a Level 1 kit specified in Schedule 2,
    - (b) portable oxygen therapy equipment,
    - (c) a bag-valve mask and airway kit, and
    - (d) two sterile burn sheets in sealed plastic containers.

### Explanatory Note

Section amended to recognize that board may not itself necessarily issue the required certificates.



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## APPENDIX A (continued)

### Certification process Section 33.39

- Certification process      33.39
- (1) To qualify for a Level 1 certificate a candidate must successfully complete a Level 1 training course or its equivalent as taught and evaluated by a person authorized by the board.
  - (2) To qualify for an initial Level 2 or 3 certificate, a candidate must successfully complete a Level 2 or 3 training course or its equivalent, and achieve a grade of at least 70% on each of the written, oral and practical portions of ~~the~~ **an** examination **conducted by a person authorized by the board.**
  - ~~(3) The Level 2 and 3 written examinations must be conducted by a person authorized by the board or by an officer.~~
  - ~~(4) The Level 2 and 3 oral and practical examinations will be conducted by an officer at times and places determined by the board.~~
  - ~~(5) The medical certificate of fitness, required by section 33.41(c), must be received and approved by the board before a Level 2 or 3 certificate is issued.~~
  - (63) To qualify for a certificate endorsement the candidate must hold a valid Level 1 or 2 certificate and must successfully complete a board-developed training course or its equivalent.

### Explanatory Note

Sections 33.39(2) to (4) are merged. Separate provisions are only required where there are different requirements for the written and the oral/practical examinations. Under the proposed amendments, all examinations can be conducted by a person authorized by the board.

Section 33.39(5) is deleted as it assumes that the board will always administer the process for receiving applications to take the examination and is in any event covered by section 33.41(c). The explicit statement that the certificate be received before certification occurs is moved to section 33.41

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## APPENDIX A (continued)

### **Eligibility for examination Medical Certificates Section 33.41**

- Eligibility for examination Medical Certificates**      33.41    A candidate for examination leading to certification at Level 2 or 3 must **before a certificate is issued**
- (a) ~~apply for examination and provide the information requested on a form acceptable to provided by the board;~~
  - (b) ~~ensure that the examination fee has been paid, and~~
  - (c) provide a medical certificate of the candidate's fitness from a physician on a form **acceptable to provided by** the board and every two years thereafter on renewal of the Level 2 or 3 certificate.

### **Explanatory Note**

Sections 33.41(a) and (b) are deleted as they assume the board will be conducting the examinations. Under the proposed amendments, all examinations can be conducted by other authorized persons. See comments on section 33.39(5) above.

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## APPENDIX A (continued)

### Extensions to certificates Section 33.43

- Extensions to certificates      33.43 (1) Extensions to certificates are granted only if
- (a) a course has not been available during the 3 months before the expiry of the certificate, or
  - (b) the attendant has been medically determined to be temporarily disabled and unable to take the renewal course or examination.
- (2) A request for an extension must be made before the expiry date of the certificate held, and the request must be made by the attendant, the employer, or an immediate prospective employer.
- (3) Except as noted in subsection (4), the maximum extension allowed is 3 months beyond the expiry date of the certificate held.
- (4) A person who is certified by the board as a first aid instructor for Level 2 or 3 courses and is in good standing will be granted a 12 month extension to his or her current Level 3 certificate on written request to the board.

### Explanatory Note

This section has been deleted since, if certificates are issued by agencies, it will not be practical for the board to grant extensions.

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## APPENDIX A (continued)

### Program equivalency Section 33.47

- Program equivalency      33.47 (1) First aid programs offered by training agencies and approved by the board may be granted equivalency for Level 1, **2 or 3** certification, ~~or qualification for certificate endorsement, or a Level 2 or 3 examination~~ provided the requirements of this Part are otherwise met.
- (2) A person successfully completing an equivalent program will, upon application, be eligible for certification, *or* certificate endorsement, ~~or examination leading to certification~~ provided the requirements of this Part are otherwise met.
- (3) Only ~~board-issued~~ certificates and certificate endorsements **recognized by the board** will be accepted as proof of certification or qualification at a workplace subject to the requirements of this Part.

### Explanatory Note

Section amended to permit the board to recognize documents issued by agencies other than the board. The current section allows equivalency for the purpose of obtaining certification in the case of level 1, but in the case of level 2 and 3, only for the purpose of doing the examination. This distinction is no longer necessary in light of the proposed changes to section 33.39.

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## APPENDIX A (continued)

### INSTRUCTORS AND TRAINING AGENCIES

#### Instructor certification Section 33.48

- Instructor certification      33.48 (1) Instructors of Level 1, 2 and 3 and transportation endorsement courses must **have qualifications recognized** ~~be certified~~ by the board.
- (2) ~~Instructors of Level 2 and 3 courses must be trained and certified by the board.~~
- (32) Instructors of certificate endorsement training courses must be Level 2 or 3 instructors.

