

**ELLIOT LAKE COMMISSION OF INQUIRY
POLICY ROUNDTABLES – PART 2
DECEMBER 5 - 6, 2013**

Responses to Policy Roundtable Questions from the Province of Ontario Participants:

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**ROUNDTABLE 1: ISSUES RELATING TO THE CONDUCT AND MANAGEMENT
OF AN EMERGENCY RESPONSE**

1. IMS related issues

a. How can Incident Management System be made more understandable, simpler and still achieve its purposes?

The Ministry of Community Safety and Correctional Services (MCSCS) has reviewed the evidentiary record of Phase 2 of the Inquiry, conducted a further review of the Incident Management System (IMS) for Ontario Doctrine and compared these with the extent to which IMS is actually applied during an emergency response. The response to the Elliot Lake Algo Mall collapse has been cause for the MCSCS to commit to a re-evaluation of the IMS Doctrine to determine what changes may be appropriate to ensure that it can be understood and, to the greatest extent possible, adopted and applied province-wide by all emergency responders.

This re-evaluation will provide the opportunity to revisit the IMS for Ontario Doctrine 2008 (the “IMS Doctrine” or “IMS”), and will include a review of the definitions and terminology used to ensure consistency and acceptance. The IMS Doctrine has not been subject to a review since its inception. As the lead organization that promotes the use of IMS among responding agencies, the MCSCS acknowledges that the lessons learned from Elliot Lake have highlighted the need for this review.

What has become evident is that many stakeholders have different understandings of concepts such as “Unified Command”, and these understandings are not always consistent with what was originally written and endorsed by the IMS stakeholders five years ago. Therefore, the MCSCS intends to consult with stakeholders to review concepts, terms and definitions in the IMS Doctrine, and to revise them as appropriate. The goal is to ensure that stakeholders better understand IMS so that they are encouraged to adopt or continue to use IMS in their emergency response and so that, to the greatest extent possible, there is agreement on how to apply IMS at the scene of an emergency.

At an emergency, police, fire and emergency medical services (EMS) for the local jurisdiction

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are generally the first responders based on their respective legislative mandates. Each agency that responds provides part of the overall response that is required. An emergency response may include (i) resolving the emergency incident and (ii) conducting concurrent and subsequent investigation(s) of the incident by various regulatory and enforcement agencies. No one agency provides all of the required resources and expertise that is necessary. Each person within a responding organization reports to one and only one designated person. The principle of unity of command ensures unity of effort under one responsible supervisor for every objective.

The IMS Doctrine includes both single command and unified command models, either of which may be adopted depending on the circumstances. Unified Command under IMS applies where two or more individuals jointly make command decisions. Under IMS, unified command is expected to apply only in rare circumstances. Based on the MCSCS's review of IMS, it has become apparent that many emergency response organizations have a different understanding of the concept of unified command. Many emergency responders understand "unified command" to refer to multiple emergency responders or regulatory or enforcement agencies working collaboratively with each other with only one leader, namely the Incident Commander, making decisions with respect to the overall response.

In practical terms where more than one agency responds, unified command is established – either formally or informally. The purpose of a doctrine such as IMS is to create a universally-accepted process that recognizes each agency's respective legislative authority to be at the scene, and to coordinate their activities toward a common goal. A number of responding agencies commonly understand the concept of "unified command" as describing this very process of multiple responding agencies coordinating their activities toward a common goal.

It is also commonly understood, whether under this concept of "unified command" or under IMS, that in most cases of an emergency response, a lead person/agency must exist at any given point in time based on the specific circumstances and demands of the incident, and this person will act as the Incident Commander. The MCSCS intends to consult with key partners and stakeholders about the IMS Doctrine to clarify command terminology with the goal of re-establishing a common understanding among emergency responders.

Emergency response scenes are fluid and ever-changing and therefore, as circumstances transition, the Incident Commander may also transition. Command is dynamic and fluid and the transitions that occur during an emergency response may make it appear to observers that there is more than one Incident Commander; however in practical terms there is only one (except in those rare cases in which there are two or more individuals making joint command decisions). IMS is designed to recognize each agency's respective mandate and authority but ensure that only one person has overall command at any given point in time.

Further, from the perspective of the OPP:

- Within the OPP Major Incident Command structure IMS is complementary to and an element of the overall Incident Command structure that the OPP has used successfully for several years.
- IMS is an "administrative" type function implemented during an emergency/natural

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disaster. Within the OPP, Incident Command is operational (“boots on the ground”) and working in a command post, as opposed to IMS which is an administrative type function and working in an Emergency Operations Centre.

- Within the Command Post, all of the IMS functions (operations, planning, logistics, finance and administration) are addressed by the Incident Commander. IMS provides a common language in a multi-agency response.

Therefore, in order to make IMS more understandable, simpler, and ensure it continues to achieve its purpose, the MCSCS proposes that the re-evaluation and validation of the IMS as recommended in the MCSCS Consolidated After-Action Report should be broadened to include the following:

- Establishing the scope of examination, and identifying all applicable documents to be reviewed, including the IMS Doctrine;
- Identifying the variations of IMS or other “incident management systems” currently in use;
- Clarifying the distinctions and interrelationships between the various Incident Command Systems used by various emergency responders including fire, police and EMS;
- Determining necessary training; and
- Clarifying and revising the definition of “Unified Command” within the IMS Doctrine; ensuring that this definition is consistent with the understanding of “Unified Command” among the responding agencies; and ensuring that it is understood that in practical terms the response to an incident requires that there be only one Incident Commander at any one point of time based on specific circumstances.

b. Should Incident Management System be required in emergency management-related legislation?

The Commissioner of Community Safety in his testimony indicated that it was the preference of the MCSCS, and of many of the stakeholders involved in the creation of the IMS Doctrine, that IMS not be mandatory, and that efforts be focussed on encouraging a culture of compliance. However, if IMS were to be required in emergency management-related legislation, the following considerations would need to be examined:

- How to ensure consistency across all responding agencies, considering that there may be a variety of systems already in use by agencies;
- Whether there needs to be allowance for different levels of IMS to be applied based on the specific circumstances of the incident;
- Costs of implementation;

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- Implementation schedule;
- Capacity of the Province and municipalities to provide the necessary training; and
- Who would be responsible for administration/oversight and enforcement.

c. Should Ontario use the same Incident Command System as other jurisdictions in North America?

