



TO: Mayor Avis & Members of Council
FROM: A. Petrin, Human Resources Manager
DATE: November 19, 2015
SUBJECT: Policy Review – First Aid & Accident/Incident Reporting

BACKGROUND

On November 17, 2015 the Administration and Finance Executive Committee reviewed the Town's First Aid Policy and its Accident/Incident Reporting Policy.

First Aid

The First Aid Policy was reviewed to ensure that it complied with the statutory requirements of Regulation 1101 of the Workplace Safety and Insurance Act of Ontario. No changes were made to this policy, other than to update its logo to reflect the Town's 'Boundless' brand.

Accident/Incident Reporting

The Accident/Incident Reporting Policy was concurrently reviewed, as its procedures relate to our First Aid Policy. The Committee supported changing the title of this policy to 'Workplace Incident Reporting' as well as content changes to Appendix 'A' – Employee Incident Report, which include:

- The 'Date of Birth' and 'Social Insurance Number' fields have been removed
- Colours have been added to data fields of this form to clearly delineate the reporting requirements of both employees and supervisors in the case of a workplace incident

The Committee recommended that section 3.B (3) be modified to include wording to indicate that the WSIB *Functional Ability Form* will also be made available by Human Resources.

The Committee also recommended that section 3.B be modified to include the definition of health care treatment. A WSIB Operational Policy which relates to the Employers' Initial Accident-Reporting Obligations is enclosed for your reference. A summary of the section *Accidents Requiring Health Care* has been added to this policy as section 'C', as below:

C. Accidents Requiring Health Care

1. In deciding whether an accident should be reported to the WSIB because "care" has been provided to the worker, the employer should consider the type of care provided, rather than the professional qualifications of the provider giving the care, or where the care was provided.
2. The employer must report the accident to the WSIB when a worker is injured and the treatment received could only have been administered by a health care practitioner. For instance, a worker goes to the first aid room and has a dressing applied to a minor cut by a registered nurse. Although the registered nurse is a health care practitioner, the employer is not required to report the accident because the worker simply received first aid.
3. An employer is not required to report the accident to the WSIB if first aid is provided to a worker by a co-worker, manager, lay person, or health care practitioner, when the first aid did not require the professional skills of that practitioner. For instance, A worker goes to the first aid room and has a dressing applied to a minor cut by a registered nurse. The company doctor is informed of the incident and decides that the worker should receive a tetanus shot. Even if the worker returns to work on the same shift, the employer must report the accident because a tetanus shot is considered health care.

Upon further review, I also recommend modifying the *Purpose* section of this policy. It currently states:

‘To provide a procedure which outlines the reporting requirements for all accidents / incidents and injuries requiring health care’

I propose we simplify this statement by replacing it with the wording below:

‘To outline the reporting requirements for occupational-related injuries or diseases.’

RECOMMENDATION

To approve the changes to the Town’s First Aid Policy and its Accident/Incident Reporting Policy, as detailed in this report.

Respectfully submitted,



Aaron Petrin
Human Resources Manager

Council Approval of this report will approve the proposed changes to the Town’s First Aid Policy and to its Accident/Incident Reporting Policy.

<i>The Town of Fort Frances</i>	SECTION
	Health and Safety
<u>First Aid</u> <u>Policy</u>	NEW: August 2004 REVIEWED: 2015
Resolution No.	Supercedes Resolution No. 317 (consent) 08/09
Policy Number 5.7	PAGE 1 of 3

1. Purpose

- A. The Town of Fort Frances shall implement and maintain first aid stations at each work location in accordance with Regulation 1101 of the Workplace Safety and Insurance Act
- B. The Town of Fort Frances shall coordinate training of its employees in accordance with Regulation 1101 of the Workplace Safety and Insurance Act

2. Objectives

- C. To provide first aid stations at all work locations which will allow First Aid Attendants to administer first aid when a Town of Fort Frances employee is injured
- D. To ensure that certified First Aid Attendants are available to provide First Aid in the event of a workplace injury

