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Date October 10, 2023 **Report No.** 2023-572

To Chair and Members
Committee of the Whole Planning and Administration

From Todd Binkley
Fire Chief

1.0 Type of Report

Consent Item [X]
Item For Consideration []

2.0 Topic Fire Department Staffing impact due to employees who are on Presumptive Leaves through the Workplace Safety and Insurance Board (WSIB) [Financial Impact: Estimated (\$108,450)]

3.0 Recommendation

- A. That report 2023-572 titled Fire Department Staffing impact due to employees who are on Presumptive Leaves through the Workplace Safety and Insurance Board (WSIB) BE RECEIVED; and
- B. THAT the Fire Chief BE DIRECTED to hire probationary firefighters/communications dispatchers to replace current fire department employees who are off on WSIB presumptive leaves in excess of six (6) months plus one day.

4.0 Executive Summary

The Brantford Fire Department responds to many emergency incidents that expose firefighters and fire dispatchers to situations that are highly stressful, dangerous, and even traumatic. Exposure to these incidents can increase the

risk of the development of occupational mental stress and post-traumatic stress disorder (PTSD).

The *Workplace Safety and Insurance Act, 1997* (WSIA) legislates that first responders, including firefighters that are diagnosed with PTSD are presumed to be caused by the workplace.

Since, this legislation was passed in 2016, fifteen (15) Brantford fire employees have been off on WSIB PTSD claims. When employees are on WSIB claims they are not replaced and this reduces the number staff available to work.

Fire department staffing is a council set fire protection service level based on the needs and circumstance of the community. The minimum staffing level refers to minimum amount of fire suppression and communications personnel needed on duty to staff all front line apparatus and the communication center.

In 2022, Council approved the hiring of eight (8) additional firefighters to fully staff the aerial downtown, and increased minimum staffing to twenty one (21) firefighters on duty. This increased the fire suppression personnel per platoon to twenty nine (29). The number of personnel assigned to a Platoon and available to work a twenty-four (24) hour day is thirty-one (31) per day, which is comprised of twenty nine (29) suppression firefighters and two (2) communication operators.

Thirty-one (31) personnel per platoon allows the Department to meet minimum staffing and account for personnel off on legislative leaves. Legislative leaves include vacation, statutory holidays, bereavement, parental, sick, and WSIB leaves.

The Department attempts to manage all of these legislative leaves through effective policies and minimize the amount of overtime needed for minimum staffing. However, the number of individuals that are on approved WSIB PTSD claims and non-occupational injuries/illnesses reduces the number of available personnel per platoon and necessitates the use of overtime to maintain minimum staffing.

Since the legislation was passed in 2016, fifteen (15) Brantford firefighters and communication dispatchers have been on WSIB PTSD claims. Eight (8) employees have currently not returned to work and the average claim length is 735 days.

The overtime costs in 2022 to maintain minimum staffing accounted for 6,901 hours, at an estimated cost \$519,576. Overtime hours are trending at more than twice the amount as last year, and staff are projecting a significant increase for overtime in 2023.

Hiring probationary firefighters/communicators to replace employees on WSIB leaves provides the Department with a cost saving solution to more closely maintain our active fire suppression/communications force of 116 firefighters and eight (8) Communicators. The purpose is not to increase the number of active firefighters or communicators above the normal compliment, but to reduce the overtime costs to the Department.

This solution assists the Fire Department with delivering efficient fire protection services and relieves operational stress and fatigue created when active firefighters work excessive amounts of overtime.

5.0 Purpose and Overview

The purpose of this report is to inform Council of the impact that approved WSIB presumptive mental health leaves have on minimum staffing levels within the Brantford Fire Department and seek Council's approval to hire probationary firefighters/communication dispatchers to replace employee's that have been on WSIB PTSD leaves in excess of six (6) months plus one day.

6.0 Background

The Brantford Fire Department responds to fires, specialized rescues, and medical emergencies in the City of Brantford twenty-four (24) hours per day, every day of the year. Firefighters and Fire Dispatchers are on the frontlines serving the community and are regularly exposed to incidents that are potentially highly stressful, dangerous, and traumatic.