There is no one common Incident Command System across North America, however, common components exist. The work proposed in Question 1.a to re-evaluate IMS would include reviewing various IMS and ICS in use. Within Ontario emergency response organizations, a variety of incident command systems are used. The MCSCS will undertake to review the variety of systems that are in use in Ontario, in Canada, and elsewhere in North America. Around 2005, the MCSCS conducted an evaluation of the various systems in use provincially, and this could form the basis for a second review.

Regardless of the Incident Command System that is ultimately adopted in Ontario:

- the adoption of the system should provide enough flexibility such that it can be implemented by emergency responders; and
- if revisions to ICS are required in the future there should be a process for review, consideration and implementation of any necessary revisions.

The Incident Command System currently used by the OPP has been validated throughout the years from responding to small and large scale incidents/events, including both planned and unplanned events.

d. Should elements of Incident Management System be mandatory? If so, what elements should be mandatory?

- (i) **Incident Action Plans**
- (ii) **Planning Operation/Planning cycle**
- (iii) **Communications**
- (iv) **Debriefing**

The MCSCS has indicated that it would be preferable that IMS not be made mandatory. However, the MCSCS will review the IMS Doctrine, including those elements listed in this question, and could emphasize the importance of each of these elements in any subsequent editions and could consider whether each element would be required in all instances. The following factors would require consideration if discrete elements of IMS were to be made mandatory:

- Whether certain elements should be made mandatory by legislation/regulation or by another process (for example, through implementation of Memoranda of Agreement);

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- Whether there are alternative means to achieve compliance other than by mandatory compliance;
- How would each element be defined and based on what system;
- What would the impact be if only certain elements of IMS were made mandatory whereas other elements of IMS remained voluntary – could the four elements that are identified be made mandatory to the exclusion of the other elements;
- Would there be enough flexibility to ensure that a prescriptive element still provides for operational flexibility; e.g., a mandatory requirement for a written incident action plan should allow for a verbal plan in urgent circumstances to permit an emergency responder to take appropriate action to save a life; and
- Who would be responsible for administration/oversight and enforcement.

e. Can the terminology involved be clarified and expressed in simpler terms (e.g. Incident Commander)?

The terminology involved can be clarified and expressed in simpler terms and would be reviewed as part of the IMS Doctrine re-evaluation. A common understanding of terminology utilized by first responders would be beneficial. This may include clarifying such terms as emergency response, emergency management, IMS, Unified Command, Single Command, Unity of Command and Incident Command.

f. Should there be a requirement for a preliminary reconnaissance by someone either on the scene or who can be transported there quickly, i.e. by air, especially where the scene is remote from Toronto so planning can begin immediately?

Fire services and police services are generally the first responders to incidents, and based on the nature of the incident one or the other is the lead agency. Both fire services and police services as part of their operations routinely conduct size-up activities/reconnaissance. Based on the initial size-up/reconnaissance the fire service or police service can determine whether additional resources/equipment/personnel/ expertise are required to mitigate the situation, and this may include requesting provincial assistance/resources.

Where provincial resources such as HUSAR are to be deployed to support a local response it would be advantageous to have persons with the expertise, experience and technical knowledge deployed in a timely manner to determine any necessary requirements, including resourcing/equipment, to mitigate the situation. Therefore, the Office of the Fire Marshal and Emergency Management (OFMEM) will assess the situation and consider whether it could dispatch either OFMEM or HUSAR personnel, who would be separate and apart from the main HUSAR deployment, by the most expedient means and dependent upon the incident location.

This type of response could be part of an integrated response team positioned around the

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Province, similar to the model of a “hasty team” within the Search and Rescue (SAR) world. (For clarification purposes, there is a difference between SAR and USAR. SAR is the Search and Rescue of lost persons (e.g. individuals with dementia, lost hunters or children), which falls within the OPP Emergency Response Team’s (ERT) mandate.)

The purpose of the hasty team is to bring a rapid end to a search. By putting a well-trained team into a high probability area ahead of the larger Search and Rescue team, the search leaders are hoping to find the victim with a quick pass.

2. Organization of Search and Rescue Teams

a. What is the role of the Provincial Government in managing, and being responsible for, search and rescue resources?

The Province has in place pieces of legislation that address emergency management, including fire protection and prevention services and policing. These pieces of legislation provide an emergency response framework and are supplemented by MOUs (e.g. the HUSAR MOU between MSCSC and the City of Toronto), assistance request protocols, the Provincial Emergency Response Plan, the Provincial/Territorial Emergency Management Mutual Assistance Agreement and other emergency and hazard-specific response plans.

Currently, municipalities are responsible for the provision of fire protection services. The vast majority of municipalities have limited to no capacity to provide an urban search and rescue capability in response to a building/structural collapse, and therefore, they rely on resources available from the Province. The Province, through the MCSCS – OFMEM and the OPP, currently provides the following search and rescue resources to support local urban search and rescue:

- The Provincial Heavy Urban Search and Rescue Team (HUSAR or CANTF3 – Toronto), as supported by the Province to meet its current mandate as per the current Memorandum of Understanding (2007-2012) between the MCSCS and the City of Toronto;
- The police service/agency of jurisdiction, which manage their respective resources. Each police service/agency ensures standards are in place to respond to a USAR incident/emergency in accordance with the Policing Standards Manual (Adequacy Standards). The resources required will depend on many factors including the type/nature, scope and magnitude of the incident;
- Direct delivery of a Medium Urban Search and Rescue (MUSAR) by the OPP USAR (Urban Search and Rescue) CBRNE (Chemical, Biological, Radiological and Nuclear) Response Team (UCRT). Public Safety Canada outlines the requirements for the various USAR responses, namely light, medium and heavy. A medium response encompasses an operational USAR level and area of response within mutual aid boundaries, one operating day (24 hours), with a victim care capacity of 1-2 critical persons, 5 moderate and 10 minor. The structural response includes all collapsed or failed structures and includes search and rescue operations for heavy timber, reinforced masonry construction, or steel frame. This type of response is balanced with the team's other responsibilities (e.g. CBRNE).

b. Within the Provincial Government, which department(s)/agency(ies) should be responsible for managing search and rescue assets?

The OFMEM should be responsible for managing provincial urban search and rescue assets for

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use in response to a building structural collapse. The OFMEM has the ability to build the necessary capacity that would be required. Municipal fire departments under the authority of the *Fire Protection and Prevention Act, 1997* (FPPA) are the primary agencies that may be authorized to conduct urban search and rescue operations in response to a building structural collapse.

c. Should the Ontario Provincial Police and the Office of the Fire Marshal manage discrete search and rescue resources?

