



**Stakeholder Consultation Results:**  
Amendments under consideration for  
*First Aid Regulation 2004-130*

Fall 2021

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## A. Background

WorkSafeNB is considering amendments to New Brunswick's *First Aid Regulation* to harmonize with national standards. Harmonizing these regulations to a national standard plays an important role in improving the health, safety, and environment of New Brunswickers by ensuring the products and services we use are safe, reliable, and consistent. Harmonization also supports the economy by promoting innovation and reducing red tape.

Most employers operating in New Brunswick have obligations under provincial first aid regulations. As part of WorkSafeNB's commitment to consulting with stakeholders in its decision-making process, the consultation was held for four weeks, which ended October 20, 2021. This document shares the feedback from this consultation.

### Summary of sections under consideration for consultation purposes

- Exploring opportunities to eliminate duplication between sections of the regulation
- Whether training certificates should cite standards rather than specific courses
- Training exemptions for physicians and nurses
- Minimum workplace first aid training requirements (Beginner, Intermediate, Advanced)
- First aid training agencies and recognized training providers
- Annual 6-hour practice requirements
- Issuance of certificates
- Certificate duration and requalification requirements
- Injury reporting requirements
- Retention period for treatment records

## B. Consultation methodology

WorkSafeNB's Compliance and Regulatory Review Department identified sections of the regulation for stakeholders to review, which included a summary of language from the existing regulation, the proposed amendments, and the rationale behind the proposal.

The consultation campaign was launched September 22, with background information and a list of the amendments under consideration posted on WorkSafeNB's corporate website for any interested parties to provide feedback. The consultation was featured prominently on the WorkSafeNB homepage, directing visitors to the consultation and supporting material. WorkSafeNB also featured the consultation prominently in weekly social media posts on Twitter, LinkedIn and Facebook.

Communications also sent email invitations to key stakeholders, including:

- WorkSafeNB's recognized first aid training provider list
- All New Brunswick employers

The third-party survey tool, Novi Survey, used in the stakeholder consultation provided respondents the opportunity to share feedback on the topics under review. Respondents were asked direct Yes/No questions (Do you agree with...) and were also able to discuss any thoughts or feedback regarding the proposed amendments. Responses varied.

Participants were not required to answer every question, meaning a respondent could answer only those questions that pertained to them.

The survey was confidential and anonymous; however, respondents were given the opportunity to provide their name, organization, and contact information. They could also choose whether or not WorkSafeNB could publish their name or comments in this report.

This report quantifies the responses, identifies a response rate, and gives an overview of the opinions of those stakeholders who participated. The consultation results will be one piece of information considered in the regulatory amendment process.

### **C. Stakeholder response**

WorkSafeNB contacted more than 13,500 registered employers to participate via email. Members of the public could also participate through postings on WorkSafeNB's website and social media pages. WorkSafeNB received 43 (n=43) responses to the consultation:

- 32 English and seven French responses were received via Novi Survey, totalling 39.
- Four further emails (in English) were sent directly to WorkSafeNB's director of Compliance and Regulatory Review.

*Please note: Some responses have been edited for clarity.*

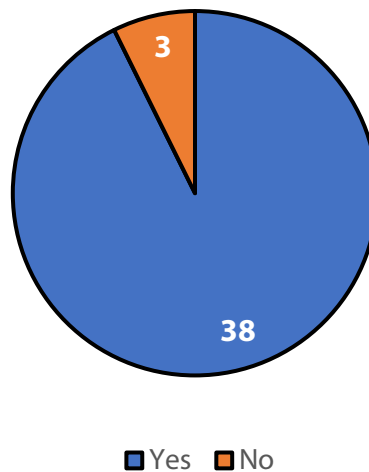
## D. Results summary

**Note:** Due to the fact questions did not require an answer, the total respondents per question may not total 43.

### Duplication

The first aid kit standard currently referenced in the regulation already addressed the requirement of subsection 7(1), 7(3) and 7(4).

