

**2007/07/17-07****THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA**  
**RESOLUTION OF THE BOARD OF DIRECTORS****RE: Volunteer Members of Fire Brigades****WHEREAS:**

Pursuant to section 82 of the *Workers Compensation Act*, RSBC 1996, Chapter 492 and amendments thereto ("*Act*"), the Board of Directors must set and revise as necessary the policies of the Board of Directors, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

**AND WHEREAS:**

The definition of "worker" under section 1 of the *Act* includes a member of a fire brigade ("volunteer firefighter") working with or without remuneration when serving a municipality, a regional district, an urban area, an improvement district or other form of local government;

**AND WHEREAS:**

Policy item #7.10 of the *Rehabilitation Services and Claims Manual* ("*RS&CM*") provides guidance on coverage for volunteer firefighters;

**AND WHEREAS:**

The Volunteer Firefighters Association of British Columbia has requested that WorkSafeBC ("WCB") policy be reviewed to provide policy clarification on workers' compensation coverage for volunteer firefighters;

**THE BOARD OF DIRECTORS RESOLVES THAT:**

1. Amendments to policy item #7.10 of the *RS&CM*, Volume II, attached to this Resolution as Appendix A, are approved and apply to all injuries on or after October 1, 2007.
2. This resolution is effective October 1, 2007.
3. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, July 17, 2007.

**By the Workers' Compensation Board**

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**ROSLYN KUNIN, VICE-CHAIR  
BOARD OF DIRECTORS**

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#### **#7.10** ~~Members of Fire Brigades~~ Coverage for Volunteer Firefighters

Individuals volunteering as a firefighter for a municipality or other form of local government are given coverage by the definition of “worker” under section 1 of the Act.

A volunteer firefighter may also include an individual at the scene of a fire, who is requested to assist by the Fire Chief, or authorized designate, and whose name is recorded. Only those individuals under the direction and control of the Fire Chief or authorized designate are covered.

A volunteer member of a fire brigade ~~firefighter~~ **is** ~~may be~~ entitled to compensation for injuries **or death** arising out of and in the course of the activities of the fire brigade ~~department~~. This involves activities related to the process of firefighting even though not actually occurring while fighting a fire or during a drill or practice. It includes activities within the environs of the fire hall which are authorized and under the direction and control of the Fire Chief, such as activities involving maintenance to the building or equipment, snow clearance, etc. Coverage applies in the case of participation in practices, but not to travel to and from practices. However, there would be coverage in an actual emergency where the member is travelling to the firehall or the fire in response to the siren or returning home or to the member's regular job after the fire.

#### **A. Travel**

Volunteer firefighters are not covered for injuries or death which occurs while routinely commuting to and from the fire department.

A volunteer firefighter's travel may be considered part of his or her activities of the fire department when:

- in response to an emergency call out, the volunteer firefighter is directed by the Fire Chief or authorized designate, to travel to the fire hall, a fire or other site of emergency; and
- while returning to the volunteer's home or regular job after attending to the emergency duties, via the most direct route without departure for personal reasons.

If the volunteer firefighter's injury or death results primarily from the activity associated with the urgency of the preparation for travel, it may be considered to arise out of and in the course of the activities of the fire

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department, and therefore be compensable. This is an exception to the general rule that workers who are employed to travel are considered to be in the course of the employment only from the time the worker commences travel on the public roadway.

#### **B. Emergency Response Duties**

In addition to fighting fires, a volunteer firefighter's duties may also include responding to various emergency situations such as:

- **facilitating evacuations;**
- **performing rescues;**
- **controlling hazardous substances;**
- **providing traffic control;**
- **disaster planning/response; and**
- **other related duties assigned by the Fire Chief or designate.**

#### **C. Participation in Practices and Drills**

An injury or death that occurs during a volunteer firefighter's participation in practices or drills may be considered to arise out of and in the course of the activities of the fire department, if participation was undertaken at the direction of the Fire Chief or authorized designate, regardless of whether the practice or drill takes place at the fire hall or some off-site location.

Practices include training sessions that involve the teaching of vocational or practical skills specifically related to those used within the fire department, such as live firefighter training.

#### **D. Other Employment Activities**

##### **i. Maintenance Duties**

An injury or death that occurs during a volunteer firefighter's maintenance of the building or equipment within the environs of the fire hall may be considered to arise out of and in the course of the activities of the fire department, where the volunteer firefighter is authorized and under the direct supervision and control of the Fire Chief or authorized designate.

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#### ii. **Public Relations Activities**

**An injury or death that occurs during a volunteer firefighter's participation in public relations activities may be considered to arise out of and in the course of the activities of the fire department.**

**Public relations activities may include participation in recruitment, charity drives and safety education.**

**Factors that may weigh in favour of coverage for injuries or death that occur during a volunteer firefighter's participation in public relations activities, include whether the participation:**

- **is for the benefit of the fire department;**
- **was undertaken at the direction of the Fire Chief or authorized designate;**
- **involved using equipment supplied by the fire department;**
- **was during a time when the fire department was operational; or**
- **was considered to be part of the volunteer firefighter's duties.**

**No single factor is determinative. The more tenuous the connection to the activities of the fire department, the less these factors favour coverage.**

**EFFECTIVE DATE:** October 1, 2007

**CROSS-REFERENCE:** **Policy items #14.00, *Arising Out of and in the Course of Employment*; #18.00, *Travelling To and From Work*; #20.00, *Extra-Employment Activities*; #20.20, *Recreational, Exercise or Sports Activities*; #20.30, *Education or Training Courses* and #20.50, *Fund Raising, Charitable or Other Similar Activities***

**APPLICATION:** **Applies to all injuries on or after October 1, 2007.**