

Ensure Emergency Response Plan Accommodates the Special Needs of the Disabled



Are disabled employees capable of evacuating your workplace in an emergency?

Like any responsible organization, you probably have an emergency evacuation plan in case there's a fire, bomb threat, earthquake or other workplace emergency. But here's a question you need to consider very seriously: Would employees or other individuals with disabilities be able to carry out that plan? Or would they be left behind to fend for themselves? If the answer is the latter, you're risking not only avoidable loss of life but also a liability disaster.

What the Laws Require

Local fire and building codes and the OHS laws of each jurisdiction require employers to create and implement a plan and set of procedures for responding to fire and other workplace emergencies, either by evacuating or sheltering in-place. Those plans and procedures must account for all employees and building occupants, including those with special needs. While this duty is universal, its legal origin varies by jurisdiction.

1. OHS Laws

The OHS laws of 6 jurisdictions—Federal, BC, Newfoundland, Northwest Territories, Nunavut and Saskatchewan—specifically require employers to assess and incorporate the accommodation needs of persons who are disabled or need physical assistance into their emergency response plans and procedures.

The OHS laws of the other 8 jurisdictions don't include such an express requirement. Nobody in their right mind would ever suggest that employers in these jurisdictions can leave persons with special needs totally unprotected in an emergency. The difference is that the obligation to account for special needs as part of emergency planning is implied under what lawyers sometimes refer to as the "general duty clause" of the OHS Act that requires employers to take "reasonable" measures to protect the health and safety of workers and workplace occupants. (Click [here](#) to see the specific requirements of your own jurisdiction.)

2. Accessibility Laws

In recent years, several jurisdictions have adopted or are in the process of adopting legislation requiring owners of workplaces, public facilities and other covered entities to remove barriers and make special accommodations to ensure that their establishment is accessible to persons with disabilities. While some of these laws are limited to public sector entities, accessibility laws in Ontario, Manitoba, BC and the federal jurisdiction also cover private businesses and workplaces. In Ontario, Manitoba and BC, employers must create individualized accommodations plans for employees with disabilities based on their individual needs.

Emergency response and evacuation are among the elements these plans must address. Specifically, the employer must provide disabled employees individualized, site-specific information about emergency response that accounts for the specific characteristics of the site and the employee's disability, and review and, if necessary, revise that information in response to changes in work location, workspace or emergency procedures.

The 6 Things You Must Do to Comply

Regardless of jurisdiction, there are 6 things you should do to ensure your emergency plan and procedures accommodate the needs of the disabled.

1. Perform Emergency Response Hazard Assessment for Site

First, have a competent person do a walk-through of the facility to identify potential barriers to safe evacuation, such as staircases or obstructions in exit routes barring access to persons in wheelchairs. If possible, have employees with disabilities accompany the competent person during the assessment to point out barriers that might otherwise get overlooked.

2. Assess Emergency Response Needs of Disabled Employees

Assess the special needs of any disabled employees in the event of an emergency. One effective approach is to have employees complete [a self-assessment](#) to let you know of their needs and/or notify you of any changes to their status. Give emergency response personnel for your building a list of the name and location of employees who need assistance.

3. Designate Co-Workers to Assist Disabled Employees in Emergencies

Designate a co-worker to act as a monitor responsible for looking after an employee who needs special assistance in the event of an emergency. Ensure that monitors:

- Are ready, willing and physically able to assist the employee without needing assistance themselves;
- Work the same hours and in the same floor or area as the employee they'll be assisting; and
- Have a backup in case the designated monitor isn't available when the emergency occurs.

4. Create Areas of Refuge

Designate safe areas where persons who can't evacuate without first responder assistance can wait or shelter in place until help arrives. According to WorkSafeBC guidelines, areas of refuge should be used as a last resort where no feasible evacuation options exist. Ultimately, the decision about whether to wait for

emergency personnel to evacuate should be made by the disabled employee.

5. Ensure All Employees Can Get Emergency Communications

Ensure that all employees, including those with visual or hearing impairments—receive emergency instructions and information in a timely manner. Potential solutions include use of:

- Sign language, assistive listening devices or other communication aids to provide emergency response training and information;
- Visual alarms or lighted fire strobes for the hearing-impaired;
- Tactile/Braille signage and maps and/or audible directional signage to assist the visually impaired navigate exit routes; and
- Colour coded fire doors and picture books displaying evacuation procedures for employees with cognitive disabilities.

6. Ensure Emergency Procedures Address Disabled Employees' Needs

Incorporate employees' special needs into your workplace emergency procedures, such as for evacuating using an assistance animal. Make sure employees and their assistance animals participate in drills to practice those procedures. Include protocols for monitors to communicate with employees in need of assistance and first responders.