*Do you support repealing this section to avoid duplication?*

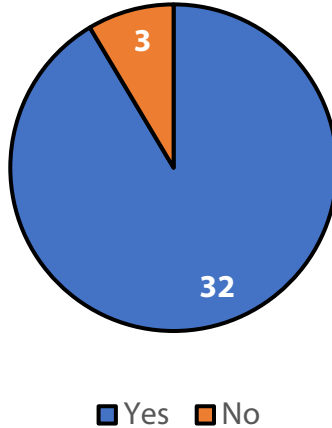


Stakeholder comments:

*"No. A person looking for the definition of first aid provider is not going to look in the first aid kit."*  
(Translated response)

## Training certificates

Should certificates cite the standard rather than a New Brunswick course that may or may not be recognized in other jurisdictions?



Stakeholder comments:

*"If the intent is to standardize across Canada, then legislation should reference the CSA standard."*

*"The course should be able to be recognized by other places as well to prevent employees from having to take more than one first aid course for multiple provinces." – Corey Blanchard, Englobe*

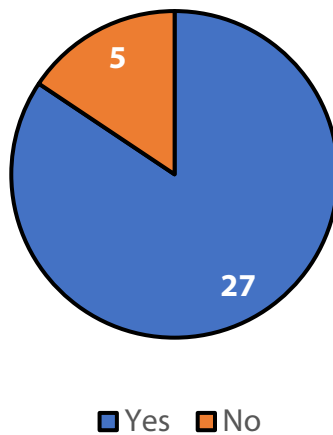
*"Technically, a person coming from another province with a valid certificate will not do the training again before the other one has expired." (Translated response)*

*"Yes, but this may require an education campaign for employers and other parties to ensure knowledge of the Standard and compliance with the written name in the legislation. "*

## First aid training for physicians and nurses

Before 2004, nurses and physicians could be designated as first aid providers without having to complete first aid training. Soon after the amendments to first aid, WorkSafeNB's Chief Compliance Office received requests for deviations from health care facilities to allow nurses (and more recently licensed practical nurses (LPN) in nursing homes) to be designated as first aid providers without the specific training. A review of the training for both professions demonstrates that active nurses and LPNs have the skills to provide first aid if necessary and are available to do so. As a result, WorkSafeNB has granted deviations but we recommend revisiting this matter as a regulatory amendment.

*Should nurses and LPNs be exempted from having to complete workplace first aid training?*



Stakeholder comments:

*"Unless you are a nurse in an emergency room, the reflex will not be there." (Translated response)*

*"Many would be active in some or all aspects of first aid training on a daily or weekly basis. There should be very little competency gap with these professions to warrant re-training or refreshers."*

*"There may be nursing disciplines for nurses and LPNs that do not require first aid skills on a regular basis. Example, a nurse working in acute care psychiatry may or may not have the First Emergency Response skills needed to intervene."*

*"In certain workplace settings this would be applicable, as long as they are practicing first aid more than six hours per year."*

*"I've had nurses take first aid who said they found it beneficial to take the course, not all nurses do the same thing or provide the same type of care. There is also a huge difference in what RNs and LPNs do within NB LPNs do not operate to their full level of care allowed in other provinces."*

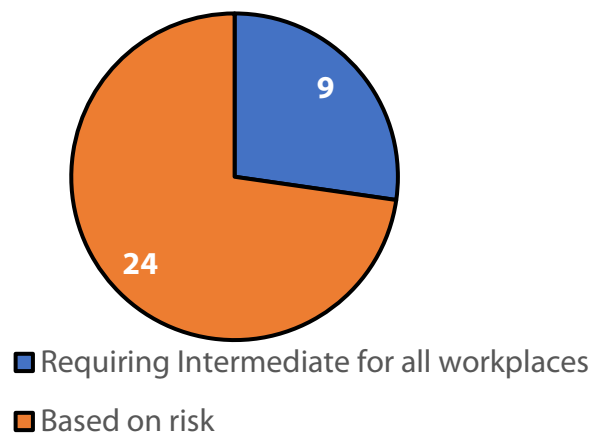
## Workplace first aid training levels

WorkSafeNB presented stakeholders with the following workplace first aid training levels:

- A) Basic:** Workplace first aiders must be able to recognize an injury or illness, inform emergency medical services (EMS), and provide workplace first aid to an injured/ill worker.
- B) Intermediate:** Workplace first aiders must have competence in the Basic training level, and also be able to provide a broader scope of emergency workplace first aid to an injured/ill worker.
- C) Advanced:** Workplace first aiders must have competence in both the Basic and Intermediate training levels, and also be able to provide care to an injured/ill worker using specialized equipment specific to the workplace.