Exposure to these types of events have been associated with an increased risk for the development of occupational mental stress illnesses and injuries, including post-traumatic stress disorder (PTSD). Various studies indicate that there is between a seven (7) and thirty seven (37) percent prevalence rate of PTSD symptoms amongst firefighters.

In 2016, the Ontario Government passed the *Supporting Ontario's First Responders Act*. This legislation amended the *Workplace Safety and Insurance Act, 1997* (WSIA) and the *Ministry of Labour Act* to support first responders with PTSD. Under WSIA, it is presumed that a first responder, including firefighters

that are diagnosed by a psychiatrist or psychologist with PTSD do not need to establish a link to a workplace event.

To be eligible for a WSIB PTSD claim an employee must meet the following criteria to be presumed to have resulted from their workplace

- Must have been employed as a first responder for at least one day on or after April 6, 2014
- Must be diagnosed with PTSD by a psychologist or psychiatrist
 - On or after April 6, 2014
 - No later than 24 months after the day they cease to be employed as a first responder
- Must be diagnosed as described in the DSM-5

Since, this legislation passed in 2016, fifteen (15) firefighters/communication dispatchers in Brantford have been on approved WSIB PTSD leaves. When employees are on WSIB leaves they are not replaced and thus reduce the number of personnel available to work.

To enable the fire department to meet our obligations for emergency response the City must employ a determined number of firefighters and dispatchers. Fire Department staffing is based on community needs and circumstances, and is a Council directed fire protection service level. The minimum staffing level is comprised of Fire Suppression and Communication Dispatchers and is the minimum amount of personnel needed to staff all emergency apparatuses and the Communications Center. Current minimum staffing is twenty three (23).

In 2016 Council approved the recommendations in Report PHSSS2016-57 and directed the Fire Chief to maintain a minimum fire suppression staffing level of nineteen (19) firefighters on duty at all times to support public and firefighter safety. At this time, the full complement of the fire suppression division was one hundred and eight (108) full-time personnel, divided into four (4) platoons of twenty seven (27). The platoons work twenty four (24) hours shifts on rotational bases.

In 2022, Council approved the hiring of eight (8) additional firefighters to fully staff the aerial downtown, and increase minimum staffing to twenty one (21) firefighters on duty. This approval allowed the Department to meet National Fire Protection Association (NFPA) 1710 – Standard for the Organization and

Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations , respond to more calls in the downtown core, and more effectively meet fire suppression performance benchmarks. This increased the number of fire suppression personnel per platoon to twenty nine (29). This was the first increase of suppression personnel since 2004.

The number of personnel assigned to a Platoon and available to work a 24 hour day is 31 per day, which is comprised of 29 suppression firefighters and 2 communication operators. To meet the required minimum daily staffing 23 personnel (21 suppression and 2 communicators) must be working in any 24 hour period. This provides for:

- 23 on duty staff
- 6 scheduled off on vacation or lieu days
- 2 for unplanned absences

Day to day staffing levels are affected by legislative leaves that reduce the amount of employees per platoon that are available to work. Legislative leaves include:

Vacation Entitlement: Fire Suppression and Communication Staff receive vacation as outlined in the Brantford Professional Firefighters Association (BPFFA) Collective Agreement and can be up to six (6) weeks annually for senior employees.

Statutory Holiday: In accordance with the collective agreement Fire Suppression and Communication members receive thirteen (13) days annually. One (1) day equals twelve (12) hours.

Sick Time Leave: The collective agreement provides for employee sick time. Average sick time in the Suppression/communication division is 66 hours annually.

Bereavement Leave: bereavement leave is provided in the collective agreement

Pregnancy and Parental leave: Parental and pregnancy leave is legislated in the Employment Standards Act. Over the past decade provincial legislation and federal Employment Insurance (EI) changes, as well as improved bargained changes have increased the length of these leaves. Recent trends at the BFD are demonstrating more Firefighters are taking parental leaves.

Workplace Injuries: Firefighters are entitled to the same WSIB provisions as all workers in Ontario. In addition firefighters are granted presumptive legislation in three (3) areas (occupational cancers, heart injuries, and post-traumatic stress disorder).