#### Explanatory Note

Section amended to permit the board to recognize instructors having qualifications issued by agencies other than the board.

## APPENDIX A (continued)

### Courses and examinations Section 33.52

- Courses and examinations      33.52
- (1) A training agency must ensure that first aid equipment and supplies required by the board are clean and ready for use in each class.
  - (2) A training agency must ensure that board-developed or equivalent first aid courses are taught in accordance with training materials developed or approved by the board.
  - ~~(3) Before conducting any approved first aid course leading to Level 1 certification, certificate endorsement or Level 2 or 3 examination by the board, a training agency must notify the board of its intention to conduct the course.~~
  - ~~(4) Immediately following completion of a Level 1 certificate training course or certificate endorsement course the training agency must forward to the board, on behalf of each student registered in the course,
    - (a) a completed Course Registration Form,
    - (b) full payment of appropriate certificate fees, and
    - (c) a completed Certificate Record Booklet.~~
  - ~~(5) In order for an examination to be scheduled for a Level 2 or 3 certificate training course, a training agency must forward to the board, on behalf of each student registered in the course,
    - (a) a completed Course Registration Form, and
    - (b) a completed Application for Examination Form.~~
  - ~~(6) Before the examination, the training agency must remit to the board full payment of examination fees on behalf of each student registered in the course.~~
  - ~~(7) A training agency has the right to cancel a student's examination for default of tuition or examination payment and must provide the board with 2 working days notice of any such cancellation, and any examination appointment vacancy created by a cancellation will be filled by the board and not the agency.~~

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- (83) A training agency must maintain an accurate record of the attendance and classroom achievement of registered candidates.
  - ~~(9) For Level 2 or 3 courses, a training agency must provide, on or before the examination date, a copy of the record required by subsection (8) to the examining board officer.~~
  - (104) A training agency representative must be present at course updates as requested by the board.

### **Explanatory Note**

Several subsections have been deleted as they assume that the board will always be conducting the examination process, issuing certificates and keeping individual records of every candidate.

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## **APPENDIX A (continued)**

### **SCHEDULE 6: EXPLANATION OF CERTIFICATION LEVELS AND TRAINING PROGRAMS**

Occupational First Aid Level 1, Level 2, Level 3 and Certificate Endorsement training courses mean those first aid training courses that are developed and distributed by the board.

#### **Level 1 First Aid Certificate**

Level 1 certification requires successful completion of an Occupational First Aid Level 1 training course. Renewal of Level 1 certification requires successful completion of the full course. Restricted Level 1 certificates are permitted in some circumstances for municipal fire departments. (See section 33.16).

#### **Level 2 First Aid Certificate**

Level 2 certification requires completion of the examination process specified in this Part, unless the person qualifies for a restricted Level 2 certification based on training and/or experience as provided in this Part. Restricted Level 2 certificates are permitted in some circumstances for health care facilities and municipal fire departments. (See sections 33.15 and 33.16). Normally a candidate for Level 2 certification will complete a 36 hour Occupational First Aid Level 2 training course before taking the examination. For recertification, a 24 hour renewal course is available to prepare a candidate for a renewal examination.

#### **Level 3 First Aid Certificate**

Level 3 certification requires completion of the examination process specified by this Part. Normally the candidate for Level 3 certification will complete a 70 hour Occupational First Aid Level 3 training course before taking the examination. For recertification, a 40 hour renewal course is available, which includes the renewal examination.

#### **Transportation Endorsement**

A transportation endorsement for a first aid certificate requires the certificate holder to successfully complete an 8 hour Occupational First Aid Certificate Endorsement training course. Such a program gives Level 1 first aid certificate holders training to put an injured worker on a spine board and in a basket stretcher to allow the injured worker to be moved. The transportation endorsement expires with the Level 1 first aid certificate.

To obtain a transportation endorsement on the renewal of a Level 1 certificate, the certificate holder must successfully complete the full 8 hour Occupational First Aid Certificate Endorsement training course.

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Other training courses, providing they meet specific standards set by the board and are approved by the board, may qualify candidates for a Level 1, **2 or 3** certificate, *or* a certificate endorsement ~~or eligibility to participate in a Level 2 or 3 examination~~. Qualifications and certification of the instructor are the same as described in section 33.48. These other courses, however, cannot be titled Occupational First Aid Level 1, Occupational First Aid Level 2, Occupational First Aid Level 3 or Occupational First Aid Endorsement.

**Explanatory Note**

Section amended to recognize that the board may not “distribute” the programs it develops. See comments under section 33.47 with regard to the proposed changes to the last paragraph.

