

# Chapter 6

## Department of Public Safety

### Office of the Fire Marshal

## Contents

Background . . . . .	113
Scope . . . . .	115
Results in brief . . . . .	116
Fire Prevention Act . . . . .	118
Human resources . . . . .	128

# Department of Public Safety Office of the Fire Marshal

## Background

**6.1** The Office of the Fire Marshal (OFM) operates within the Police, Fire, and Emergency Services Branch of the Department of Public Safety. The OFM is the senior fire authority in the Province with respect to fire safety and prevention.

**6.2** The OFM is accountable for the administration of the New Brunswick *Fire Prevention Act* as it relates to the 222 permanent, volunteer, and industrial fire departments in the Province including:

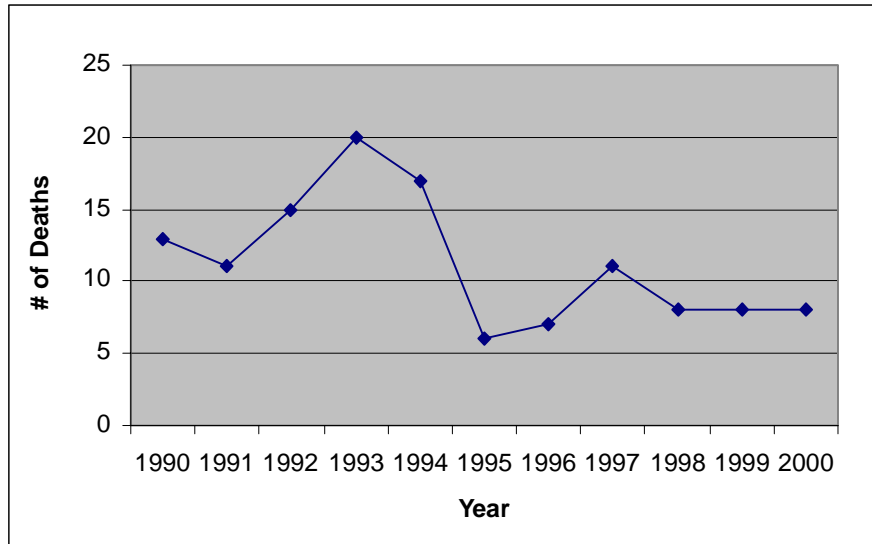
- 2 paid fire departments that do not use volunteers (Fredericton and Saint John);
- 14 composite fire departments (paid and volunteer fire fighters);
- 48 industrial fire departments; and
- 158 fully volunteer fire departments (68 are Local Service Districts and are funded and operated by the Department of the Environment and Local Government).

**6.3** These fire departments are linked through nine regional Fire Fighter Associations, the New Brunswick Association of Fire Chiefs and the New Brunswick Association of Fire Prevention Officers. The OFM is the primary linkage between the Province and the municipal and provincial fire departments and their associations.

**6.4** The *Fire Prevention Act* provides the OFM's authority and responsibilities. Proper administration and enforcement of the Act is of utmost importance; the ramifications of non-compliance with the Act can drastically affect public safety. Fire has the potential to affect each and every one of the residents of this Province.

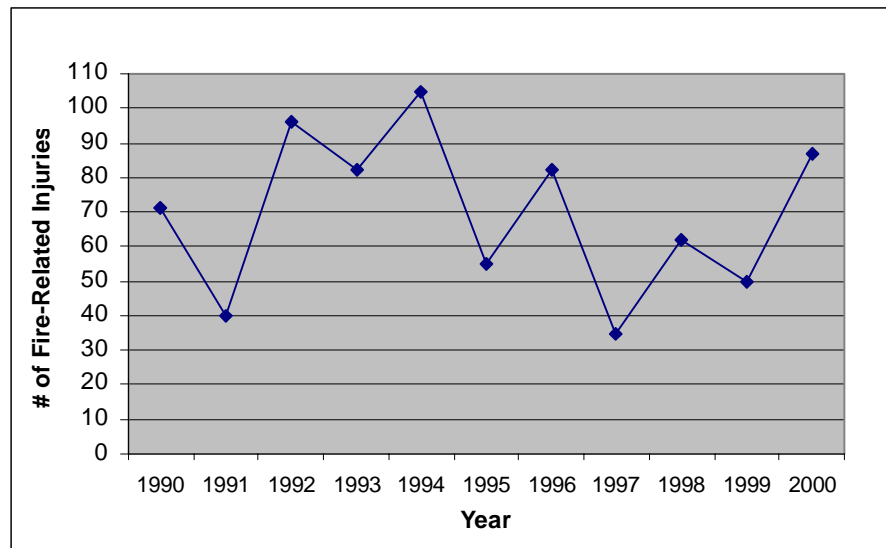
**6.5** The number of fire deaths in New Brunswick has declined over the past several years. They are among the lowest in the country (per capita). Exhibit 6.1 shows the number of fire deaths in New Brunswick from 1990 to 2000.