We asked stakeholders which option they preferred:

1. *Requiring 'Intermediate' levels for all workplaces; or*
2. *Requiring one of the three levels based on risk (self-assessed or as prescribed by WorkSafeNB-based on industry or type of work.)*



Stakeholder comments:

*"Office environment vs an industrial working site have different hazards. Should be able to choose which level is required based on this information."*

*"Risk assessment is at the core of health and safety. One size does not fit all."*

*"Requiring above basic first aid is excessive to the requirements of most organizations."*

*"An intermediate level course may not provide the required competencies for high-risk work in remote locations".*

*“Not all workplaces have the same level of risk. I would suggest having a minimum of intermediate with a requirement for advanced, based on risk.”*

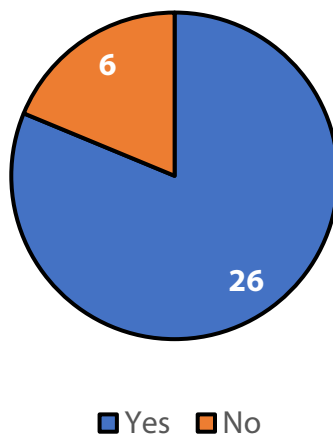
### **First aid training agencies**

8(3) The first aid training described in this section may be provided by

- (a) St. John Ambulance
- (b) Canadian Red Cross Society or
- (c) any other agency meeting requirements of subsection (2) and is approved by the chief compliance officer.

We asked stakeholders to weigh in on two questions related to this section:

#### **1. Do you agree with rescinding provisions 8(3)(a) and (b)?**



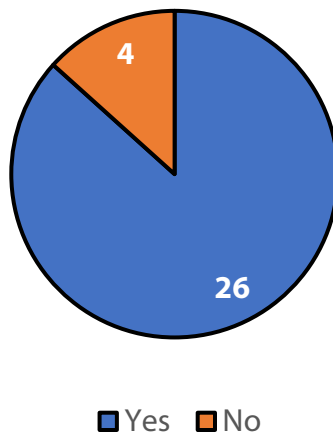
Stakeholder comments:

*“I do not recommend recommending a specific provider, regardless of who provides the training. If the material meets the legal requirements there should not be an issue.”*



## First aid training agencies (cont.)

2. **Do you agree with adding a provision that allows the approval of first aid training providers who are approved by other jurisdictions?**



Stakeholder comments:

*"Regardless of the province in which the instructor has received training, the qualifications are the same. The training we provide is of the same quality as in any other province." (Translated response)*

*"Yes. Provided all other jurisdictions are held to the same content and training material and competency checks."*

*"I feel you may have some low-cost providers trying to do inhouse training by developing their own programs."*

*"Only if the service provider is approved as compliant with CSA Z1210."*

*"Yes, as long as their requirements meet NB's, this may exclude some jurisdictions."*

## First aid training certificates

WorkSafeNB intends to repeal the following so certificates will match those from across Canada:

8(4) An agency that provides first aid training that meets the requirements of subsection (2) shall issue a certificate in accordance with subsection (5) to a person who satisfactorily completes the training.

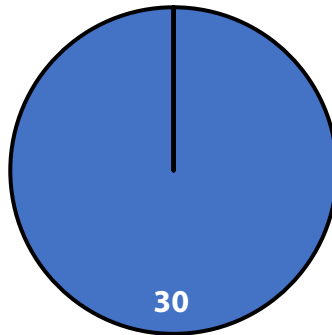
8(5) The certificate shall

- (a) be entitled "The First Aid Workplace Certificate",
- (b) be signed and dated by an official of the agency, and
- (c) state that the course in respect of which the certificate is issued is the Workplace Standard First Aid Course.

WorkSafeNB intends to replace the section with the following provisions:

Workplace first-aid certificate(s) must only be issued to persons who have demonstrated competency of awareness, knowledge, and skills, and will include: the name of the learner, the level of workplace first-aid training achieved, the date of issuance of the certificate, the date of expiration, the name of the training agency, the province or territory of issuance.