The OFMEM should manage discrete urban search and rescue resources. The OFMEM is more closely aligned to the USAR function as this function is primarily provided by fire services under the authority of the FPPA.

The OPP UCRT has acquired and currently maintains USAR assets in order to respond to incidents specific to its mandate under the Police Services Act for the protection of persons and property.

3. Decentralized Emergency Management

a. Does the model of “bottom-up response” established by the *Emergency Management and Civil Protection Act* and its regulations need to be refined?

The model of bottom-up response as established under the *Emergency Management and Civil Protection Act* (EMCPA) should remain, however, it would be beneficial to review existing emergency plans and procedures made pursuant to the EMCPA and related policies and doctrines and their relationship with legislation such as the *Fire Protection and Prevention Act, 1997*, the *Police Services Act*, and the *Ambulance Act*.

b. Are communities adequately supported by the Province?

Communities in Ontario are adequately supported by the Province. However, the MCSCS intends to review its level of support to identify any areas for improvement, including developing any new tools or supports for municipalities to prepare for or to use during critical incidents.

Currently, provincial support to communities is provided by a number of means. The OFMEM provides support to municipalities to improve their delivery of fire protection services. The OPP provides services to municipalities in meeting their responsibilities under the *Police Services Act*. In accordance with the EMCPA, the Province provides support to municipalities in developing, implementing and coordinating their emergency management programs. Further, through the

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OFMEM, the Province has an MOU with the City of Toronto for HUSAR, and the OPP through their UCRT provides a MUSAR level response capability.

Given the diversity of Ontario and its municipalities and unorganized territories (capabilities, size, geographic location, remoteness, population base, and economic circumstances), it is a challenge for a number of municipalities to maintain/provide an effective and adequate response capability. Municipalities determine their level of fire protection services (including USAR) in accordance with their needs and circumstances (risk assessment). Other types of incidents (e.g. flooding, tornado) are evaluated utilizing the OFMEM Hazard Identification Risk Assessment (HIRA). The HIRA assists emergency managers on how to prevent, mitigate, prepare for, respond to and recover from potential hazards.

The MCSCS Consolidated After-Action Report stated that:

- A sound initial assessment of an incident is essential to ensure that the right people and resources arrive at the scene in the most expeditious way possible. Decisions on the deployment of resources are often done with an EMO Field Officer or Fire Coordinator on the ground, at the request of the municipality, to advise local officials and to make recommendations to the Provincial Emergency Operations Centre (PEOC) on what additional resources are actually needed to address emerging needs.
- When needed, EMO coordinates, through the PEOC, the provincial response to emergencies and critical incidents. EMO may also request assistance from other jurisdictions, non-government organizations and the private sector through the established supply chain and logistics alliance. It must be noted that the ability to obtain resources during an emergency does not rest exclusively with EMO. Municipalities, local police, including OPP detachments, fire services and EMS may also independently obtain additional resources without EMO coordination.

The MCSCS Consolidated After-Action Report recommended that OFMEM should:

- Assess each incident to which it responds, engage municipal officials for the immediate and anticipated required resources, and deploy a Field Officer when necessary;
- Review existing arrangements that assist in identifying provincially-based personnel and equipment that are available to be deployed in a manner that is appropriate given the nature of the incident;
- Enhance Ontario's ability to support the municipal response to building and structural collapse events within Ontario through the adoption of a new building and structural collapse response model, including a review of existing provincial resources to support a municipal response to such events. For example, support for a municipality's response to a building or structural collapse may be provided through the deployment of urban search and rescue teams of various levels and also by providing equipment such as a deployable, interoperable telecommunications capability and by leveraging support for the allocation of an additional 10 Megahertz (MHz) of bandwidth for public safety purposes within the 700 MHz broadcast spectrum through the Federal-Provincial-Territorial (FPT) channels. Industry Canada has already approved the allocation of 10MHz for public safety purposes;

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and

- Consider a change to the current FPPA so as to provide the necessary legislative authority to the Fire Marshal to investigate all building structural collapses no matter their cause.

From the perspective of the OPP and the MCSCS the Ontario Major Case Management (MCM) System is an example of how the Province has successfully used a bottom-up response model to support municipal police services in the context of a multi-jurisdictional investigation:

- The Major Case Management (MCM) System is a case management methodology emphasizing accountability and a multi-disciplinary approach to investigations of major case criteria offences. It comprises a centralized coordinating body, investigative standards covering all areas, standardized training, and common case management technology for use by all Ontario police services during the investigation of criteria offences. The MCM system will also facilitate the coordination of all law enforcement agencies involved in multi-jurisdictional cases. It ensures the sharing of information between investigations in a manner that is based on co-operation among individual police services. The MCM methodology combines unified leadership across police jurisdictions with standardized case management procedures and, inter-disciplinary support from forensic scientists and other agencies. The MCM software provides investigators with the necessary tools to organize, manage, retrieve and analyze the potentially large volumes of investigative data collected during major case investigations.

Command Triangle

- In every threshold major case investigation within a single jurisdiction, a Command Triangle shall be formed, consisting of the functions and responsibilities of Major Case Management, Primary Investigation, and File Coordination.
- In every linked multi-jurisdictional major case investigation, a Command Triangle shall be formed, consisting of the Multi-jurisdictional Major Case Manager and the Command Triangles of the police services involved. The Multi-jurisdictional Major Case Manager shall consider blending the existing Command Triangles.
- In a large or complex investigation, the investigative functions including Major Case Management, Primary Investigation and File Coordination may be performed by different individuals. Alternatively, in a small or less complex investigation, one person may be responsible for more than one function.

c. Is there adequate oversight of local preparedness, such as emergency management plans and related training?

The OFMEM, in accordance with the EMCPA, currently monitors, coordinates and assists in the development and implementation of municipal emergency management programs. There is no

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formal authority, however, to approve these programs. In addition, the OFMEM provides training on IMS for municipal officials and for emergency responders.

The MCSCS in its Consolidated After-Action Report indicated that municipalities and ministries must ensure that their emergency management programs and emergency plans comply with the EMCPA. OFMEM's Program Delivery Section provides regular and ongoing support to Community and Ministry Emergency Management Coordinators and Continuity of Operations Coordinators in order to facilitate the continual improvement of municipal and ministry emergency management programs in Ontario.

