



SUBMISSION ON

Targeted Regulatory Exemption to the Ontario Fire Code Compliance Deadline for Sprinklers in Designated Long- Term Care Homes

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Ministry of the Solicitor General

November 14, 2024

The Ontario Nurses' Association (ONA) is the union representing 68,000 registered nurses and health-care professionals, as well as more than 18,000 nursing student affiliates, providing care in hospitals, long-term care facilities, public health, the community, clinics and industry.

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Concerns with Targeted Regulatory Exemption to the Ontario Fire Code Compliance Deadline for Sprinklers in Designated Long-Term Care (LTC) Homes

In May 2013, Ontario Regulation 150/13 was filed to amend the *Ontario Fire Code*, introducing specific fire safety requirements for care occupancies, care and treatment occupancies, and retirement homes regulated under the *Retirement Homes Act*, 2010. The regulation set out phased deadlines for compliance, starting from January 1, 2014, to improve the fire safety standards in these facilities, particularly for vulnerable residents. The amendments included requirements related to fire safety plans, fire alarm systems, sprinkler systems, and other safety measures, with compliance deadlines extended over several years to allow affected facilities time to implement necessary upgrades and meet the new standards.

It is important to highlight that LTC Homes have already been given a decade to comply with the *Ontario Fire Code* regulations requiring automatic sprinkler systems. This extended period has been more than sufficient for facilities to plan and execute the necessary upgrades. The proposal for an additional exemption raises questions about the commitment to prioritizing resident and worker safety and the effectiveness of regulatory oversight.

ONA vehemently disagrees with the proposal for a targeted Minister's regulation under the *Fire Protection and Prevention Act*, 1997 (FPPA) to extend the sprinkler installation deadline for designated LTC homes by 18 months. These are for profit nursing homes that could have completed these renovations as ordered. This is just one of many extensions these homes have had to meet compliance. At some point they have to meet expected deadlines like most Ontarian's have to all the time.

Granting this exemption would set a concerning precedent, suggesting that compliance with essential safety standards can be postponed without justification. It undermines the urgency required to protect our most vulnerable populations and dilutes the accountability of LTC providers to adhere to regulations designed to safeguard residents and workers.

Additionally, the regulatory posting references a working group focused on this issue that is formed by the Ministries of Long-Term Care (MLTC) and Solicitor General (SOLGEN). The lack of transparency of the "key stakeholder" participants in this working group is very concerning. Without clearly outlining who sits on the working group or ensuring that there is an equitable number of voices from resident advocacy agencies, labour and LTC Home providers, we cannot be confident that this targeted regulatory exemption has considered all ramifications and opportunities. Further, with the Ontario Nurses' Association being one of the

most present unions amongst LTC Homes in Ontario, we should have been invited to participate in the working group as a key sector stakeholder.

Even more disturbing is that the posting indicates that this working group's identified focus is to "to manage the risk of capacity loss" instead of ensuring LTC Homes are safe to work and live in. Again, this undermines the intent of 9.4.5.5 of Division B of Ontario Regulation 213/07 (Ontario Fire Code) under the FPPA as a regulation to protect the safety of workers and residents and all Ontarians utilizing these facilities.

Exemption Provisions

To reiterate, we vehemently disagree with the targeted Minister's regulation under the FPPA to extend the sprinkler installation deadline for designated LTC homes by 18 months. However, should the Ministry opt to disregard the serious safety concerns we have outlined above and implement the proposed regulation, we would like to voice our concern with the following exemptions outlined in the proposal. They are as follows:

1. At least one supervisory staff in the LTC home is assigned to fire watch duty on a continuous basis to ensure that means of egress are kept clear and that fire hazards are noted and addressed.
 - Given the understaffing crisis in health care, it is likely that, especially during the night shift, the person who is deemed the supervisor will also be the RN responsible for the health care of all of the residents which will put unnecessary responsibility on the role of the health care Provider.
 - Further, an explanation of "fire watch duty" and what that entails will be essential in determining how the LTC Home should be staffed on any given shift.
2. Prescribed supervisory staff to complete designated online fire safety training by January 31, 2025 and submit certificate of completion to local Chief Fire Official within 15 days of completion.
 - It should be mandatory that all supervisory staff, including those who take on the role of supervisor under the *Occupational Health and Safety Act* (OHSA) but are not considered management, take the designated Online Fire Safety Training. This training should be certified by the Chief Prevention Officer of Ontario (CPO) and created and managed by only CPO-approved education providers.
3. More frequent observed fire drills for supervisory staff for an approved scenario on a cost recovery basis where applicable (frequency: every three months).

- All staff and residents should be participating in fire drills to ensure that everyone is educated and familiar with the path to safety. Further, due to the hazard of not having functioning automatic sprinkler systems, these drills should be held monthly until such a time that a functional automatic sprinkler system is installed.
 - It should also be noted that headed into the winter months, it is possible that drills will not fully be completed as residents would have to be evacuated into poor weather conditions. The understaffing crisis also impacts the ability of staff to participate in or action these drills. This is another reason why our position is that non-compliant homes should be forced to meet the stated deadline.
4. More frequent fire safety inspections by the local fire department on a cost recovery basis where applicable (frequency: every three months).
- Due to the acknowledged hazard of not having automatic sprinklers installed, the local fire department should conduct inspections every month to ensure compliance with the Building Code and the *Fire Protection and Prevention Act*.
5. Enhanced testing/maintenance for existing building fire alarm and voice communication systems and submission of records to local Chief Fire Official within 15 calendar days of receipt from service provider.
- Enhanced testing/maintenance should be conducted bi-monthly until the LTC home installs an automatic sprinkler system, and the records should be submitted to the local Chief Fire Official and the Joint Health and Safety Committee.
6. A portable fire extinguisher to be provided at each nurses' station.
- Staff should be trained on the whereabouts and use of a fire extinguisher. Further, as per the Canadian Centre for Occupational Health and Safety Guidelines the employer/owner must ensure that they:
 - i. Use the proper size of the extinguisher.
 - ii. Install extinguishers according to the height requirements stated in each jurisdiction's Fire Code.
 - iii. Locate extinguishers so they are readily accessible to employees for immediate use.
 - iv. Make sure that extinguishers are clearly visible, and any location signs are clear.
 - v. Mark or label all fire extinguishers clearly with the class of fire it is to be used for.
 - vi. Make sure that the operating instructions always face outward.

- vii. Maintain extinguishers in a fully charged and operable condition.
- viii. Keep extinguishers in the designated places at all times (except during use).
- ix. Visually inspect portable fire extinguishers monthly.
 - x. Use a tag on each extinguisher that shows the dates of inspection, recharging or servicing, the name of the servicing agency, and the name of the person who did the service.
- xi. Service portable fire extinguishers at least once a year, or when the monthly inspection indicates servicing is necessary.
- xii. Keep written records showing maintenance items such as serial number and type of extinguishers, location, inspection date, description of tests, date of next inspection, date of annual servicing, comments and inspector's signature.
- xiii. Only allow service by trained persons with suitable testing equipment and facilities.

In conclusion, we thank the Ministry for the opportunity to provide feedback and we urge them to abandon this proposal to safeguard the health and safety of both worker and residents in LTC Homes across Ontario.