Training Demands: The necessary training required for firefighters to maintain and improve the skills needed to be competent and safe in multiple disciplines is very extensive and time consuming. The majority of this training is accomplished when firefighters are on shift. However, some specialized training cannot be conducted on shift or requires the travel to training facilities offsite. Additionally, it is not always possible for the Fire Department to schedule the training during the period a firefighter is off duty thus impacting staffing levels.

The Fire Department attempts to manage these legislative leaves appropriately through effective policies to minimize the amount of overtime needed to achieve minimum staffing. However, the number of individuals that are on approved WSIB PTSD claims and non-occupational injuries/illnesses reduces the number of available personnel per platoon, and necessitates the regular daily calling of off duty staff in for overtime.

7.0 Corporate Policy Context

City of Brantford People Master Plan, Strategic Focus Areas:

#3 - Build Employee and Organizational Capacity - implementing annual learning plans, expanding key performance indicators and developing a succession management plan will be key actions required in this category.

#4 - Safe, Healthy and Inclusive Workplace – Continuing to focus on core safety services and meeting legislated requirements including advancing and supporting Respectful Workplace initiatives and ensuring the City is supporting employee wellness and mental health will assist the City to being a leading employer

8.0 Input From Other Sources

Human Resources and Finance Department have provided input into this report.

9.0 Analysis

The Brantford Fire Department Suppression Division responds to fires, specialized rescues, and medical emergencies in the City of Brantford twenty-four (24) hours per day, every day of the year. Firefighters also play a major role in public education, public relations, and community engagement. To ensure that the department meets the Council approved fire protection service level pursuant to the Establishing and Regulating By-law, there are two Divisions that operate 24 hours per day, every day of the year to provide emergency response to the community. The Fire Suppression Division consists of 116 firefighters allocated evenly across four (4) platoons working a 24 hour shift and the communication division consist of eight (8) highly qualified and skilled Communications Dispatchers working rotating 10 hour day shifts and 14 hour night shift on four (4) platoons.

Fire Suppression			
A Platoon	B Platoon	C Platoon	D Platoon
1 - Platoon Chief 5 - Captains 23 - Firefighters	1 - Platoon Chief 5 - Captains 23 - Firefighters	1 - Platoon Chief 5 - Captains 23 - Firefighters	1 - Platoon Chief 5 - Captains 23 - Firefighters
Communications			
2 – Dispatchers	2 – Dispatchers	2 – Dispatchers	2 – Dispatchers

Table 1 – Suppression and Communication Staffing

This permits a total of 31 personnel per Platoon to be available to work any 24 hour period and maintain a minimum staffing level. The total number of personnel per platoon allows the Department to account for employee leaves such as vacation, statutory holidays, and daily sick leaves. However, due to the number of personnel on long term WSIB PTSD or non-occupational injury/illness leaves, all Platoons are operating below 31. Currently there are 6 individuals on WSIB, 4 members on long term non-occupational illness/injury, 1 on maternity leave, and 1 in return to work process.

	Suppression	Communications
# Full time Active Members	116	8
# Current Active Members	104	7
# WSIB Leave	6	

# Return to Work Process	1
# Long term non-occupational injury/illness	4
# Maternity/Parental	1
# Suppression Vacancies	1

Table 2 – Current Staffing Situation Including Legislative Leaves

This is causing the Department to maintain minimum staffing by calling in off duty personnel on overtime at one and a half times their regular hourly rates, as dictated in the collective agreement. In 2022, the Department incurred 6,901 hours of overtime in the suppression and communication divisions due to maintaining minimum staffing, and projected overtime for 2023 is anticipated to be more two times that of 2022.

As stated, long term leaves are the primary drivers of increased overtime costs. Historically, the fire department does not replace employees on long term leaves. The primary reason is duration of many non-occupational illness/injuries or maternity/parental leaves, especially those of 15 weeks or less, do not warrant the lengthy probationary firefighter recruitment. A typical probationary firefighter recruitment is approximately 6 months, from the date of posting to the employee being assigned to a platoon.

