Emergency Evacuation of the Disabled – Know The Laws Of Your Province



OHS and accessibility laws require accommodations for the disabled.

OHS laws require employers to create and implement an emergency response plan and procedures for evacuating or sheltering in place in case of fire, earthquake or other workplace emergency. But what can get overlooked is the fact that employees may be unable to carry out these procedures if they have disabilities. Consequently, you must ensure that your emergency response plan accommodates the special needs of the disabled. Here are the accommodation requirements of each jurisdiction.

FEDERAL

Employer must: (a) In consultation with JHSC or health and safety representative, create an emergency evacuation plan and emergency procedures for workplace that provides for evacuating employees who require special assistance; and (b) Appoint monitors for any employee who requires special assistance in evacuating the building who are on the same floor of the building as that employee (*COHS Reg*., Secs. 17.5 and 17.7)

ALBERTA

OHS Code doesn’t list special requirements for evacuating persons with disabilities or special needs but obligation is implied as part of employer’s general obligation to take reasonably practicable measures to protect the health, safety and welfare of workers and others at the site under *OHS Act*, Sec. 3(1)

BRITISH COLUMBIA

Employer must have written rescue and evacuation procedures for workplaces where there are persons who need physical assistance to be moved (OHS Reg., Sec. 4.13(3)(f)). According to WorkSafeBC guidelines, the workplace risk assessment must indicate that there are persons at workplace who will need assistance from workers to move during an evacuation and the written procedures must be practiced

MANITOBA

(a) Employer must provide disabled employees appropriate and site- and disability-specific information on how to respond to an emergency in the workplace if employer is aware that they may face special risks or challenges during an emergency due to being disabled; (b) Employer must review above information provided to employee each time: (i) the employee is moved to a different workspace, (ii) the employee's workspace is modified, or (iii) the employer reviews its general emergency response plans and makes changes that would affect the employee's response to an emergency; and (c) Above information must be part of the larger accommodation plan required for employee (*Accessibility for Manitobans Act Regs.* (Employment Standards), Sec. 15)

NEW BRUNSWICK

OHS regulations don't list special requirements for evacuating persons with disabilities or special needs but obligation is implied as part of employer's general obligation to "take every reasonable precaution to ensure the health and safety" of its employees under *OHS Act*, Sec. 9(1))

NEWFOUNDLAND

Employer must have written rescue and evacuation procedures for workplaces where there are persons who need physical assistance to be moved (*OHS Reg*., Sec. 38(3)(g))

NOVA SCOTIA

OHS regulations don't list special requirements for evacuating persons with disabilities or special needs but obligation is implied as part of employer's general obligation to take every precaution reasonable in the circumstances to ensure the health and safety of persons at or near the workplace under *OHS Act*, Sec. 13(1)(a)

ONTARIO

(a) Employer must provide individualized workplace emergency response information to employees with a disability to accommodate their disability or, if employees consent, to a person they designate to help them; (b) Employer must review the above information provided to the employee when: (i) the employee moves to a different location in the organization, (ii) the employee's overall accommodations needs or plans are reviewed, and (iii) the employer reviews its general emergency response policies; and (c) The above information must be part of the larger accommodation plan required for the employee (*Accessibility for Ontarians with Disabilities Act Regs*., Secs. 27 and 28)

PRINCE EDWARD ISLAND

OHS regulations don't list special requirements for evacuating persons with disabilities or special needs but obligation is implied as part of employer's general obligation to take every reasonable precaution to protect the occupational health and safety of persons at or near the workplace under *OHS Act*, Sec. 12(1)(a)

QUÉBEC

OHS regulations don't list special requirements for evacuating persons with disabilities or special needs but obligation is implied as part of employer's general

obligation to take the necessary measures to protect the health and ensure the safety and physical well-being of its workers under *OHS Act*, Sec. 51

SASKATCHEWAN

Employer must develop and implement a written fire safety plan that provides for evacuation and the safety of all workers and special provisions for workers with disabilities (*OHS Regs*., Sec. 25(2)(ii))

NORTHWEST TERRITORIES & NUNAVUT

Employer must develop and implement a written fire safety plan that provides for evacuation and the safety of all workers and special provisions for workers with disabilities (*OHS Regs*., Sec. 394(2)(a))

YUKON

OHS regulations don’t list special requirements for evacuating persons with disabilities or special needs but obligation is implied as part of employer’s general obligation to make reasonable efforts to check the well-being of a worker employed under conditions that present a significant hazard of disabling injury, or when the worker may not be able to secure assistance in the event of injury or other misfortune under *OHS Act*, Sec. 3(2)(d)