

AEDs in the Workplace – Know the Laws of Your Province



Ontario has passed mandatory workplace AEDs legislation but it hasn't yet taken effect.

In addition to their life savings potential, Automated External Defibrillators (AEDs) are fairly inexpensive, easy to use and simple to maintain. So, why don't more companies use them? Part of the answer is that while AEDs are recommended for just about all workplaces, they're not legally required the way other kinds of first aid equipment is.

But that's beginning to change. A decade ago, Manitoba became the first province to pass legislation requiring AEDs at certain kinds of publicly accessible sites like public fitness, sports and athletic facilities, community centres, public health and government buildings, airports, train and bus stations, schools, colleges, universities and casinos. In 2020, Ontario became the first jurisdiction to pass legislation (Bill 141, The Defibrillator Registration and Public Access Act, 2020) requiring AEDs at general workplaces. But the government still hasn't published the regulations necessary to put the law into effect. BC and Nova Scotia have also proposed bills requiring workplaces to have AEDs. Here's a look at the current state of AEDs law across Canada.

FEDERAL

(1) AEDs not mandatory in workplace; and (2) No AEDs legislation currently in pipeline; and (3) Guidelines specify that where used, AEDs must be properly placed, maintained, stored and checked in accordance with manufacturer's instructions (Govt. of Canada Guidelines, *Automated external defibrillators*)

ALBERTA

(1) AEDs not mandatory in workplace; and (2) No AEDs legislation currently in pipeline; and (3) Guidelines specify that where used, employer must ensure AEDs are used by a competent person with appropriate training in CPR and AEDs for the particular equipment at the worksite; there must also be a system to ensure update of these skills and recertification (Alberta OHS Guidelines, *Automated External Defibrillators in the Workplace*)

BRITISH COLUMBIA

(1) AEDs not mandatory in workplace; (2) WorkSafeBC guidelines list factors

employers should consider in deciding whether to have AEDs in workplace, including: size of workforce at site; workers' average age and health; hazards present; access to BC Emergency Health Service resources; whether large numbers of the public are present at the site and whether first aid is provided to those members (G3.16(2)-2 Automated external defibrillator); and (3) Proposed legislation would require workplaces that are accessible to the public to have AEDs and implement an AED program (Private Member Bill M 208, *Defibrillator Public Access Act*, tabled May 2, 2022)

MANITOBA

Mandatory to install and register AEDs at fitness, sports and athletic facilities, community centres, public health and government buildings, airports, train and bus stations, schools, colleges, universities, casinos, sports arenas and homeless shelters **but not** general workplaces (*Defibrillator Public Access Act*)

NEW BRUNSWICK

(1) AEDs not mandatory for workplaces; and (2) A person who uses an AED in good faith voluntarily and without reasonable expectation of compensation or reward on another person experiencing an emergency isn't liable for damages resulting from their negligence in acting or failing to act while using the AED, unless the damages were caused by the AED user's gross negligence (*Automated Defibrillator Act*)

NEWFOUNDLAND

(1) AEDs not mandatory for workplaces; and (2) No AEDs legislation currently in pipeline

NOVA SCOTIA

(1) AEDs not mandatory in workplace; and (2) Proposed legislation would require workplaces that are accessible to the public to install and register AEDs and implement an AED program (Private Member Bill 49, *Defibrillator Public Access Act*, tabled Oct. 22, 2021)

ONTARIO

Legislation that's been passed but not yet taken effect requires workplaces to install, post signs, maintain, test and provide training on AEDs (Bill 141, *The Defibrillator Registration and Public Access Act, 2020*, Royal Assent June 2020, won't take effect until implementing regulations are published, which hasn't happened yet)

PRINCE EDWARD ISLAND

(1) AEDs not mandatory in workplaces; and (2) No AEDs legislation currently in pipeline

QU'BEK

(1) AEDs not mandatory in workplaces; and (2) No AEDs legislation currently in

pipeline

SASKATCHEWAN

(1) AEDs not mandatory in workplaces; and (2) No AEDs legislation currently in pipeline

NORTHWEST TERRITORIES, NUNAVUT & YUKON

(1) AEDs not mandatory in workplaces; and (2) No AEDs legislation currently in pipeline