3. First Aid Stations

- E. Each Division shall supply and maintain at each place of employment a first aid station in accordance with Regulation 1101 of the Workplace Safety and Insurance Act. Each first aid station shall contain the following:
 - i. First aid box containing the items required by the Legislation 1101 of the Workplace Safety and Insurance Act
 - ii. A notice board displaying:
 - (a) The WSIB poster known as Form 82 respecting the reporting of all accidents and receiving first aid treatment
 - (b) The valid certificates of qualified First Aid Attendants
 - (c) An inspection form for recording the quarterly (preferably monthly) inspection of the First Aid Box as outlined in Appendix 'A'

- F. For the purpose of this policy, a vehicle being used to transport workers, and heavy construction and maintenance equipment are considered places of employment
- G. The first aid stations shall be located so that they are easily assessable for prompt treatment of Town employees
- H. Each Division shall ensure that the contents of the first aid boxes are inspected at least quarterly (preferably monthly) and that the results of these inspections are recorded on the Inspection Form shown in Appendix 'A'
- I. The appropriate Inspection Form should be utilized for each first aid box depending on whether the work location has five or less employees, more than five but not more than fifteen employees, more than fifteen but less than two hundred or more employees in any one shift at the work location

4. First Aid Attendants

- J. Each Division shall ensure that the first aid station is at all times in the charge of an employee who is the holder of a valid First Aid Certificate and works in the vicinity of the station
- K. It is the responsibility of each Division to determine which employees shall be qualified
- L. The First Aid Attendant is responsible for providing First Aid treatment to Town employees

5. Record of Accidents

- M. The Supervisor shall complete a record of all circumstances concerning an incident, using Appendix 'A' of the Accident/Incident Reporting Policy. This includes:
 - i. Date and time of occurrence
 - ii. Names of witnesses
 - iii. Nature and detail of injuries
 - iv. Date and time of each First Aid Treatment
 - v. Nature of each First Aid Treatment
- N. A completed *Employee Incident Report* must be signed by the employee's supervisor and forwarded to the Human Resources Manager within 24 hours of any workplace incident

6. Post-Treatment Follow-Up

- O. The supervisor shall perform any required follow-up or documentation following an incident in which First Aid was administered and shall promptly forward this information to the Human Resources Manager

7. First Aid Training

- P. The Human Resources Manager shall coordinate training sessions for designated employees to become qualified in First Aid treatment and to maintain their qualifications
- Q. The Human Resources Manager shall maintain a current record of all Town of Fort Frances employees who are qualified First Aid Attendants in each respective division
- R. Division managers shall provide to Human Resources a current list of all certified First Aid Attendants, including their respective expiry dates and whether their most recent training was a First Aid certification (2-day course) or a First Aid recertification (1-day course)
- S. This list should be maintained annually and posted at each First Aid station by the respective departmental manager



Facility Location: _____

Location of First Aid Station: _____

Year: _____

[illegible]



(Workers with more than 5 workers and not more than 15 workers in any one shift)

Facility Location: _____

Location of First Aid Station: _____

Year: _____

[illegible]

[illegible]

<i>The Town of Fort Frances</i>	SECTION
	Health and Safety
<u>Workplace Incident Reporting</u> <u>Policy</u>	NEW: December 2004 REVIEWED: 2015
Resolution No.	Supercedes Resolution No.
Policy Number 5.20	PAGE 1 of 2

1. PURPOSE:

To outline the reporting requirements for all occupational-related injuries or diseases.

2. RESPONSIBILITY:

1. If you are injured or ill because of work, your first priority is to seek proper medical attention. You must also inform your supervisor.
2. Employees are required to report all workplace incidents to their immediate supervisor and to keep their supervisor apprised of their return to work status.
3. For the purposes of this policy, workplace incidents shall include both medical and non-medical injuries, as well as 'near misses'.
4. The supervisor is responsible for notifying the Human Resources Manager of any workplace incidents in writing using the *Employee Incident Report* (Appendix 'A'). The supervisor is also responsible for providing written updates to Human Resources regarding an employee's return to work status.
5. The Human Resources Manager is responsible for initiating a claim with the WSIB in respect of workplace injury or illness within 3 days of a non-critical workplace incident.
6. The Human Resources Manager is responsible for initiating a claim with the WSIB within 1 day of a critical workplace incident.
7. All reporting requirements pertaining to the Airport as outlined in the Canada Labour Code will be the responsibility of the Airport Superintendent (or designate) with notification sent to the Human Resources Manager.