The MCSCS is considering a review of its current monitoring and coordinating responsibilities with respect to emergency management programs and related training.

d. Should the Province have responsibility for dealing with specific roles, such as media relations?

Under the EMCPA municipalities are required to have an emergency information officer. The MCSCS acknowledges that the municipality must take the communications lead in an emergency, and the MCSCS will respect the direction of the municipality in terms of what information can be shared publicly. It is ultimately up to the municipality to decide how to manage the incident that affects their own community.

The Province currently assumes responsibility for media relations when the Province deploys provincial resources to support a municipal response. The scope of the Province's responsibility for media relations will depend on the type/nature, scope and magnitude of the incident, particularly if the incident is multi-jurisdictional.

Within the OPP, media relations is an element within the Incident Command system, providing for one point of contact. This ensures consistent and accurate communication of key messages.

As indicated in the MCSCS Consolidated After-Action Report, a working group has been established made up of senior communications management from Cabinet Office, MCSCS and other key provincial ministries.

The MCSCS Consolidated After-Action Report recommended that MCSCS should:

- Review and revise its provincial communications strategy to take into account both municipal and provincial protocols and interests, and set out the need for:
 - Immediate identification of a Provincial communications lead and protocol for critical incidents;
 - Recognition of communications supporting role within IMS;
 - Mutual awareness among deployed provincial staff;
 - Robust event and incident communications management processes; and

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- Increased capacity to provide communications via social media.
- Ensure municipalities and responder organizations have the Provincially-based information they require in order to support the management of local communications and coordinate effectively among all the organizations involved.
- Revise the HUSAR MOU with the City of Toronto to clarify communications roles when HUSAR is deployed.
- Consider activating the MCSCS Ministry Action Group where more than one Division has deployed resources. This activation is meant to ensure divisional leads receive consistent, verifiable information from which forecasting can be based.

e. Should teams, such as Incident Support teams used in the United States, be considered in the Ontario emergency management structure?

Yes, teams of personnel similar to those Incident Support Teams used in the United States could be considered in the Ontario emergency management structure. Currently in Ontario municipalities that participate in the Mutual Aid Program (under the authority of the FPPA) can provide additional resources/staff/equipment to a requesting municipality during a major incident. The current Mutual Aid Program is being reviewed and enhancements are being considered that could include the use of Incident Support Teams (IST), such as those defined by FEMA in their National Urban Search and Rescue (US&R) Response System - Field Operations Guide (US&R-2-FG).

In its Consolidated After-Action Report, the MCSCS recommended for consideration the creation of municipally, regionally and/or provincially-based support teams, staffed with personnel with experience in the management of multi-disciplinary incidents. Such teams would supplement the local resources being applied to a given incident. In 2010, as part of the IMS initiative, EMO and OFM began to explore the feasibility of incident support teams, and this work will continue.

4. Clarity in the relevant legislation

a. Should the *Occupational Health and Safety Act*, its regulations, or policies related to it, specify the powers of Ministry of Labour inspectors in an emergency?

The existing legislative framework is clear. The OHS Act provides for minimum health and safety standards in a workplace and for their enforcement by the Ministry of Labour (MOL). The OHS Act applies to all workplaces under provincial jurisdiction and may be enforced by the MOL at any such workplace. This includes workplaces at which there is an emergency.

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The powers of an inspector defined in section 54 of the OHS Act are applicable in an emergency and are required to ensure that appropriate precautions for the safety of all workers, including emergency responders, are being taken. This requirement is part of the MOL mandate and part of its Order in Council responsibilities for emergencies.

The continuing authority of the OHS Act and MOL inspectors during an emergency is explicitly contemplated by the conflict provisions of the EMCPA which states that in the event of a conflict between either the EMCPA or an emergency order issued by the Lieutenant Governor in Council under that Act and the OHS Act or its regulations, the OHS Act or its regulation prevails [see subs. 7.2(8) of the EMCPA].

Further the OHS Act has a primacy clause which indicates the following:

- s. 2(2) Despite anything in any general or special Act, the provisions of this Act and the regulations prevail.**

The MOL is committed to revising the Policy & Procedures Manual of the Operations Division with respect to emergency situations, including structural collapses and other scenarios that may involve a rescue or recovery. Inspectors will be trained in amendments to the Manual and will be able to rely on it to guide them when exercising their powers under the OHS Act in emergency situations.

The MCSCS and the MOL have initiated discussions to develop a mutual understanding between them on the roles and authority of the staff of each ministry during an emergency. The ministries are committed to jointly developing training or guidance that can be delivered to the first responder community and the MOL inspectorate so that each understands the role of the other.

b. How can the powers and authority of the Ministry of Labour at a rescue/recovery be clarified? How can the manner in which those powers should be exercised be clarified?

The authority of the MOL to enforce the OHS Act applies at an emergency, rescue or recovery. This authority does not require legislative clarity. Other regulators and the first responder community generally understand the powers and role of the MOL.

In practice, inspectors do not assume control of a rescue, leaving the Incident Commander to effect the rescue. An inspector's role at this time would be to monitor for compliance of the OHS Act and take enforcement action if needed. Inspectors would work closely with emergency workers and their employers. They, along with specialized personnel such as engineers, may advise the Incident Commander on OHS Act matters.

How these powers are used is typically dictated by the situation and the inspector's discretion. Guidance with regard to discretion is provided in the MOL Operations Division Policy and Procedure Manual. As noted above, the Manual is currently being reviewed and revised with

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respect to emergency events. Revisions will include policies and procedures that address situations in which inspectors may be working alongside first responders at an emergency event to ensure a clear and consistent understanding of the powers of an inspector, and how those powers are exercised depending on the situation.

The employer, including employers of first responders, is responsible for the first line of clarity by ensuring that newly appointed supervisors are familiar with the MOL's role and powers, as per OHSA clause 25(2)(c), which requires that when a supervisor is appointed by an employer that the supervisor is a "competent person". In OHSA, "competent person" is defined to mean a person who:

- (a) is qualified because of knowledge, training and experience to organize the work and its performance,
- (b) is familiar with this Act and the regulations that apply to the work, and
- (c) has knowledge of any potential or actual danger to health or safety in the workplace.