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## APPENDIX B

### THE PANEL OF ADMINISTRATORS RESOLVES THAT:

- 1 *The Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended in section 33.1 in the definitions of "certificate" and "certificate endorsement" by striking out "issued" and substituting "recognized".*
- 2 *Section 33.15(2) is amended by striking out "the board will issue" and by adding "will be issued" after "certificate".*
- 3 *Section 33.16(4) is amended by striking out "the board will issue" and by adding "will be issued" after "certificate".*
- 4 *Section 33.38 is amended by striking out "are issued by the board and".*
- 5 *Section 33.39 is repealed and the following substituted:*

### Certification Process

- Certification process**      **33.39** (1) To qualify for a Level 1 certificate a candidate must successfully complete a Level 1 training course or its equivalent as taught and evaluated by a person authorized by the board.
- (2) To qualify for an initial Level 2 or 3 certificate, a candidate must successfully complete a Level 2 or 3 training course or its equivalent, and achieve a grade of at least 70% on each of the written, oral and practical portions of an examination conducted by a person authorized by the board.
- (3) To qualify for a certificate endorsement the candidate must hold a valid Level 1 or 2 certificate and must successfully complete a board-developed training course or its equivalent.

- 6 *Section 33.41 is repealed and the following substituted:*

### Medical Certificates

- 33.41** A candidate for examination leading to certification at Level 2 or 3 must, before a certificate is issued, provide a medical certificate of the candidate's fitness from a physician on a form acceptable to the board and every two years thereafter on renewal of the Level 2 or 3 certificate.

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7 *Section 33.43 is repealed.*

8 *Section 33.47 is repealed and the following substituted:*

### **Program Equivalency**

- 33.47 (1) First aid programs offered by training agencies and approved by the board may be granted equivalency for Level 1, 2 or 3 certification or certificate endorsement provided the requirements of this Part are otherwise met.
- (2) A person successfully completing an equivalent program will, upon application, be eligible for certification, or certificate endorsement, provided the requirements of this Part are otherwise met.
- (3) Only certificates and certificate endorsements recognized by the board will be accepted as proof of certification or qualification at a workplace that is subject to the requirements of this Part.

9 *Section 33.48 is repealed and the following substituted:*

### **Instructor Certification**

- 33.48 (1) Instructors of Level 1, 2 and 3 and transportation endorsement courses must have qualifications recognized by the board.
- (2) Instructors of certificate endorsement training courses must be Level 2 or 3 instructors.

10 *Section 33.52 is repealed and the following substituted:*

### **Courses and Examinations**

- 33.52 (1) A training agency must ensure that first aid equipment and supplies required by the board are clean and ready for use in each class.
- (2) A training agency must ensure that board-developed or equivalent first aid courses are taught in accordance with training materials developed or approved by the board.
- (3) A training agency must maintain an accurate record of the attendance and classroom achievement of registered candidates.

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- (4) A training agency representative must be present at course updates as requested by the board.

**11 Schedule 6 is amended**

*(a) in the paragraph after the Schedule heading, by striking out “and distributed”, and (b) in the last paragraph of the Schedule, by striking out “may qualify candidates for a Level 1 certificate, a certificate endorsement or eligibility to participate in a Level 2 or 3 examination” and substituting “may qualify candidates for a Level 1,2 or 3 certificate or a certificate endorsement”.*

- 12** The above amendments to Part 33 (Occupational First Aid) of the *OHSR* come into force 90 days after their deposit under the *Regulations Act*.

DATED at Richmond, British Columbia, July 25, 2002.

## APPENDIX C

### Regulatory Criteria Checklist

**Title of Legislation/Regulation – Amendments to the Occupational First Aid Requirements of Part 33 of the Occupational Health and Safety Regulation.**

If the answer is “No” for any of the criteria, please attach explanation.

REGULATORY CRITERIA	CRITERIA MET
1. Reverse Onus: Need for Regulation is Justified	Yes
2. Regulatory Design is Results-Based	Yes
3. Transparent Development of Regulatory Requirements	Yes
4. Cost-Benefit Analysis Completed	Yes
5. Competitive Analysis Completed	Yes
6. Regulatory Requirements Avoid or Eliminate Duplication with Other Jurisdictions	Yes
7. Timeliness	Yes
8. Plain Language	Yes
9. Sunset Review and Expiry Provisions	Sunset Review provision: <b>No</b> – Part 33 is scheduled for further review in 2002. Sunset Expiry provision: <b>No</b> – The Board does not anticipate reversion to a role as sole provider of selected first aid examination and certification services.
10. Replacement Principle Applied	Yes

**Number of Regulatory Requirements being introduced:**

**0 (zero)**

\_\_\_\_\_  
Responsible Minister or Head of Regulatory Authority

\_\_\_\_\_  
Date