3. PROCEDURE:

A. Initial Claim:

1. Within 24 hours of an accident / incident, the supervisor shall forward a completed, signed copy of the **"Employee Incident Report"** to the Human Resources Manager.
2. If required, the Human Resources Manager will complete an *Employer's*

Report of Injury/Disease (Form 7) for submission to the WSIB. A copy of the Form 7 will be provided to the employee, with a copy to be retained by Human Resources.

B. Subsequent Claim:

1. If an employee loses time from work, requires modified duties, receives health care treatment, or earns less than regular pay as a result of an occupational injury or illness, the employee must notify their direct supervisor.
2. The direct supervisor is responsible for providing written notification to the Human Resources Manager, who is responsible for providing this updated information to the WSIB.
3. The employee shall provide to their supervisor an updated *Functional Ability Form* following each subsequent instance of health care treatment.
4. The *Functional Ability Form* can be obtained on the Town's Human Resources website under 'Health and Safety', on the WSIB website, or directly from Human Resources. This form must be submitted to the supervisor as soon as possible following any subsequent health care treatment.
5. The supervisor is responsible for forwarding a copy of each Functional Ability Form to the Human Resources Manager in a timely manner.
6. The employee, supervisor, and Human Resources Manager are expected to work together in the development of modified duties and return-to-work planning.

C. Accidents Requiring Health Care

7. In deciding whether an accident should be reported to the WSIB because "care" has been provided to the worker, the employer should consider the type of care provided, rather than the professional qualifications of the provider giving the care, or where the care was provided.
8. The employer must report the accident to the WSIB when a worker is injured and the treatment received could only have been administered by a health care practitioner. For instance, a worker goes to the first aid room and has a dressing applied to a minor cut by a registered nurse. Although the registered nurse is a health care practitioner, the employer is not required to report the accident because the worker simply received first aid.
9. An employer is not required to report the accident to the WSIB if first aid is provided to a worker by a co-worker, manager, lay person, or health care practitioner, when the first aid did not require the professional skills of that practitioner. For instance, A worker goes to the first aid room and has a dressing applied to a minor cut by a registered nurse. The company doctor is informed of the incident and decides that the worker should receive a tetanus shot. Even if the worker returns to work on the same shift, the employer must report the accident because a tetanus shot is considered health care.



APPENDIX 'A' – EMPLOYEE INCIDENT REPORT

This report must be completed in full and forwarded to the attention of the Human Resources Manager within 24 hours of a workplace incident.

The worker must complete green fields and the supervisor must complete yellow fields.

Employee Information

Last Name	Telephone Number
First Name	Department
Address	Job Title

Details of Injury

Date of Injury (D/M/Y)	Time of Injury (AM/PM)	Date and Hour Reported To Employer
Where did the accident occur?		
Who was the injury / accident reported to?		
What happened to cause the injury?		
Explain what the worker was doing and the effort involved.		
Identify the size, weight and type of equipment or materials involved.		
Describe the injury, part of body involved and specify left or right side.		
Names of witnesses or persons having knowledge of the injury / incident.		

Health Care

Did the Worker receive health care?	Yes ()	No ()	Don't Know ()
Name and Address of Attending Physician			
Lost Time?	Yes ()	No ()	Don't Know ()

Other

Was the site of the accident visited?	By whom?
Conditions contributed to accident and the steps taken to prevent recurrence:	
Person insuring that the above steps are taken:	
When will this action be done?	

Claim Information

To your knowledge, has the employee had a previous or similar disability?	Yes ()	No ()
Comments:		
Supervisor's Signature:	Date	
Employee Signature:	Date	

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Policy

When notice is required

Employers **must** report a work-related accident to the WSIB if they learn that a worker requires health care and/or

- is absent from regular work
- earns less than regular pay for regular work (e.g., part-time hours)
- requires modified work at less than regular pay
- requires modified work at regular pay for more than seven **calendar** days following the date of accident.