Conversely, WSIB PTSD leaves have demonstrated to be lengthy and lacking the certainty of eventual return to work. Many of these leaves are longer than two years.

Since 2016, 15 members of the Fire Department have been on WSIB PTSD approved leaves. Of the 15 members, 7 have entered the return to work (RTW) process, with 4 of the 7 eventually returning to their pre-injury positions. The average length of time individuals are on WSIB leaves before returning to RTW is 594 days.

Duration	# of Claims	# of Return to Work	% of Personnel who RTW
1 Year of less	1	1	100%
1 to 2 Years	6	3	50%
2 or more Years	8	3	38.5%

Total	15	7	46.7%
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Table 3 – Analysis of WSIB PTSD Claims and RTW

The Fire Department's goal is to successfully return all employees to their pre-injury job. The Fire Department in collaboration with City's Human Resources and Health and Safety Staff have developed a return to work program that is supported by both WSIB and the BPPFA. The success rate of the RTW process has yielded an overall return rate of forty seven (47) percent. Evidence indicates that the shorter the claim, the more likely that RTW will be successful. An analysis of department data indicates, that if a WSIB PTSD claim exceeds 6 months, than the likelihood of RTW decreases. Further, once a claim exceeds six months, the average length of time before return to work is 23 months. The RTW process is very individualistic and can be lengthy, sometimes taking months before an individual returns to full duties. During an individual's RTW plan, the employee is not available to staff a fire apparatus or work in the communications division, necessitating an increase in overtime costs.

Despite having a RTW process that has yielded some success, some employees will not return or their return to work will not be successful. Eight (8) members have not returned to work and the average length of time they have been on leave is more than 735 days.

The *Workplace Safety and Insurance Act, 1997* (WSIA) and/ the Ontario Human Rights Code obligate a duty to modify work or the workplace to accommodate the needs of an injured worker to the employer. In addition, employers are obligated to re-employ their injured workers. WSIB policy states that the employers re-employment obligation end on the earliest of:

- The second anniversary of the date of injury
- One year after the worker is medically able to perform the essential duties of his or her re-injury employment, or
- The date on which the worker reaches 65 years of age.

The Fire Department in consultation with the Human Resources Department uses the second anniversary date of an injury to a firefighter, plus no meaningful discussion of return to work from an individual's treatment provider as the decision point to replace the individual. The Department has replaced three individuals through this process (2 Firefighters, and 1 Communications Dispatcher). Even though we have replaced the injured worker, they remain

employed with the City, and continue to receive WSIB benefits, which are topped up from their existing sick bank. When an employee's sick bank is exhausted, they are then paid directly by WSIB.

Replacing employees on WSIB leaves provides the Department with a solution to more closely maintain our active fire suppression/communications force of 116 firefighters and eight (8) Communicators. The purpose is not to increase the number of active firefighters or communicators above the normal compliment, but to reduce the overtime costs to the Department.

If an individual returns to their pre-injury firefighting job and resumes active fire duty, the Collective Agreement with the BPPFA contains a layoff provisions that would be utilized to maintain an active suppression force of 116 firefighters. However, the attrition rate within the suppression division coupled with the increasing amount of people on lengthy WSIB presumptive leaves, indicate it is unlikely this clause would need to be invoked.

Hiring probationary firefighters to replace employees that are on WSIB leaves in excess of 6 months plus one day is a cost saving alternative to maintain minimum staffing. Additionally, it reduces the need for active firefighters to work excessive amounts of overtime. Working excessive amounts of overtime could lead to operation fatigue and an unhealthy work life balance for employees, increasing their risk to occupational mental stress.

Maintaining minimum staffing is an essential part of firefighter and public safety, however accommodating all of the legislative leaves places additional pressures on the Fire Department. Hiring firefighters to replace individuals on WSIB leave is not intended to increase the complement of active firefighters, but to temporarily replace individuals on long term WSIB leaves, that may not return.

10.0 Financial Implications

In 2022 the total combined overtime hours in the Suppression and Communications division were 8,525 hours at a cost of \$651,788. Minimum staffing accounted for 6,901 hours of this overtime. Using an average employee hourly wage at time and one half, estimated costs to cover minimum staffing were \$519,576.