Having supervisors within the first responder community who are knowledgeable about the role and authority of the MOL would assist all parties and facilitate the MOL effectively carrying out its functions at an emergency.

An indirect way to interact with the first responder community is through the section 21 labour/management advisory committees, which are committees that have been established under s. 21 of the OHSA to advise the Minister of Labour on specialized occupational health and safety matters. There is a committee for police and fire, and there is also an EMS Subcommittee to the Health Care section 21 Committee. Its role is to address EMS issues.

The section 21 committees are co-chaired by Labour and Management representatives from the respective areas. The MOL works collaboratively with the committees.

These committees regularly develop guidance materials for their constituent communities. There may be an opportunity for the MOL to work with the s. 21 committees to ensure that the first responders are knowledgeable about the role and authority of the MOL and how it interacts with their own responsibilities during an emergency.

c. Do any laws need amendment in order to allow responders to access and remove bodies located on private property?

Under the *Coroners Act*, the coroner has authority to examine and take possession of any dead body, and to enter and inspect any place, including private property, where a dead body is (see s. 16). Further, s. 11 of the *Coroners Act* provides that, in cases that may become subject to a coroner's investigation, no person may interfere with or alter the body or its condition in any way without direction by the coroner. Therefore, in those cases, any movement or recovery of a dead body would need to be done in consultation with, and under the direction of, the coroner.

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Fundamentally, it is the opinion of OFMEM that no laws require amendment to allow responders to access and remove bodies located on private property. The FPPA does not distinguish between “rescue” and “recovery”. The FPPA defines fire protection services as including “*fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services.*”

It is the position of OFMEM that the delivery of fire protection services – including rescue and emergency services – under the authority of the FPPA commences at the time of notification of an occurrence and ends when the fire department leaves the scene. All actions undertaken between these two milestones, whether those actions are undertaken in the context of a rescue or recovery, would be consistent with the terms “rescue and emergency services” under the FPPA. Therefore, rescue of a person under the FPPA would encompass all actions undertaken by person(s) operating under the authority of the FPPA up until a live victim has been retrieved or until determination of death has been made and the body has been recovered, and the fire department leaves the scene. There is a continuing authority, therefore, in the local fire department to enter onto private property for the purposes of an emergency response, up to and including making all efforts to access and remove bodies suspected or known to be deceased.

The OFMEM has examined the use of the terms rescue and recovery within the context of the USAR response in Elliot Lake and in the broader context of rescue and emergency response in Ontario under the authority of the FPPA. In the context of the response in Elliot Lake, the terms rescue and recovery were utilized. However the use of the term recovery, although commonly used, is not part of the definition of fire protection services under the FPPA, and is not consistent with, nor does it reflect the actual operations that Ontario fire services provide on a daily basis. When terminology that is inconsistent with actual understanding, training and operations is utilized, it can create confusion. Therefore, in any future occurrence where a building structural collapse occurs, the OFMEM proposes that the term **rescue and emergency services** be utilized to make it clear that the response can include the removal of bodies, whether suspected or known to be deceased, subject to the direction of the coroner where applicable.

5. Directory of Vital Services:

a. Should emergency response-related entities be required to maintain a directory of emergency-related vital services such as heavy equipment and lumber?

The development and maintenance of vital services directories or lists could be implemented; however these types of directories/lists can become outdated and therefore would require updating on a regular basis and as new information is received. Local knowledge is essential, and no list is reliable enough to totally replace it. A list may serve as a base level document for a local community, however local communities retain the best knowledge of the resources available to them, and do not necessarily need to have a list in place for every eventuality.

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OPP Police Orders/standing orders outline that OPP Detachments have to have a vital services directory. Although “vital services” is not defined, OPP Detachments maintain a directory applicable to the needs of the communities they serve (vital services in North East Region will be different from West Region).

Instead of a directory of vital services, the OFMEM on behalf of the Province has created a Supply Chain and Logistics Coordination Alliance in partnership with private sector corporations. The purpose of the Alliance is to ensure the provision of strategic resources when and where they are required during large-scale emergencies. The Alliance involves members from all three levels of government, the broader public sector (e.g. non-governmental organizations), and the private sector, representing all of the strategic sectors, including food and water, fuel, transportation and telecommunications. The Provincial Emergency Operations Centre (PEOC) is responsible for coordinating the Alliance’s resources during emergencies. Representatives from across the Alliance form a Supply Chain and Logistics Coordination team in the PEOC. Strategic requirements are sent to the team from end-users and identified suppliers are linked to the requirements through the efforts of the team. The fulfilment of the requirement is dealt with directly between the end-user and the identified supplier.

The MCSCS Consolidated After-Action Report recommended that the MCSCS further refine a system of operations that incorporates standardized procedures, methodologies, and functions necessary to provide resources effectively and efficiently. These include resource typing, resource ordering and tracking¹, and coordination. The OFMEM will further the work on resource ordering and tracking procedures that may include private and not-for-profit organizations on the resource inventory.

b. What vital services should be required to be included in such a directory?

Refer to Question 5.a above.

¹ Resource typing is categorizing, by capability, the resources requested, deployed and used in incidents. Measurable standards identifying resource capabilities and performance levels serve as the basis for categories. Resource users at all levels use these standards to identify and inventory resources. Resource ordering and tracking are standardized procedures used when an incident occurs. The procedures are meant to identify resource requirements, order and acquire resources, and mobilize resources. The purpose of tracking and reporting is accountability. Resource accountability helps ensure responder safety and effective use of incident resources. As incident objectives are reached, resources may no longer be necessary. It is at that point when the recovery and demobilization process begins.

ROUNDTABLE 2: ISSUES RELATING TO THE ENTITIES THAT MAY RESPOND TO AN EMERGENCY

1. What should be the future of the Province’s urban search and rescue resources?

a. Is there a role/requirement for a heavy search and rescue team?

Yes, there is a role and a need for a heavy urban search and rescue team (HUSAR) in the Province of Ontario. The Province has completed a risk assessment for building structural collapses. This assessment has determined that the risk of a building structural collapse is moderate (risk is the product of frequency of incident occurrence and extent of consequences). Ontario’s risk – including its current building infrastructure, geography and the make-up of its communities – presents challenges that would most effectively and efficiently be addressed by a HUSAR team. HUSAR has the ability to address a massive structural collapse and provide an extended sustained response.