When deciding whether to report an accident where a worker requires modified work at regular pay for more than seven calendar days, employers should consider that

- shift workers, or those on irregular work patterns, may not be scheduled to work on the eighth calendar day. In these cases, the employer must report the accident if the worker requires modified work on the first shift that follows the eighth calendar day.
- the seven calendar day period is not reset for workers that initially require modified work for less than seven calendar days, return to regular work for a brief period, and then require further modified work. In these cases, the requirement to report is based on whether the worker requires modified work after the initial seven calendar days following the date of accident.
- if a worker initially returns to regular work, but then requires modified work, the employer must report the accident if the worker requires modified work for more than seven calendar days from the date that the modified work began.

NOTE

The use of calendar days reflects the WSIB's notion that if an injury affects the worker's ability to perform regular work after a week, health care is likely to be sought, regardless of the number of days worked.

When notice is not required

Employers are **not** required to report a work-related accident if the worker

- receives only first aid
- receives first aid and requires modified work at regular pay for seven calendar days or less, following the date of accident
- does not receive first aid, but requires modified work at regular pay for seven calendar days or less, following the date of accident.

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There are special rules if the worker is exposed to, or it is suspected that the worker has been exposed to, an infectious disease through needle stick injury.

Guidelines

Definition of health care

Health care includes

- services requiring the professional skills of a health care practitioner (e.g., doctor, nurse, chiropractor, or physiotherapist, see 17-01-02, Entitlement to Health Care)
- services provided at hospitals and health facilities
- prescription drugs.

Definition of first aid

First aid is the one-time treatment or care and any follow-up visit(s) for observation purposes only.

First aid includes, but is not limited to

- cleaning minor cuts, scrapes, or scratches
- treating a minor burn
- applying bandages and/or dressings
- applying a cold compress, cold pack, or ice bag
- applying a splint
- changing a bandage or a dressing after a follow-up observation visit.

Accidents requiring health care

In deciding whether an accident should be reported to the WSIB because "care" has been provided to the worker, the employer should consider the type of care provided, rather than the professional qualifications of the provider giving the care, or where the care was provided.

The employer **must** report the accident to the WSIB when a worker is injured and the treatment received **could only have been administered by a health care practitioner**.

The accident must be reported **regardless** of whether

- the employer pays the health care practitioner for the service provided, and/or

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- the health care practitioner treats the worker on the employer's premises.

An employer **is not required** to report the accident to the WSIB if first aid is provided to a worker by a

- co-worker, manager, lay person, or
- health care practitioner, when the first aid did not require the professional skills of that practitioner.

Example (First Aid)

A worker goes to the first aid room and has a dressing applied to a minor cut by a registered nurse. Although the registered nurse is a health care practitioner, the employer is not required to report the accident because the worker simply received first aid.

Example (Health Care)

A worker goes to the first aid room and has a dressing applied to a minor cut by a registered nurse. The company doctor is informed of the incident and decides that the worker should receive a tetanus shot. Even if the worker returns to work on the same shift, the employer must report the accident because a tetanus shot is considered health care.

Reporting of diseases

If a worker is claiming to have developed a disease as a result of workplace exposure, an employer is required to report to the WSIB as previously outlined under the section entitled "When notice is required".

Exposure to infectious diseases through needle stick injury

Some employers, such as hospitals, follow a surveillance protocol (a procedure for testing and monitoring) when a worker has been exposed to, or is suspected of having been exposed to, an infectious disease through a needle stick injury. These employers must maintain records of the incident, and any testing and monitoring.

If a worker of an employer that follows a surveillance protocol tests negative for exposure to an infectious disease through a needle stick injury, the employer is **not** required to submit an accident report. However, if the worker tests positive for an infectious disease, or requires any type of treatment related to the incident, the employer **must** report to the WSIB.

If a worker tests negative, but claims an emotional or anxiety-related response following the accident, the employer **must** report the accident.

In cases where HIV infection is suspected, the employer must report the accident if a health

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care practitioner provides a post-exposure prophylaxis (PEP) (see 23-01-01, Post-exposure Prophylaxis for Occupational Exposure to HIV).

If it is suspected that a worker has been exposed to an infectious disease through a needle stick injury, but the worker chooses not to participate in the surveillance protocol, the employer **must** report the accident to the WSIB.

Employers who do not follow a surveillance protocol **must** report when a worker has been exposed to, or is suspected of having been exposed to, an infectious disease through a needle stick injury.

How employers report the accident

The WSIB uses a variety of forms to collect accident information from an employer. In every case, the information must be sufficient to allow the WSIB to set up a claim.