### Do you agree?



■ Yes ■ No

Stakeholder comments:

*"Regardless of the province in which the person is trained, the qualifications are the same. The training we provide is of the same quality as in any other province." (Translated response)*

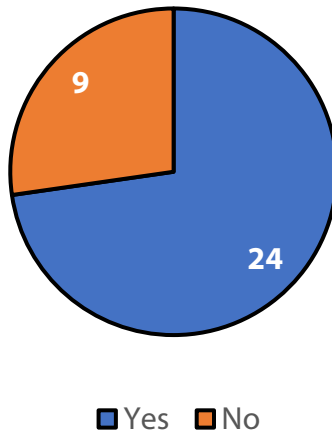
*"Easy recognized documentation for employees and employers. Makes sense."*

*"We need to have more harmonization, especially in Atlantic Canada."*

## First aid training – certificate duration and requalification

**8(6)** A certificate issued pursuant to this section is valid for 3 years from the date of issue.

**WorkSafeNB proposes adding a section in the current regulation to specify that full training must be completed every three years. Do you agree with this proposal?**



Stakeholder comments:

*"The providers would have a small training gap, if any, to warrant this frequency of training. Suggestions would be every six years."*

*"If it is harmonized with the other Atlantic Canadian (jurisdictions). If not, go with every two years as the cost to business would be minimal."*

*"Only if they do not have to do the review course every year in-between. Completing the full course every 3 years should be sufficient."*

*"Recertification should be allowed for those who have not expired. "*

*"If a refresher is acceptable in other jurisdictions it should also be acceptable for NB."*

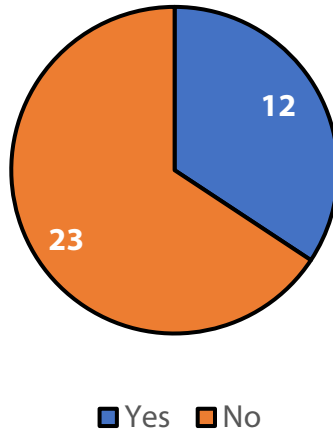
*"Would this mean the requirement to do a refresher every in-between year is removed?"*

*"Given the time commitment for the Advanced course, the concern is that employers will opt for the intermediate course. As an alternative to full training every three years, WorkSafeNB should consider requalification every two years."*

## Annual 6-hour practice requirements

8(7) An employer shall ensure that a first aid provider has a minimum of 6 hours practice on first aid skills each year during which he or she holds a valid certificate.

**Do you agree that this provision should remain in the regulation?**



Stakeholder comments:

*“Participants should have completed 6 hours practice each year to qualify for a simple recertification.”*  
(Translated response)

*“The frequency is too often with every year refreshers. Great for a new person, after the first three years it is instilled into the learner. May be a possible online knowledge check instead of a full hands-on practical session every year.”*

*“Not sure why this was ever required and was not followed by many in the construction industry in my experience. It was never a requirement when we went to work in other provinces.”*

*“Only NB has this provision to my knowledge.”*

*“This is unnecessary and requires external training for most organizations.”*

*“Remove this. Full training every three years is sufficient, and my understanding is that it is aligned with the standard and other jurisdictions.”*

*“Does not align with other jurisdictions.”*

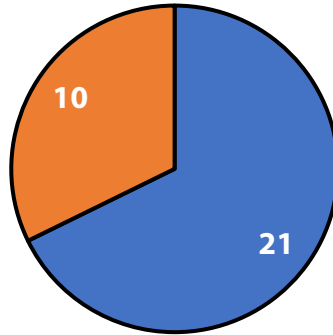
*“The six-hour practice requirement exceeds the number of hours of “skill” level training in the Basic level first aid course and is nearly equivalent to the Intermediate level course. The six-hour practice should be considered for the Advanced level course. Also, if requalification every two years is adopted, there is evidence that learner retention is improved.”*

*“This needs to be more clear, six hours of practice apparently does not need to be taken from a registered provider but can be done in-house. This is confusing to employers and employees.”*

## Report of injury or illness

9 An employee shall report an injury or illness to the employer as soon as practicable after the injury or the first signs of the illness.

