

LEGISLATIVE INTERPRETATIONS

Topic: First Aid – Refusal of Care	Issued by: V.P., WorkSafe Services
Statute: First Aid Regulation	Date Issued: September 15, 2004
Section: 4(1)	Date Revised:

Question:

If an employee who has been hurt refuses first aid from anyone at the workplace, how do I comply with the *OHS Act* while not infringing on the employee’s rights?

Answer:

During training, first aid providers are taught to treat a person who is unconscious or cannot respond.. This is based on first aid training protocol that assumes consent until the time that the casualty can make an informed decision.

If an employee is conscious and seriously injured and refuses treatment, the first aid provider must call 911 immediately for advanced medical services. The first aid provider should stay with the injured but provide no treatment while awaiting advanced treatment (ambulance). It would be in the best interest of the employer to ensure the emergency communication procedure is well known, practical and efficient.

If the employee is conscious, has a minor injury/illness and refuses treatment, the employer should document the injury and the refusal and instruct the employee to seek medical attention as soon as possible.

If the employee loses consciousness after making it clear that no first aid is to be provided even if they were to lose consciousness, the employer and the first aid provider should ensure that there were other witnesses to this statement. It is also strongly recommended that the employer get this instruction in writing to protect both the first aid provider and the employer. The first aid provider should stay with the injured worker but provide no treatment while awaiting advanced treatment (ambulance).

Referenced legislation

4(1) Subject to subsections (2) and (3), an employer shall provide and maintain the first aid kit, first aid providers and first aid rooms at a place of employment in accordance with Schedule A for the maximum number of employees present during a shift.