Accordingly, the WSIB allows the employer to report the accident through the use of an

- Employer's Report of Injury/Disease Form 7 (Form 7), (see www.wsib.on.ca)
- WSIB-approved accident reporting form created by the employer
- WSIB-approved electronic reporting form.

NOTE

Unless specified, all references to Form 7s in this document also apply to WSIB-approved accident report forms. An accident reporting form created by the employer, or an electronic reporting form, must be an exact copy of the Form 7 in format and substance. The form must be approved by the WSIB before it can be used.

Besides completing a Form 7, employers may provide additional information to the WSIB regarding the claim.

Authorization

To be considered valid, a completed Form 7 must be authorized by the employer or a representative of the employer (e.g., a bookkeeper, safety representative, or an accountant).

Sole proprietors and independent operators who have obtained optional insurance may authorize a report of their own accident. Partners and executive officers who have obtained optional insurance may not.

Reporting deadline

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The WSIB must receive an employer's complete accident report within seven **business** days of the employer learning of the reporting obligation. (Business days are Monday to Friday, and do not include statutory holidays.)

In every case, the employer's reporting obligation depends on the nature of the worker's claim. For example, if the worker is injured and seeks health care on the day of injury, the reporting obligation begins immediately. If, however, a worker is injured and returns to modified work at regular pay without seeking health care, the reporting obligation would not generally begin until the eighth **calendar** day.

Workers must receive a copy of the accident report that is provided to the WSIB (including any additional information provided by the employer).

Claim set up using another form

If a claim is set up based on a Form 6 (Worker's Report of Injury/Disease) or a Form 8 (Health Professional's Report), the WSIB asks that a Form 7 be completed. WSIB forms are available at Form 7 request, the WSIB allows the employer a further seven **business** days to provide the Form 7 information.

However, if the WSIB determines that the employer was aware of the reporting obligation before receiving the Form 7 request, the seven **business** days begin from the date the employer learned of the obligation.

Employer's failure to comply

At the initial entitlement stage of a claim, the WSIB may levy four separate \$250 penalties -- one each for

- late reporting
- incomplete reporting,
- not reporting on a pre-approved version of the form, and
- failing to provide a copy of the Form 7 to the worker.

The WSIB may again levy these penalties if the employer fails to respond to subsequent requests for information, or at the time of a recurrence.

Because failing to comply is also a provincial offence, employers may be prosecuted. If convicted, employers are liable for a fine of up to

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- \$25,000 or up to 6 months in jail, or both, for individuals, and
- \$100,000 for corporate entities.

Objections to penalties

When considering an employer's objection to a penalty, the decision-maker reviews the employer's accident-reporting penalty record to determine whether there is a pattern of late or incomplete reporting.

Federal government

For employees of departments of the federal government, Crown corporations, and agencies of the federal government, workplace insurance is provided through the *Government Employees Compensation Act* (GECA).

Before the WSIB can adjudicate a claim for an employee covered under GECA, Human Resources and Social Development Canada - Labour Program, must counter-sign the Form 7 to identify the claim as a federal accident report covered under GECA.

While the WSIB **does not** exempt federal employers from their general reporting obligations, it **does**, because of the counter-signing requirement, exempt them from late reporting penalties.

Health and safety reporting obligations

The *Occupational Health and Safety Act* (OHSA), and the regulations under OHSA require employers to provide information to their health and safety committees. If a photocopy of the Form 7 is used for this purpose, personal information (e.g., the worker's Social Insurance Number, telephone number, earnings information, and pre-existing medical conditions) must be removed.

To determine the exact nature of these reporting obligations, employers should refer to the OHSA.

Application date

This policy applies to all decisions made on or after November 1, 2005, for all accidents on or after March 1, 2000.

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Document history

This document replaces 15-01-02, dated March 3, 2008.

This document was previously published as:

15-01-02, dated November 1, 2005

15-01-02, dated October 10, 2004

15-01-02 dated March 23, 2000

3.1 dated January 1, 1998

02-02-03 dated January 3, 1995.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended

Sections 21, 32, 152(3), 158

O. Reg 175/98

Section 15

R.R.O 1990, Reg. 1101

Section 5

Minute

Administrative

#1, November 20, 2009, Page 479

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