**This is not addressed in the standard. WorkSafeNB is considering amending to include reporting to supervisor and/or first aid provider as well. Do you agree?**



■ Yes ■ No

Stakeholder comments:

*"Yes, due to the risk of contagion towards other employees and clients." (Translated response)*

*"No, already a common statement in most safety policies and company rules in the province – at least in the construction industry."*

*"No, the employee should report the injury to the supervisor. If you add or first aider, I can see employees avoiding the supervisors, which will put undue pressure on the first aid provider."*

*"No, the employer would have internal responsibilities structure to determine who reports go to within the organization."*

*"No, some injuries/illnesses would not require first aid (slow onset or chronic) and the first aid provider may not be involved in the incident reporting. Leave it as is."*

*"Too much work for an injured person. The supervisor should be the contact point and he/she must continue the reporting flow as per the company's Incident/Accident Report policy."*

*"Yes, help ensure of the culture of reporting incidents when they happen. Fantastic add on."*

*"Yes, as long as the reporting to the first aid provider is not mandatory."*

*"Yes, when employees do not report incidents for days and days it can be very difficult to confirm how the incident happened and hinder investigation."*

*"Yes, as long as the first aid provider is considered an employer representative."*

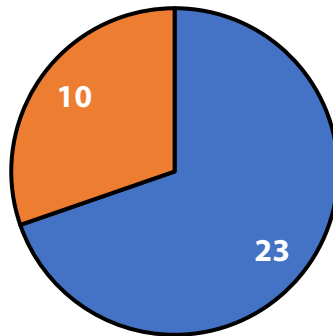
## Retention period for treatment records

**10(1)**A first aid provider shall prepare a written record that sets out the name of the injured or ill employee, a description of the injury or illness, the treatment and care provided, a description of the incident, the date of occurrence, the name of the person providing emergency care and the date the record was made.

**10(3)**An employer shall ensure that a record referred to in subsection (1) is retained for a period of 5 years after the date on which it has been made.

Amendments to the five-year retention time frame could be revisited. Rationale for this provision is unknown.

### Do you agree with amending the retention period for first aid records?



■ Yes ■ No

### If so, what retention period do you propose?

*No retention*

*Remove altogether.*

*Align it with other safety record retention periods*

*Should be aligned with the statute of limitation applicable to the OSH Act. However, the five-year recension aligns with the OSHA 300 Log retention requirements, which may be applicable to larger employers.*

*10 years*

*I think five years makes sense*

*Maximum of two years (Translated response)*

*Three years (Translated response)*

*This one could be reduced to 3 years. However, this one should be clarified in case of legal action. (Translated response)*

**Are there other provisions in the *First Aid Regulation* you would like to see changed?**

*"The number of first aid providers is determined by the number of employees and should be determined by the number of persons on site, like a children's classroom, a school classroom, a school bus, a restaurant, etc." (Translated response)*

*"The reduction in training hours should be approved and adjusted according to social distancing directives that prevent physical practices during a pandemic. In conclusion, any person qualified in first aid should have the same standard of training regardless of the provider." (Translated response)*

*"Be able to do online courses. This day in age it's a no-brainer."*

*"Mainly, your first aid course is valid for three years. You should only have to do the course every three years, like in other provinces. Having to do a requalification/refresher course every year is time and money consuming. If we do not have to send someone out for a day to do a refresher I could have more people trained in first aid and therefore have more people which helps with scheduling and keeping a first aider on every shift."*

*"Increase the number of first aiders required for high-risk work."*

*"I think the requirement to do a six-hour refresher every year should be removed."*

*"Would like to see the full two-day standard workplace first aid and CPR course back to being in class session for both days. The first day being an online portion due to the pandemic. In person two-day session is more important in person than the annual six-hour refresher."*

*"Note on first question dealing with section 7(1) to 7(4). None of the requirements, except for 7(4)(b), are found in CSA Z1210 or CSA Z1220, which is why we answered "NO" to repealing this section."*

*"Have first aid provider at all times during normal operating business hours."*

*"If we have a new definition of "high hazard work" how will this affect Schedule A of this regulation? It will probably broaden the workplaces considered high-hazard. I hope we will have a change to provide input if that is the case."*

## **E. Conclusion**

The 43 responses, while varying in opinion, did share some similar themes WorkSafeNB can consider during the drafting phase. Several questions yielded overwhelming agreement among different stakeholders.

WorkSafeNB thanks all respondents for taking the time to share their opinions on this consultation. This is a topic that impacts all New Brunswick workplaces and, as such, this feedback is greatly appreciated and will be taken into consideration during the regulatory amendment process.