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Bill 58

**An Act to amend the Fire Protection and Prevention Act, 1997 and the
Private Career Colleges Act, 2005 in relation to rescue and
emergency services training for firefighters and firefighter trainees**

Ms J. French

Private Member's Bill

1st Reading April 19, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill makes amendments to the *Fire Protection and Prevention Act, 1997* and to the *Private Career Colleges Act, 2005* to implement measures to provide for the safe training of firefighters and firefighter trainees in rescue and emergency services.

Fire Protection and Prevention Act, 1997

The Bill amends the *Fire Protection and Prevention Act, 1997* by adding a new Part III.1 (sections 11.1 to 11.9) respecting rescue and emergency services training. To support this, subsection 1 (1) is amended by adding a definition of “rescue training course”, being a training course offered or provided to firefighters, firefighter trainees or both in respect of one or more rescue or emergency services referred to in clause (c) of the definition of “fire protection services” in that subsection, regardless of the planned or expected duration of the course, whether the course offers single or multi-skill training in respect of such services and whether or not a fee is charged for the course. A definition of “firefighter trainee” is also added to the subsection.

In section 11.2, the Fire Marshall is required to develop and maintain minimum safety standards for rescue training courses taken by or offered to firefighters or firefighter trainees. Section 11.2 also sets out requirements respecting the development of the minimum safety standards that the Fire Marshall is required to meet. The Fire Marshall must publish the minimum safety standards on the website of the Office of the Fire Marshall. Section 11.3 requires that a committee of subject-matter experts be established to conduct reviews of the minimum safety standards and to make recommendations respecting any necessary changes. The Fire Marshall is required to respond to the recommendations and make any necessary changes to the minimum safety standards. Section 11.4 provides for the certification by the Fire Marshall of rescue training courses that meet the minimum safety standards.

Section 11.6 provides for the licensing by the Fire Marshall of rescue training courses by private providers, a term that is defined in section 11.1. A registry of licensed private providers must be published on the website of the Office of the Fire Marshall. Section 11.7 sets out various requirements that apply in relation to rescue training courses provided or offered by private providers, including that private providers must enter into written contracts with firefighters and firefighter trainees to whom they are to offer a rescue training course, and that written confirmation of rescue training course completion by a firefighter or firefighter trainee may only be obtained from the Fire Marshall.

The new Part III.1 also provides,

- (a) for a mandatory form to be signed by specified persons before a training course is conducted in a rescue training course respecting, among other things, the roles of responsibilities of persons offering the course in relation to the conduct of the training exercise, including with respect to safety (section 11.5); and
- (b) for the reporting of deaths and injuries resulting from activities undertaken during a rescue training course (section 11.9).

Section 11.8 sets out prohibitions respecting matters such as offering or providing rescue training courses that do not meet the minimum safety standards or that are not certified by the Fire Marshall, or offering or providing a rescue training course as a private provider without being licensed to do so. Under section 28 of the Act, contravention of a prohibition in section 11.8 constitutes an offence. Various complementary amendments are made to the Act’s inspection and enforcement provisions (sections 19 to 26 of the Act).

Other amendments to the Act include,

- (a) adding a new subsection 6 (5.1) to require fire chiefs to ensure that rescue training courses provided within a fire department are provided in accordance with the requirements of the new Part III.1;
- (b) amending subsection 78 (1) to add various regulation-making authorities relating to the new Part III.1.

Private Career Colleges Act, 2005

Complementary amendments are made to the *Private Career Colleges Act, 2005*, to ensure that rescue training courses offered through a private career college meet the requirements of Part III.1 of the *Fire Protection and Prevention Act, 1997*, as amended by the Bill.

Commencement

Section 20 of the Bill provides that the above amendments would come into force on the earlier of a day to be named by proclamation of the Lieutenant Governor and the first anniversary of the day it receives Royal Assent.

**An Act to amend the Fire Protection and Prevention Act, 1997 and the
Private Career Colleges Act, 2005 in relation to rescue and
emergency services training for firefighters and firefighter trainees**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

FIRE PROTECTION AND PREVENTION ACT, 1997

1 (1) Subsection 1 (1) of the *Fire Protection and Prevention Act, 1997* is amended by adding the following definitions:

“firefighter trainee” means a person who is not a firefighter but who is receiving training in fire protection services in order to qualify to become a firefighter; (“élève pompier”)

“rescue training course” means a training course offered or provided to firefighters, firefighter trainees or both in respect of one or more rescue or emergency services referred to in clause (c) of the definition of “fire protection services” in this subsection, regardless of the planned or expected duration of the course, whether the course offers single or multi-skill training in respect of such services, and whether or not a fee is charged for the course; (“cours de sauvetage”)

(2) Section 1 of the Act is amended by adding the following subsection:

Interpretation of rescue

(1.1) Examples of types of rescue referred to in clause (c) of the definition of “fire protection services” include ice, swift water, rope, trench or confined space rescue or any other types of rescue traditionally conducted by firefighters, and include any type of rescue identified by the National Fire Protection Association in its standards as a type of rescue that constitutes a professional qualification for fire fighters.