It is important that the HUSAR team be self-sufficient, as many municipalities would not have the required accommodations/infrastructure to support the team. The loss of JEPP funding from the federal government may pose fiscal challenges for the continuation of the HUSAR team.

The MOU with the City of Toronto is currently under review. An option for consideration is that the OFMEM, as the primary provincial agency responsible for the administration of HUSAR when it is deployed as a Provincial asset, be allocated an expanded capacity to provide reconnaissance, expertise and program management of the MOU with the City of Toronto in support of the HUSAR program.

The MCSCS Consolidated After-Action Report recommended that the MCSCS enhance Ontario’s ability to support the municipal response to building and structural collapse events within Ontario through the adoption of a new building and structural collapse response model. The MCSCS will also review existing provincial resources available to support a municipal response to such events. For example, support for a municipality’s response to a building or structural collapse may be provided through the deployment of urban search and rescue teams of various levels.

b. Should there be more medium and/or light teams?

The Commissioner of Community Safety in his testimony indicated that OFMEM conducted a provincial risk assessment of the structural collapse hazard and is considering the optimal provincial resources through the possible combination of light, medium, and heavy response teams. This work is in progress.

c. Where should they be located?

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The HUSAR team is and should be located in the City of Toronto. Should additional teams be required the location of these teams could be determined based on a number of factors, including risk and local capabilities. The current CBRNE model has Technician level teams located in Windsor, Toronto, and Ottawa, and Operation level teams in Thunder Bay, Sault Ste. Marie, Peterborough, Cornwall, North Bay and Waterloo Region. The CBRNE model locations could serve as a guide to potential locations, but this would require further evaluation.

d. What should be the expertise and capabilities of these teams?

The MCSCS Consolidated After-Action Report recommended that the MCSCS enhance Ontario's ability to support the municipal response to building and structural collapse events within Ontario through the adoption of a new building and structural collapse response model, including a review of existing provincial resources to support a municipal response to such events.

The Ontario model could be based on a customized approach based on international best practices for the risk level to be addressed, as it would be necessary to build the team(s) to meet the risk and service level as determined. A preliminary review of international best practices has included:

- Public Safety Canada – Canadian Urban Search and Rescue (USAR) Classification Guide;
- National Fire Protection Association Standard 1670: Operations and Training for Technical Rescue Incidents (NFPA 1670);
- Federal Emergency Management Agency (FEMA) National Urban Search and Rescue Response System Field Operations Guide (US&R-2-FG);
- FEMA National Urban Search & Rescue Response System - Rescue Field Operations Guide (US &R-23-FG); and
- United Nations International Search and Rescue Advisory Group (INSARAG) Guidelines and Methodology.

Further analysis is required to develop an Ontario model with applicable policies/guidelines for USAR based on documentation from FEMA/INSARAG/NFPA/Public Safety Canada and others as identified. The Ontario model will specifically evaluate the use and access of cranes and other heavy equipment for both internal and external rescue operations, and worksite triage and structural evaluation. Revisions to the current MOU with the City of Toronto may be required and these will have to be further discussed with the City of Toronto.

e. How should sites far from Toronto, especially in Northern Ontario, be accessed more quickly?

- (i) Can other entities, such as Ontario Mine Rescue, be integrated into the current**

emergency response structure, at least in some areas?

(ii) Can Federal assets, such as cargo transport planes, be deployed?

In order to assess the ability and capacity to access sites, especially in Northern Ontario, more quickly, the following considerations would need to be examined:

- As part of an emergency response, entities outside of government with the required expertise or resources may be called upon to assist. Before any other entities could be integrated into the current emergency response structure, there would be a need to assess whether the entity has the legislative authority, capability, training and expertise to assist with the emergency response.
- Ontario Mine Rescue is staffed by volunteers who have signed up and been trained for a specific purpose that involves specific skill sets; it is not clear that these are well-suited to emergencies such as structural collapse. For example, mine rescue workers would not have knowledge relating to building construction or the properties of concrete, two areas that would be relevant for first responders in a structural collapse.
- While the MCSCS has the ability to access federal assets, including cargo planes, this must be evaluated on a case by case basis for a HUSAR deployment or for any other response. For example, the use of these types of assets may not be the optimal solution due to logistics, airfield capabilities, and local resources that would be required to move assets from an airport to the incident location. However, there are situations where federal assets are beneficial and could be utilized. In November 2008 during Exercise Trillium Response (Thunder Bay) the Toronto HUSAR Team (CAN-TF3) was airlifted by the Canadian Armed Forces to Thunder Bay. CAN-TF3 was certified by the Canadian Armed Forces for air transportation.

2. Deployment of search and rescue assets

a. How can it be assured that sufficient personnel are deployed to particular emergencies?

In order to ensure that sufficient personnel are deployed to particular emergencies, as part of the initial size-up and reconnaissance a preliminary assessment should be undertaken to determine what resources (within the context of deploying a provincial asset such as HUSAR) may be required to mitigate a particular situation initially and in the medium-term. Once on scene, the USAR lead will then continually evaluate and identify actual/anticipated personnel needs.

As stated above in the answer to Roundtable 1, Question 1.f, where provincial resources such as HUSAR are deployed to support a local response the OFMEM will assess the situation and consider whether it could dispatch either OFMEM and or HUSAR personnel who would be

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separate and apart from the main HUSAR deployment.

At present only the Toronto HUSAR Team and the OPP UCRT have the number of trained personnel that would be required for particular emergencies, including emergencies similar to Elliot Lake. The MOU with the City of Toronto is under review, and there are elements of the MOU that will be revisited, including deployment, numbers of persons and their functions.

b. How can it be assured that sufficient personnel are deployed with training in specialized areas such as rigging, planning?

The MCSCS, as part of its review of the USAR model for Ontario, will evaluate the FEMA Task Force Teams composition and the INSARAG LIGHT/Medium and Heavy USAR Team composition, including the number of team members deployed and their specific competency in relation to rigging and planning. The results of this review may inform part of the review and update to the MOU with the City of Toronto for HUSAR.

c. Can response time be improved? Is six hours the best possible mobilization time that can be expected for a heavy team?

The six hour mobilization time allows for the Toronto HUSAR to muster staff and to backfill positions of personnel who may be on duty. As indicated above, the OFMEM will assess the situation and consider whether it could dispatch either OFMEM and or USAR personnel separate and apart from the main HUSAR deployment to arrive at the scene earlier than the remainder of the team.