An analysis of overtime from January 1 to July 31, 2023, indicated the Fire Department incurred 8,730 hours of overtime due to maintaining minimum staffing. This represents an estimated costs of \$668,805. Overtime hours are

trending at more than twice the amount as last year, and staff are projecting a significant increase for overtime in 2023.

Not all overtime due to minimum staffing is directly related to individuals on WSIB approved leaves. However replacing the individuals on WSIB with probationary firefighters, allows the Department to cover some of the necessary staffing hours without paying overtime costs.

If seven (7) probationary firefighters were hired to replace those on WSIB leave at the start of the year, the Department would have reduced the requirement for minimum staffing overtime from January to July by 5509 hours. The cost difference between the probationary firefighters working the 5509 hours verse the average employee hourly overtime rate is a savings of \$258,151. The following table highlights the hourly rate difference.

Average Overtime Rate – First Class Firefighter + 3% (X1.5)	\$76.61/hr.
Hiring 7 Probationary firefighters Probationary	\$29.75/hr.
Savings	\$46.86/hr.

Table 4 – Difference between Wage Rates to Work Minimum Staffing Hours

The annual cost per probationary firefighter is \$87,865 in wages and benefits, for a total annual cost of \$615,055. The hiring of these probationary firefighters would reduce annual overtime from minimum staffing, but will not eliminate it. Straight line projections from the January to July 2023 data estimates an annual reduction in minimum staffing by 9,444 hours. If the Department pays the probationary firefighters rate to work the 9,444 hours instead of overtime rate it is an annual cost savings of \$442,546.

Status Quo – 9,444 hrs. at Avg. Overtime Rate	9,444 hrs. x \$76.61 = \$723,505
9,444 hrs. at Probationary Firefighter Rate	9,444 hrs. x \$29.75 = \$280,959
Savings	\$442,546

Table 5 – Projected Annual Cost Savings between Overtime Rate and Probationary Rate

The unpredictable factors that affect daily staffing and drive the requirement for minimum staffing makes it very difficult to predict the annual cost benefits associated with this report. However, if all factors remained the same for 2023 with no employees returning from any legislative leaves and the Department continued to manage minimum staffing through overtime, the estimated overtime hours due to minimum staffing would be 14,966 at an estimated cost of \$1,146,545.

Jan – July (7 Months)	Jan – July (7 Months)	2023 Projections (12 Months)	2023 Projections (12 Months)
Minimum Staffing Overtime hours	Costs	Minimum Staffing Overtime hours	Costs
8,730	\$668,805	14,966	\$1,146,545

Table 6 – 2023 Straight Line Projections

If hiring the seven (7) probationary firefighter reduced overtime by 9,444 hours, the estimated minimum staffing overtime for 2023 would be $14,966 - 9,444 = 5,522$ hrs. of overtime, at an estimated cost of \$423,040. The following table demonstrates that reducing overtime by replacing the employees on WSIB leaves is a cost savings to the Fire Department.

Status Quo – Anticipated Overtime Costs for 2023	\$1,146,545	
Cost to Hire 7 Probationary Firefighters	\$615,055	
Anticipate Overtime after hiring firefighters	\$423,040	
	Total	\$1,038,095
Savings		\$108,450

Table 7 – Cost Comparison of Replacing Employees on WSIB Leave with Probationary Firefighters

11.0 Climate and Environmental Implications

There are no climate and environmental implications associated with this report.

12.0 Conclusion

All legislative leaves have an impact on the Fire Departments ability to efficiently manage the minimum staffing required to provide effective fire protection services. Statistical analysis of department data demonstrates that specifically WSIB PTSD claims are very long term and can potentially be indefinite.

If the Department had the ability to hire probationary firefighters to replace individuals on WSIB claims there is a cost savings to the Department by reducing overtime costs associated with minimum staffing. Additionally, it relieves operational stress and fatigue created when active firefighters work excessive amounts of overtime.

This strategy will assist the Fire Department with delivering effective and efficient fire protection services to the community.



Todd Binkley, Fire Chief

Prepared By:

Todd Binkley, Fire Chief

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☐ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☐ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☐ no