2 Section 6 of the Act is amended by adding the following subsection:

Duties re rescue and emergency services training

(5.1) The fire chief of a fire department shall ensure that every rescue training course that is provided within the fire department is provided in accordance with the requirements of Part III.1.

3 (1) Clause 9 (2) (d) of the Act is amended by adding “and for firefighter trainees” after “for persons involved in the provision of fire protection services”.

(2) Subsection 9 (2) of the Act is amended by adding the following clause:

(e.1) to provide for the certification of rescue training courses and the licensing of persons to provide such courses, and to perform such other duties as are set out under Part III.1;

4 The Act is amended by adding the following section:

Employees

10.1 The Fire Marshal may employ such persons as the Fire Marshal considers necessary for the proper functioning of the Office of the Fire Marshal.

5 The Act is amended by adding the following Part:

**PART III.1
RESCUE AND EMERGENCY SERVICES TRAINING**

Definitions

11.1 In this Part,

“minimum safety standards” means the minimum safety standards for rescue training courses that are developed or deemed to have been adopted under section 11.2; (“normes de sécurité minimales”)

“private provider” means a person who offers or provides rescue training courses to firefighters or firefighter trainees other than through a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and*

Technology Act, 2002, through a private career college registered under the *Private Career Colleges Act, 2005*, or as a member of a fire department in the course of his or her duties. (“prestataire privé”)

Minimum safety standards

11.2 (1) The Fire Marshal shall develop and maintain minimum safety standards for rescue training courses.

Requirements

- (2) In developing minimum safety standards for rescue training courses, the Fire Marshal shall,
- (a) ensure that the safety standards meet or exceed any safety standards in respect of such courses that may be set or recommended by the National Fire Protection Association in its standards;
 - (b) ensure that the safety standards include specific requirements respecting use of or access to safety or other equipment, location restrictions or any other requirements or restrictions necessary to ensure the safety of persons to whom rescue training courses are provided;
 - (c) take into account any relevant regional, municipal or other applicable contextual factors, and provide for regional, municipal or other variances as needed; and
 - (d) consult with relevant subject-matter experts and stakeholders, including, as applicable,
 - (i) the Minister of Community Safety and Correctional Services, the Minister of Labour, the Minister of Advanced Education and Skills Development or any other minister of the government of Ontario,
 - (ii) the Ontario Association of Fire Chiefs, the Ontario Professional Fire Fighters Association and the Fire Fighters Association of Ontario, and
 - (iii) the Ontario Fire Service Advisory Committee appointed under section 21 of the *Occupational Health and Safety Act*.

Deemed safety standards

(3) If the Fire Marshal fails to develop a minimum safety standard with respect to a type of rescue or emergency service that may be the subject of a rescue training course, the Fire Marshal is deemed to have adopted as a minimum safety standard any applicable safety standard set or recommended by the National Fire Protection Association in its standards.

Same

(4) In the event of a conflict between a minimum safety standard developed under subsection (1) or deemed to have been adopted under subsection (3) and a provision of the *Occupational Health and Safety Act*, the regulations made under it or any other Act or regulation, whichever of the two provides the greater protection to persons to whom rescue training courses are provided prevails and, in the event the provision prevails, the provision is deemed to have been adopted as the minimum safety standard instead of the standard developed under subsection (1) or deemed to have been adopted under subsection (3).

Publication

(5) The Fire Marshal shall publish the minimum safety standards on the website of the Office of the Fire Marshal.

Review by expert committee

11.3 (1) The Minister shall establish a committee of subject-matter experts to conduct reviews of the minimum safety standards and to make recommendations to the Fire Marshal respecting any changes that may be required.

Periodic review

(2) The expert committee shall complete a review and make recommendations under subsection (1) no later than 60 days after the National Fire Protection Association updates its standards in relation to rescue and emergency services, but in no event less frequently than at least once during every three-year period after the committee is established.

Requested review

(3) The expert committee shall, no later than 60 days after a request of the Fire Marshal to do so, review and make recommendations under subsection (1) respecting any minimum safety standard or standards, or any issue relating to the minimum safety standards, identified by the Fire Marshal when making the request.

