

**WorkSafe Services**

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**Services de travail sécuritaire**

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June 17, 2005

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated April 22, 2005 in which the employer requests a deviation from Schedule C of the new Regulation 2004-130 First Aid under the New Brunswick *Occupational Health and Safety Act*, specifically the upgrading of first aid kits to meet the new content requirements. The first aid kits available on each floor of the employer's building presently meet the standards of the legislation prior to January 1, 2005, and the employer would like an exemption from upgrading all of the first aid kits to meet the requirements of the new legislation. The employer feels that, in view of the employer's advanced medical services in this building, an exemption is warranted.

The employer has provided the following information in support of the employer's request:

- The building has twelve floors and approximately 600 employees. Every floor has an employee designated as a fire warden and that employee also has a first aid kit that meets the regulations prior to January 1, 2005.
- The second floor of the building has an Employee Health Services Department that has two treatment/examining rooms that are used for health visits and first aid treatment. One of the rooms is stocked with the first aid supplies contained in the new legislation, the quantity of which would be equal to or greater than what is required under the new legislation. The same room is also equipped with emergency equipment such as a defibrillator (with AED mode), oxygen tank, emergency respiratory supplies, intravenous solutions and over-the-counter medications as well as emergency medications.
- The clinic is staffed with a physician, except for Wednesday afternoons, and one to two nurses Monday through Friday from 08:00-16:30. Employees may be in the building after regular office hours and on weekends, and during these times there is a security guard in the building who is trained in First Aid and CPR.

The Chief Compliance Officer wishes to acknowledge the efforts undertaken by the employer in the establishment of such a comprehensive first aid program. However, the Chief Compliance Officer is unable to grant a deviation from Schedule C of Regulation 2004-130 First Aid. The Chief Compliance Officer notes in the employer's letter that the employer has 12 first aid kits located throughout the building. It should be noted that based on the number of employees at that site, the regulation requires that seven kits be available. Therefore, only seven of the first aid kits would need to be updated. To facilitate this process, the WHSCC has developed a template comparing the requirements of the old regulation with the new. Please note that it would not be necessary for the employer to purchase new kits but to simply update seven of the existing kits with the missing items in order to meet the requirements of the Regulation.

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

Regards,

Chief Compliance Officer