

**WorkSafe Services**

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**Services de travail sécuritaire**

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January 18, 2006

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated October 20, 2005 and the meeting of December 16, 2005 in which the employer has requested a deviation from Regulation 2004-130 First Aid Section 12(2)(d) that states:

*12(2) The requirements for a first aid room are as follows:*

*(d) is equipped with a sink supplied with hot and cold running water with easy access to a toilet.*

The employer previously stated in the employer's letter of June 24, 2005 that the employer has approximately 110 employees during the working hours and is classified as a place of employment with no high hazard work. The employer has on a floor of the employer's premises a Wellness/First Aid room that meets the requirement under the *Act* except for the sink with hot and cold running water. This floor of the employer's premises has a kitchenette with a sink with hot and cold running water. The kitchenette is approximately six feet from the Wellness/First Aid room. Each floor at the employer's premises has their own kitchenette for employees' use. According to the engineers that look after the employer's premises, in order to have a sink with hot and cold running water, the employer would have to drill holes in the Wellness/First Aid concrete floor to allow drainage as the sink in this floor's kitchenette is too high to be connected to, plus having a sink in the Wellness Room would take away from its functionality as the employees use the room to relax and to look over employee assistance programs in private.

The employer indicates in a letter dated August 19, 2005 that the Director of Special Projects and the employer met with a Health and Safety Officer to show and explain that the employer was unable to connect the First Aid Room sink to the kitchenette drain pipe as the drain pipe elevation was too high and would not drain from a sink in the Wellness First Aid Room. The employer also indicates that at the employer's Operations Centre the employer has a well-equipped First Aid Facility with a Nurse. The nurse provides medical services, takes blood pressure, sugar level test, medical advice, doctors appointments, immunizations for employees, etc., for all the employees.

On December 16, 2005 a Health and Safety Officer and the Chief Compliance Officer met with the employer to review the employer's request and, based on observations and information received, a deviation is granted to allow the use of the sink in the kitchenette provided that:

1. The use of the kitchenette is restricted when the first aid provider is administering first aid to an injured employee;
2. If the sink is used during the administration of first aid, the sink is cleaned and disinfected before allowing use by others;
3. The sink remains clean at all times to ensure that it is ready for use; and
4. That all other provisions of the First Aid Room are met.

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The placement of a sign in the kitchenette indicating the above restrictions may be helpful to ensure compliance.

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

Regards,

Chief Compliance Officer