Review of recommendations

- (4) The Fire Marshal shall, no later than six months after receiving the recommendations of the expert committee,
- (a) review the recommendations;
 - (b) make any necessary changes to the minimum safety standards and update the minimum safety standards published on the website of the Office of the Fire Marshal accordingly; and
 - (c) report in writing to the Minister respecting the changes and respecting any recommendations that are not implemented, together with reasons in either case.

Publication of report

(5) The Fire Marshal shall publish every report to the Minister under clause (4) (c) on the website of the Office of the Fire Marshal.

Certification of courses

11.4 (1) The Fire Marshal shall provide for the certification of rescue training courses that,

- (a) demonstrably meet the minimum safety standards; and
- (b) in the case of rescue training courses offered or provided by a private provider, are offered or provided by a private provider who is licensed under section 11.6.

Prior certification required

(2) A rescue training course must be certified by the Fire Marshal before it may be offered or provided to any person.

Changes to course

(3) The certification of a certified rescue training course is deemed to expire on the making of any significant change to the course.

Exception

(4) Subsection (3) does not apply if, before the change is made to the rescue training course, a determination is made by the Fire Marshal that the course, as altered by the proposed change, would continue to meet the minimum safety standards.

Recertification following changes to standards

(5) The certification of a certified rescue training course is deemed to expire six months following the publication under subsection 11.3 (4) of a change by the Fire Marshal to a minimum safety standard that is applicable to the course, unless the course is recertified by the Fire Marshal before that time.

Revocation of certification

(6) The Fire Marshal may, in accordance with the regulations, revoke the certification of a rescue training course,

- (a) if the Fire Marshal makes, or receives notice of, an order under clause 21 (4) (b) or (c);
- (b) if the Fire Marshal determines, on the basis of information received under section 11.9, that the rescue training course does not meet the minimum safety standards; or
- (c) in any other circumstances that may be prescribed.

Registry of certified courses

(7) The Fire Marshal shall maintain and publish on the website of the Office of the Fire Marshal a registry of certified rescue training courses.

Acknowledgement of roles and responsibilities

11.5 Every person who provides a rescue training course and any other person specified by the Fire Marshal shall, before a training exercise is conducted in the course, sign a document, in the form specified by the Fire Marshal,

- (a) setting out each person's respective roles and responsibilities in relation to the conduct of the training exercise, including roles and responsibilities respecting safety during the training exercise and in the event of an emergency during the training exercise;
- (b) specifying which of the persons is in charge of conducting the training exercise; and
- (c) in the case of a training exercise that is being conducted in a workplace within the meaning of the *Occupational Health and Safety Act*, specifying the person in charge of the workplace.

Licensing of private providers

11.6 (1) The Fire Marshal may issue a licence authorizing a person to offer and provide rescue training courses, if the person,

- (a) meets the prescribed qualifications and requirements; and
- (b) applies for the licence in accordance with the prescribed procedures and pays the prescribed fees.

Conditions

(2) A licence issued under this section is subject to the following conditions:

1. That the holder of the licence must offer and provide rescue training courses in accordance with this Act and the regulations.

2. That the holder must maintain liability insurance in the amount and in the form required by the regulations.
3. That the holder must, at any time while offering or providing a rescue training course, have on his or her person the licence or a legible copy of the licence, and must show the licence or copy to any firefighter or firefighter trainee who is taking or may take the rescue training course on that person's request.
4. That the holder of the licence must co-operate with an inspector carrying out an inspection under section 19 or 20, and comply with any order of an inspector under subsection 21 (4).
5. That the holder of the licence must comply with any requirement under this Part to provide information to the Fire Marshal.
6. That the holder of the licence must pay any fees that may be prescribed, in the manner and times that may be prescribed.
7. Any other conditions that may be prescribed.
8. Any other conditions that the Fire Marshal considers appropriate, including that a licence applies only with respect to one or more rescue and emergency services, as specified in the licence.

Non-transferable

(3) A licence issued under this section is not transferable.

Registry of licence holders

(4) The Fire Marshal shall maintain and publish on the website of the Office of the Fire Marshal a registry of the holders of a licence issued under this section that includes, in respect of each holder,

- (a) the qualifications of the holder to hold the licence;
- (b) the date on which the holder's licence was issued and last renewed;
- (c) any conditions to which the holder's licence is subject under paragraph 8 of subsection (2);
- (d) whether the holder's licence is under suspension;
- (e) the areas within Ontario in which the holder offers and provides rescue training courses;
- (f) the holder's areas of speciality in rescue training, if any; and
- (g) any other information that may be prescribed.

