

WORKSAFE SERVICES DIVISION OCCUPATIONAL HEALTH AND SAFETY LEGISLATION INTERPRETATIONS



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

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.

Question

If an employee has indicated that if they got hurt, they don't want to receive first aid from anyone at the workplace, how do I comply with the OHS Act while not infringing on the employee's rights?

Response

When first aid providers are trained, they are taught that if a person is unconscious and/or cannot respond treatment is to be provided. This is based on the fact that a non-response is considered to be an affirmative response until such time as the causality can make an informed decision.

If an employee is conscious and seriously injured and refuses treatment, the first aid course teaches the first aid provider to place a 911 call 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 make sure 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 ASAP.

If the employee is unconscious, the first aid provider follows first aid training protocol and assumes consent. First aid treatment is therefore provided until advanced medical services arrive.

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 make sure 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 but provide no treatment while awaiting advanced treatment (ambulance).