In order to assess whether response times can be improved, the following considerations would need to be examined:

- Different USAR models may have different performance requirements, which may be based on international best practices and benchmarks, including for mobilization; and
- As part of the review and update to the MOU with the City of Toronto, the OFMEM will work with the City of Toronto HUSAR team and revisit the mobilizations and deployment protocols to identify potential opportunities for improvement. Further, the OFMEM would monitor the capability and work with the City of Toronto to make improvements as appropriate.

3. Jurisdiction/Command and Control

a. When more than one entity responds to an emergency, how should command and control operate? (i.e. who should be in charge?)

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When more than one entity responds to an emergency, command and control should operate under one Incident Commander and support unity of command principles. The local authority during a municipally-declared emergency should provide the Incident Commander, which is consistent with the bottom-up model of the EMCPA. The revisions to the IMS Doctrine as discussed previously should be used as an opportunity to emphasize this.

Further, in the MCSCS Consolidated After-Action Report it was recommended that, where necessary, the MCSCS provide guidance to the local first responders to ensure an appropriate incident command structure is set up in the initial stages of a response; and that it ensure there is a mutual understanding of the command structure among the local first responders and any provincial teams that respond to an incident so that all responders know who is in command.

From the perspective of the OPP, there must be one person who is ultimately responsible to make the final decisions as Incident Commander. When more than one entity responds to an emergency, the OPP identifies who is in charge through its tested and validated Incident Command system. Factors to be considered include the type and nature of the incident, scope, magnitude and complexity.

Within the OPP, the approach to major incident response distinguishes between incident command and incident management.

- Incident Command is a system of command and control with a single overall commander with ultimate responsibility/final say.
- In a multi-agency environment a unified command post is established where individual agency Command leads work co-operatively and ultimately report to the single overall commander.
- Each Command lead retains command authority over their respective agency's assigned units/personnel/resources/assets.
- Front-line resources of each agency execute tactics and strategies in accordance with the agreed upon plan.
- The Incident Commander manages the response to a major incident. The duties of an Incident Commander are as follows:
 - to take command/control of the major incident;
 - to retain command/control until the situation is resolved/relieved.
- The Incident Commander is the “final decision maker” in continuous consultation with the various entities (e.g. Fire, EMS, MNR, MOE, police services) and the subject matter experts in order to make the most informed decisions.
- Each entity is represented in the Incident Command Post to ensure order and reduce confusion.

Where other provincial and/or municipal resources are deployed to an incident the UCRT

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would work collaboratively with these resources. This would be accomplished by instituting a unified command structure with an overall Incident Commander as the final decision maker. Depending on the nature of the incident the Incident Commander could be a trained OPP Incident Commander or a representative of another responding agency.

While the MOL may be on the scene enforcing the OHSA, the employer of first responders should ensure that the command structure includes their own safety officer, as safety of the workers is the responsibility of the workplace parties (employer, supervisor and worker).

b. Should there be a more specific command structure within individual entities and between different entities (e.g., the command structure within TF3 and the command structure between TF3 and UCRT)?

Yes, there should be a more specific command structure within individual entities and between different entities. In practical terms, where more than one agency responds, unity of command is paramount and all responders must recognize each agency's respective legislative mandate to be at the scene. In all cases, a lead person/agency must exist at any given point of time based on the specific circumstances, and this person is the Incident Commander. This designation is determined by the circumstances present as well as which agency has the primary responsibilities, and the greater jurisdictional authority/function.

In the Consolidated After-Action Report, the MCSCS indicated that the review of the HUSAR MOU will address the deployment protocol such that there is an appropriate incident command structure into which TF3 can connect when it is deployed as a provincial asset. The OFMEM will ensure for future deployments of a provincial specialized USAR team, no matter the cause, that there is a clear incident command system being applied locally and that provincial representatives understand their roles and responsibilities within the incident management structure in support of a coordinated response. Further the OFMEM will ensure an appropriate incident management structure is in place locally when a provincial team is deployed so that there is a mutual understanding between local and provincially-based responders of each other's respective role/function within the command structure upon arrival.

4. Consistency in Response

a. Should there be greater consistency in training standards among emergency-related entities?

Yes, there should be greater consistency in training standards among emergency-related entities. The MCSCS will be reviewing and revise the IMS Doctrine in consultation with key stakeholders, and will be reviewing the current model for USAR in Ontario, that will include a

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review of international best practices for USAR response. To assist in determining how to achieve greater consistency in training standards the MCSCS has identified the following considerations that would need to be examined:

- Agreement on what standards would be utilized;
- Determination based on the service provided where there are gaps that may need to be addressed; and
- Review of applicable legislation affecting each emergency entity and identification of impacts.

b. Should emergency-related entities train together more frequently?

Yes, emergency-related entities, particularly those that may be potentially working together at emergency scenes, should train together more frequently. The MCSCS Consolidated After-Action report recommended that there be additional opportunities for joint training and interaction between members of UCRT and HUSAR.

c. How can uniformity in communications (e.g. radio communications) be improved?

Uniformity in communications (e.g. radio communications) may be enhanced by:

- Supporting the implementation of a deployable interoperable telecommunications capability to facilitate information sharing among emergency responders from different response agencies at the incident scene;
- Leveraging the support that exists among stakeholders for enhanced technical interoperability by continuing to advocate for the allocation of an additional 10 Megahertz (MHz) of bandwidth for public safety purposes within the 700 MHz broadcast spectrum through Federal-Provincial-Territorial channels;
- Determining what systems are available to ensure radio interoperability;
- Determining the means to implement this system, including funding; and
- Examining the current system to determine what the requirements are, and what gaps may currently exist.

The OFMEM is currently working on a project to enhance radio communications in situations where multiple agencies respond to an incident and each brings their own communications equipment.

The OPP's Provincial Communications Support has created an inventory for a Rapid Deployment Kit which contains a device called an ACU-M which can be utilized to link various portable radios together for deployed local interoperability with partnered emergency response agencies.

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It should be noted that utilization of the telecommunication interoperability devices, while useful, cannot replace effective communication strategies such as those outlined within the OPP's Major Incident Command structure.

d. How can terminology used by different emergency-related entities be more consistent (e.g. incident commander, action plans)?

Terminology used by different emergency-related entities can be made more consistent. This can be achieved through the review of the IMS Doctrine, as described in the response to Roundtable 1, Question 1.a. Further, opportunities for joint training can also be used as an opportunity by emergency responders to apply terminology with other entities and to identify any inconsistencies so that they can be made more consistent.