Requirement to provide information

(5) The Fire Marshal may require the holder of a licence to provide to the Fire Marshal such information as the Fire Marshal may specify for the purposes of the registry established under subsection (4).

Course requirements, private providers

Contract required

11.7 (1) A private provider shall not provide a rescue training course to a firefighter or firefighter trainee until they have entered into a written contract, in the form specified by the Fire Marshal, for the provision of the course.

Record of fees

(2) A private provider shall issue to each firefighter or firefighter trainee to whom the private provider provides a rescue training course for which a fee is payable a written record of the fees paid by the firefighter or firefighter trainee to the private provider with respect to the course, including any refunds of such fees.

Confirmation of course completion

(3) If the Fire Marshal receives information in writing from a private provider that a firefighter or firefighter trainee successfully completed a rescue training course provided by the private provider and the Fire Marshal is satisfied that the firefighter or firefighter trainee successfully completed the course, the Fire Marshal shall issue to the firefighter or firefighter trainee written confirmation of the successful completion.

Form

(4) The Fire Marshal shall develop a standardized confirmation form for the purposes of subsection (1).

Restriction

(5) Confirmation of the successful completion of a rescue training course provided by a private provider may only be issued by the Fire Marshal.

Prohibitions**Minimum safety standards**

11.8 (1) No person shall offer or provide a rescue training course that does not meet the minimum safety standards.

Certification

(2) No person shall offer or provide a rescue training course that is not certified by the Fire Marshal under section 11.4.

Licensing

(3) No private provider shall offer or provide a rescue training course without being the holder of a valid licence issued under section 11.6.

Confirmation of course completion

(4) No person shall issue or otherwise provide confirmation of the successful completion of a rescue training course provided by a private provider, except as provided under section 11.7.

False information

(5) No person shall knowingly furnish false information to the Fire Marshal or to the Office of the Fire Marshal,

- (a) in attempting to obtain certification of a rescue training course under section 11.4;
- (b) in an application for a licence under section 11.6;
- (c) in providing information under section 11.7 respecting the successful completion of a rescue training course provided by a private provider; or
- (d) in otherwise providing information under this Part to the Fire Marshal or to the Office of the Fire Marshal.

Fraudulent misrepresentation

(6) No person shall fraudulently misrepresent,

- (a) that a rescue training course offered or provided by the person meets the minimum safety standards or is certified by the Fire Marshal under section 11.4; or
- (b) that the person is the holder of a valid licence issued under section 11.6.

Reporting of training deaths, injuries

11.9 (1) Every person who provides a rescue training course shall notify the Fire Marshal in writing of any death or injury sustained as a result of any activity undertaken as part of the course.

Timing

(2) Notice under subsection (1) shall be given as soon as possible after the occurrence of the death or injury, but in no event later than 48 hours after the occurrence.

Additional information

(3) The Fire Marshal may require a person who provides information under subsection (1) to provide any additional information respecting the death or injury or the circumstances in which it occurred, and the person shall comply with any such requirement within the times and in the manner specified by the Fire Marshal.

Publication

(4) The Fire Marshal shall develop and maintain statistical records respecting the deaths and injuries reported under this section, and shall publish the statistical records on the website of the Office of the Fire Marshal.

Non-application

(5) This section does not apply with respect to rescue training courses provided to firefighters within fire departments.

6 Subsection 19 (2) of the Act is repealed and the following substituted:**Inspections**

(2) An inspector may, without a warrant, enter and inspect land and premises for the purposes of,

- (a) assessing fire safety; or
- (b) ensuring compliance with the requirements of Part III.1.

7 Subsection 20 (1) of the Act is amended by striking out “necessary to assess fire safety” in the portion before clause (a) and substituting “necessary to assess fire safety or to ensure compliance with the requirements of Part III.1, as the case may be”.

8 (1) Subsection 21 (1) of the Act is amended by adding “for the purposes of assessing fire safety” after “under section 19 or 20” in the portion before clause (a).

(2) Section 21 of the Act is amended by adding the following subsections:

Order re rescue training course

(4) An inspector who has carried out an inspection of land or premises under section 19 or 20 for the purposes of ensuring compliance with the requirements of Part III.1 may order any person to immediately cease to offer or provide a rescue training course, if the inspector determines that,

- (a) the course is not certified under that Part;
- (b) the course does not meet the minimum safety standards as defined in that Part, is being conducted in an unsafe manner or is otherwise unsafe; or
- (c) the course is being offered or provided by a private provider who is not licensed under that Part.

