

COMMUNIQUE

du commissaire des incendies

October 6, 2020

No. 2020-18

Staffing Levels and Firefighter Safety

The Office of the Fire Marshal (OFM) is aware of the Interest Arbitration decision involving the City of Greater Sudbury dated August 31, 2020ⁱ. In light of the discussions arising as a result of the decision, I have determined that it is appropriate to provide an interpretation of the *Fire Protection and Prevention Act, 1997* (“the Act”)ⁱⁱ. These considerations are made in accordance with my Order in Council and fully based on the powers, duties, and responsibilities as set out in the Act. I provide the following information for municipal consideration, as applicable.

The intent of the Act is to establish minimum mandatory service levels with respect to public education and fire prevention, as well as to provide municipal council the authority to determine, based on community needs and circumstances, a desired level of fire protection services beyond the minimum requirements and including emergency response capabilities. As set out in legislation, a fire chief is the person who is ultimately responsible to their municipal council for the delivery of fire protection services. Municipal council sets or amends the fire protection service levels within their respective municipality. The establishment of fire protection service levels for emergency response within a municipality is the legislative responsibility and prerogative of municipal council, informed by the advice and guidance of the fire chief. The OFM has the authority to monitor, review and advise municipalities respecting the provision of fire protection services and to make recommendations to municipal councils for improving the efficiency and effectiveness of those services.

In 2018, Ontario enacted the Community Risk Assessment, a regulation under the Act (O. Reg 378/18)ⁱⁱⁱ. A community risk assessment is a process of identifying, analyzing, evaluating and prioritizing risks to public safety to inform decisions about the provision of fire protection services. Municipalities set the level of service and delivery methods based on their needs and circumstances as informed by the community risk assessment, in consideration of the advice and guidance of the fire chief.

Fire departments are required to respond to numerous types of emergency calls, including (but not limited to), motor vehicle collisions, medical emergencies, rescue, hazardous materials and other technical operations and fire suppression. In terms of appropriate staffing levels on first arriving vehicles, consideration must be given to the following:

- Standard Operating Guidelines/Procedures (SOG/Ps) must be in place and enforced to align with the fire protection services provided under the Establishing and Regulating By-law. These should address, among other things, the issue of firefighter safety.
- Within the SOG/Ps, the discretion of trained and competent Incident Commanders must be empowered and supported to make on-scene decisions based on the specifics of the incident.

- All firefighters must be trained to comply with the SOG/Ps and the direction of the Incident Commander.
- An initial response, with four or more firefighters represents a self-sufficient unit able to perform a substantial number of tasks required at an emergency response without additional resources. Anything less than four firefighters typically requires staffing levels to be augmented to safely perform all required functions based on circumstances.
- Deployment models of fewer than 4 staff members on an initial response apparatus is not necessarily a firefighter safety concern, however actions/capabilities and tasks they can perform will be limited. Local deployment models and procedures are required to establish adequate resources to safely provide fire protection services as set out by the municipal Establishing & Regulating By-law. Therefore, the simultaneous arrival of four firefighters on one apparatus is not required under the Act, regardless of full-time, volunteer or part-time.
- In the case of fire suppression calls, initial crews of less than four firefighters should not attempt interior suppression or rescue operations except in very limited circumstances (such as a victim collapsed in close proximity to a window or exterior doorway, or where the fire is confined to a very small, readily accessible area).

While the council of each municipality is responsible for establishing their respective fire protection service levels, as the employer, they must ensure that employees (under the direction of the fire chief) are provided with SOG/Ps, equipment and training to safely carry out the mandated duties. Council decides if these services are to be delivered by volunteer, composite or full-time departments.

Therefore, in my opinion and considering all of the above factors, the decision to set, alter or adjust fire protection service levels in any municipality lies with the council of that municipality, in consideration of advice and guidance provided by the fire chief.

The OFM remains available to provide advice and assistance to municipal council and fire chiefs, through your local fire protection adviser.

Endnotes

ⁱ [Interest Arbitration](#) - The City of Greater Sudbury and the Sudbury Professional Fire Fighters Association Local 527, International Association of Fire Fighters and Ontario Volunteer Firefighters Association, Christian Labour Association of Canada Local 92. Re: Val Therese Staffing Issue

ⁱⁱ [Fire Protection and Prevention Act, 1997](#)

Definitions

1 (1) In this Act,

“fire chief” means a fire chief appointed under subsection 6 (1), (2) or (4); (“chef des pompiers”)

“fire department” means a group of firefighters authorized to provide fire protection services by a municipality, group of municipalities or by an agreement made under section 3; (“service d’incendie”)

“firefighter” means a fire chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter; (“pompier”)

“Fire Marshal” means the Fire Marshal appointed under subsection 8 (1); (“commissaire des incendies”)

“fire protection services” includes,

- (a) fire suppression, fire prevention and fire safety education,
- (b) mitigation and prevention of the risk created by the presence of unsafe levels of carbon monoxide and safety education related to the presence of those levels,
- (c) rescue and emergency services,
- (d) communication in respect of anything described in clauses (a) to (c),
- (e) training of persons involved in providing anything described in clauses (a) to (d), and
- (f) the delivery of any service described in clauses (a) to (e); (“services de protection contre les incendies”)

Municipal responsibilities

2 (1) Every municipality shall,

- (a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- (b) provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

Services to be provided

(3) In determining the form and content of the program that it must offer under clause (1) (a) and the other fire protection services that it may offer under clause (1) (b), a municipality may seek the advice of the Fire Marshal.

Fire chief, municipalities

6 (1) If a fire department is established for the whole or a part of a municipality or for more than one municipality, the council of the municipality or the councils of the municipalities, as the case may be, shall appoint a fire chief for the fire department.

Responsibility to council

(3) A fire chief is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services.

Appointment of Fire Marshal

8 (1) There shall be a Fire Marshal who shall be appointed by the Lieutenant Governor in Council.

Powers of Fire Marshal

9 (1) The Fire Marshal has the power,

- (a) to monitor, review and advise municipalities respecting the provision of fire protection services and to make recommendations to municipal councils for improving the efficiency and effectiveness of those services;
- (c) to advise and assist ministries and agencies of government respecting fire protection services and related matters;

Duties of Fire Marshal

(2) It is the duty of the Fire Marshal,

- (b) to advise municipalities in the interpretation and enforcement of this Act and the regulations;

iii [O. Reg. 378/18 Community Risk Assessments](#)