5. Role of Engineers

a. Should search and rescue teams be required to have a structural engineer as part of their team?

Structural engineers are another tool that can provide hazard recognition and assessment along with advice as to possible management of hazards in a building collapse. Without a structural engineer an analysis of a building collapse is incomplete. This could place the safety of workers at risk.

A HUSAR team should have structural engineers as part of the team. The Toronto HUSAR is comprised of up to 68 personnel and, as required by the MOU, the team has two Structural Engineers. Further, both FEMA Type 1 Task Force Organizations and the United Nations INSARAG HUSAR Teams have Structural Engineer/Structural Specialists assigned.

The OPP UCRT does not have a structural engineer assigned but will consult with an engineer as required. From a fiscal perspective, given the low number of USAR-type incidents that the team responds to annually, it would not be viable to maintain an engineer on staff.

Search and rescue teams may have access to structural engineering advice and assistance from the local municipality.

b. What should be the role of a structural engineer in a rescue involving a collapsed or partially collapsed structure?

The role of the structural engineer would be to provide professional engineering advice and

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assistance in support of the Incident Commander to achieve the objectives established within a validated Incident Action Plan.

A structural engineer should be available to identify hazards in terms of structural stability and recommend solutions to minimize the risk for the rescuers.

c. Who should fill the role of engineer in such incidents (MOL, private industry)?

The role of the engineer in such incidents should be filled by the engineers that are part of the HUSAR team.

Further, engineering advice could be obtained by local building officials and/or structural engineers on staff or retained for the purposes of the incident. An engineer from private industry could potentially also fulfill this role but an agreement with that engineer should be established to ensure the engineer's availability to respond to an emergency, and to set out the engineer's role and responsibilities.

It should be an engineer who is specifically trained to conduct a risk assessment and provide solutions for stabilizing the damaged structure. The MOL employs professional staff with a range of expertise, but this expertise is focused on issues related to workplace safety. Some emergency situations may require a level of experience and a degree of expertise that MOL staff would not require in their work with the Ministry. While the MOL may provide expert advice in a rescue or recovery situation where it has the resources and technical expertise to do so, not all MOL engineers have the expertise to provide advice on stabilization of a damaged structure. It must be remembered that the MOL has no formal participatory role in a rescue or recovery (though officials may be on site to enforce the OHS, as noted above) and those with a formal role in rescue should not anticipate that an MOL engineer with relevant structural knowledge will be available to attend every scene at which a search and rescue team is activated. However, as occurred in Elliot Lake, any MOL engineer who *is* on the scene will assist respecting matters within his or her areas of expertise.

d. Where should the engineering resources be located?

For a HUSAR team engineering resources should be within the vicinity of the City of Toronto so that they are available upon mobilization. If HUSAR is not part of the response, engineering resources may otherwise be obtained locally if they are required as part of the response.

6. Equipment and Expertise

a. Are there gaps in equipment that is accessible by emergency-related assets?

In order to identify any gaps in equipment accessible by emergency-related assets, the MCSCS will evaluate the urban search and rescue methodologies utilized by FEMA of the United States Department of Homeland Security, and INSARAG of the United Nations Office for the Coordination of Humanitarian Affairs.

The purpose of this evaluation is to determine what requirements in terms of equipment might be included in Ontario’s model for providing a HUSAR-level response capability, including the access and utilization of cranes and other heavy and specialized equipment. It would not be necessary for HUSAR to own its own crane, but it may be a requirement, depending on this review, that a crane be obtained, with persons trained to operate that equipment.

The Toronto HUSAR team currently has a cache of equipment pursuant to internationally-recognized guidelines. The OFMEM can provide additional equipment and support to the HUSAR team in obtaining supplementary equipment and supplies. The Logistics Section within IMS is tasked with obtaining any necessary additional equipment from a variety of sources.

b. Are there gaps in the training related to heavy equipment?

The Toronto HUSAR team provides training based on the equipment that it utilizes and in accordance with NFPA 1670. As part of its review of the HUSAR-level response capability in Ontario, MCSCS will also review the equipment requirements (including cranes and other heavy and specialized equipment) and the training requirements that are necessary. This evaluation will specifically review the utilization of triaging systems that are employed by both FEMA and INSARAG that provide guidance on rescue procedures. As negotiated with or agreed to by the City of Toronto, a revised MOU could establish additional equipment and training requirements.

The OHSA requires an employer to provide information, instruction and supervision to a worker to protect the health or safety of the worker [clause 25(2)(a)]. This is a broad, general provision that is intended to ensure that training is appropriate to the task being performed. If an inspector finds gaps in training in a specific workplace, he or she could order corrective action under this provision.

It is the responsibility of the Ontario College of Trades under the *Ontario College of Trades and Apprenticeship Act, 2009* (OCTAA) to establish “compulsory trades”, meaning skilled trades that a worker is prohibited from engaging in without specialized training and a qualification certificate.

Operations of certain types of cranes have been established as compulsory trades by the College. In addition, the Construction Projects regulation (O. Reg. 213/91) specifically requires that

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certain crane operators be certified. In other words, operating the crane in question without appropriate certification would be a violation of both the OCTAA and the OHSA.

Operation of dozers, excavators, and tractor loader backhoes are three areas that the College has established as “voluntary trades”. One is able to obtain a certificate of qualification with respect to operating these types of heavy equipment, but one is not required to have certification to operate them under the OCTAA. Similarly, the Construction Projects regulation does not require operators of these machines to be certified.

Expanding the areas of compulsory trades with respect to heavy equipment would necessarily involve consultation with the College. Further, any gaps in required training for heavy equipment would have to be reviewed in the context of the training regime established by the Ontario College of Trades.

c. If so, how can those gaps be filled?

Municipalities have a role in providing equipment that may be required by emergency responders during an emergency. The Logistics Section within IMS is intended to provide for all supporting resources, except aviation, to the incident. The responsibilities of the Logistics Section include obtaining essential personnel, equipment and supplies beyond those immediately accessible to operations.

As gaps are identified during a response, it would be the role of the Logistics Section to fill in those gaps by obtaining the necessary resources. This may be achieved through the Supply Chain and Logistics Coordination Alliance, local OPP directories, municipal resources/local knowledge, and by information maintained by the OFMEM on equipment resources of fire departments in Ontario.