Notice of order

(5) If an order is made under subsection (4) other than by the Fire Marshal, the inspector shall promptly notify the Fire Marshal of the order.

9 (1) Section 23 of the Act is amended by striking out “subsection 21 (1) or (2)” in the portion before clause (a) and substituting “subsection 21 (1), (2) or (4)”.

(2) Clause 23 (c) of the Act is amended by striking out “the owner or occupant” and substituting “the person named in the order”.

10 (1) Subsection 24 (1) of the Act is amended by adding “other than subsection 21 (4)” after “under section 21”.

(2) Section 24 of the Act is amended by adding the following subsection:

Order under s. 21 (4)

(4) A copy of an order made under subsection 21 (4) shall be served upon every person who offers or provides the rescue training course.

11 (1) Subsection 25 (1) of the Act is amended by striking out “subsection 21 (1) or (2)” and substituting “subsection 21 (1), (2) or (4)”.

(2) Subsection 25 (3) of the Act is amended by striking out “under subsection 21 (1) or (2)”.

12 Subsection 26 (1) of the Act is amended by striking out “subsection 21 (1) or (2)” and substituting “subsection 21 (1), (2) or (4)”.

13 Section 30 of the Act is amended by adding the following subsection:

Exception, orders under s. 21 (4)

(2) Despite subsection (1), a person who is guilty of failing to comply with an order made under subsection 21 (4) is, on conviction, liable to a penalty set out in clause 28 (3) (b) or in subsection 28 (4), as the case may be.

14 Clause 31 (1) (a) of the Act is amended by adding “other than subsection 21 (4)” after “under section 21”.

15 (1) Clause 78 (1) (k) of the Act is repealed and the following substituted:

- (k) respecting practices and standards for fire protection services and certification and training of firefighters, including full-time, volunteer and part-time firefighters, and firefighter trainees;
- (k.1) exempting any rescue training course or class of rescue training courses from the application of all or any portion of Part III.1;
- (k.2) governing the revocation of certifications of rescue training courses under subsection 11.4 (6), including specifying any related notice or publication requirements;
- (k.3) governing licences under section 11.6, including,
 - (i) governing the issuance, renewal, suspension and revocation of licences, including setting out conditions to which such licences are subject,
 - (ii) governing appeals from a refusal to issue or renew a licence or from a suspension or revocation of a licence and a right to be heard in respect of a proposal to refuse to issue or renew or to suspend or revoke a licence, including prescribing circumstances in which there is no right to an appeal or to be heard;
- (k.4) governing complaints against holders of a licence under section 11.6;

(2) Subsection 78 (1) of the Act is amended by adding the following clause:

(m.1) prescribing anything that is required or permitted to be prescribed or that is required or permitted to be done in accordance with the regulations;

(3) Section 78 of the Act is amended by adding the following subsection:

Same

(3) Nothing in clause (1) (k) authorizes the making of a regulation that conflicts with Part III.1 in relation to the training of firefighters or firefighter trainees in rescue and emergency services, but regulations may be made under that clause supplementing the provisions of that Part.

PRIVATE CAREER COLLEGES ACT, 2005

16 Section 23 of the *Private Career Colleges Act, 2005* is amended by adding the following subsection:

Rescue training courses

(4.1) The Superintendent shall not approve the provision of a rescue training course, as defined in the *Fire Protection and Prevention Act, 1997*, by a private career college unless the course is certified under Part III.1 of that Act.

17 Section 24 of the Act is amended by adding the following subsection:

Rescue training courses

(1.1) The Superintendent shall revoke a private career college's approval to provide a rescue training course, as defined in the *Fire Protection and Prevention Act, 1997*, if the course ceases to be certified under Part III.1 of that Act.

18 Section 53 of the Act is amended by adding the following subsection:

Exception, rescue training courses

(1.0.1) Clause 53 (1) (c) does not apply with respect to approvals relating to rescue training courses, as defined in the *Fire Protection and Prevention Act, 1997*.

19 Section 55 of the Act is amended by adding the following subsection:

Limitation, rescue training courses

(1.1) A regulation made under paragraph 2 of subsection (1) may not provide that a rescue training course, as defined in the *Fire Protection and Prevention Act, 1997*, is not a vocational program.

COMMENCEMENT AND SHORT TITLE

Commencement

20 This Act comes into force on the earlier of a day to be named by proclamation of the Lieutenant Governor and the first anniversary of the day it receives Royal Assent.

Short title

21 The short title of this Act is *Brunt and Kendall Act (Ensuring Safe Firefighter and Trainee Rescue Training)*, 2018.