

WorkSafe Services

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Services de travail sécuritaire

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May 5, 2005

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated January 21, 2005 in which the employer has requested an exemption from the requirement to have a First Aid room when the employer has more than 100 employees.

The employer states, in the employer's letter, that the employer's place of business falls under the No High Hazard Work category. Since office workers make up the majority of the employer's workforce, the only time the employer goes above the 100-employee threshold is during daytime hours when all of the office staff are in attendance. The actual Production Center by itself would never exceed the 100-employee limit, or even come close to it. The nearest health care facility is only 1.1 kilometers from the employer's workplace. Average drive by car, under normal traffic conditions, only takes three minutes.

The employer also indicates that the employer currently has 12 qualified First Aid Providers on staff and that in the past, the employer has not only met all requirements, but has gone above and beyond in many cases. The employer's First Aid kits will meet and exceed all legislated requirements in both materials and number of kits.

A Health and Safety Officer and the Chief Compliance Officer met with the employer on April 7, 2005 to review the workplace. During the meeting the requirements were reviewed of the Regulation as well as a tour of the facility to review the equipment used and the types of work performed by staff. Outlined below is a summary of the Chief Compliance Officer's observations and the discussion:

1. There is sufficient space in the Production Centre (and other areas of the facility) to build a first aid room that meets the requirements of the legislation;
2. While the majority of the staff are office workers, the Production Centre houses significant equipment and processes (e.g. large presses and conveyor systems) to cause serious injury during production, maintenance and repairs.
3. While the employer is correct in pointing out that the work performed at the employer's premises does not meet the definition of *High Hazard Work*, for the reasons outlined in point #2, it is the Chief Compliance Officer's opinion that the work performed by the Production Centre workers cannot be considered low hazard work.

As a result of the foregoing (and as the Chief Compliance Officer had verbally advised to the employer during the site visit) the Chief Compliance Officer is unable to grant the employer's request for a deviation for the requirements for a first aid room.

By copy of this letter, the Chief Compliance Officer has informed WHSCC staff of the decision.

Regards,

Chief Compliance Officer

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