Exhibit 6.1  
 Fire Deaths in New Brunswick  
 1990-2000



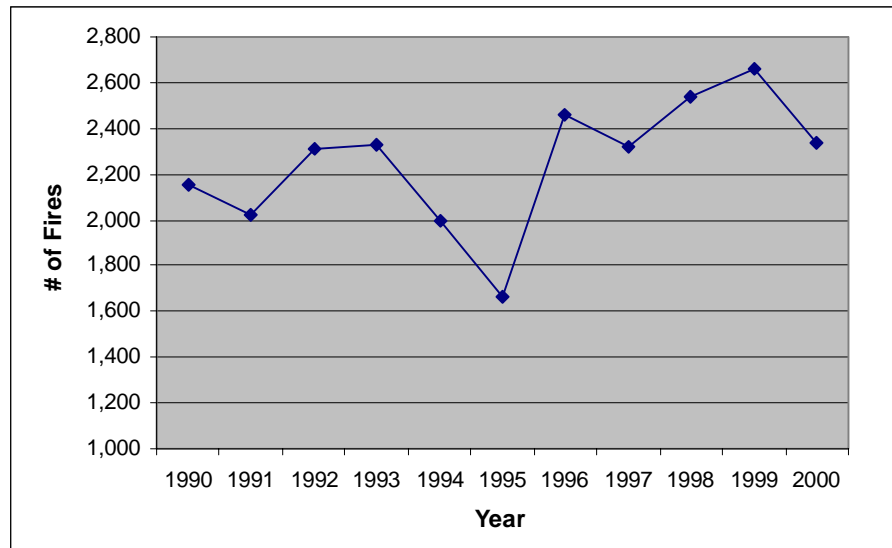
**6.6** Although the number of fire deaths has declined over the past several years, the number of fire-related injuries and the actual number of fires over the past ten years have not. Exhibit 6.2 shows the number of fire-related injuries between 1990 and 2000. The number of fire-related injuries in 2000 exceeded the number of injuries in 1990 by 23%. Exhibit 6.3 shows the number of fires for these years as well. The number of fires in 2000 exceeded the number of fires in 1990 by 8%.

Exhibit 6.2  
 Fire Related Injuries in New Brunswick 1990-2000



**6.7** The OFM employed 17 individuals at the time of our audit. This includes the eight Assistant Fire Marshals (AFMs) who work out of regional offices around the Province.

Exhibit 6.3  
Number of Fires in New Brunswick  
1990 - 2000



**6.8** In 2001 the OFM performed approximately 2,500 first time fire inspections, 1,000 re-inspections, investigated approximately 200 fires, and reviewed approximately 800 building plans.

## Scope

**6.9** Because the Office of the Auditor General has an ongoing interest in the theme of safety, we felt it important to review the operations of the OFM in the Province. We began an audit of the OFM in October 2001. Our audit was substantially completed in May 2002.

**6.10** Our audit objectives were:

*To assess whether the Office of the Fire Marshal is adequately carrying out the provisions of the Fire Prevention Act.*

*To assess whether the Office of the Fire Marshal has appropriate human resource systems and practices in place to sufficiently deliver provincial fire prevention and protection programs that are dedicated to the reduction of fire related losses in lives, injury, and property.*

**6.11** We developed various criteria to assist us in conducting the audit. The comments in this chapter are organized by the criteria.

**6.12** Our audit included documentation reviews and interviews with staff from the OFM and the Departments of Training and Employment Development (fire fighter training), Justice (insurance), Environment and Local Government (Local Service Districts), and Public Safety (information technology and human resources). We also interviewed some fire chiefs and representatives from the New Brunswick Association of Fire Chiefs. Our audit procedures covered the period up to and including 31 March 2002. We have used all information gathered

to support our findings, conclusions, and recommendations that are presented in this chapter.

## Results in brief

### *Fire Prevention Act*

**6.13** The *Fire Prevention Act* is relatively well organized, comprehensive, and easy to follow. The duties and responsibilities of the OFM are well defined. For the most part, the OFM is aware of its duties and responsibilities under the Act. The OFM has shown initiative in making appointees aware of their duties and responsibilities under the Act through its interpretation document, awareness sessions, and OFM ID cards.

**6.14** Section 2(1) of the Act gives the Fire Marshal responsibility “for the proper carrying out of the provisions of this Act”. But key aspects of legislative compliance have not been incorporated into the OFM branch work plan and have generally not been assigned to employees. The OFM lacks formal monitoring and reporting systems to detect or report on non-compliance with the Act. Little, if anything, exists for a formal corrective process in cases of non-compliance.

**6.15** We noted a number of instances where the OFM is not complying with the Act. These further emphasize the need to consistently monitor and report on compliance. Some significant items to note include:

- Time deadlines for submitting fire reports, insurance reports, and insurance adjuster reports to the OFM are not monitored. Without these reports, the OFM is unable to compile its own statistical reports in a timely fashion. The reporting of fires is critical to the development and measurement of every local and provincial program dealing with fire safety. Without the co-operation of fire department chiefs, insurance companies and adjusters in reporting fires, it will be difficult to reduce the losses that are suffered each year. It is important to have up-to-date statistics for analyzing fire trends, problems, and emerging issues. They also assist in areas such as public education planning and identifying trends in fire loss.
- The OFM does not monitor to ensure building plans are filed in accordance with the Act. Not filing these plans is an offence and is punishable by law. Safe buildings are fundamental in fire prevention and appropriate design leads to safe buildings. These buildings are public places often occupied by large volumes of people. Ensuring all plans are filed and reviewed should be an important part of the OFM’s work.
- The OFM is responsible for setting the standards for training firefighters. It is involved with the training of volunteer firefighters, but the OFM has not been very involved with training for paid firefighters. It is important that the OFM

ensure that all firefighters receive the appropriate and proper level of training for their own safety as well as the safety of others.

### *Human resources*

**6.16** Neither the Department nor OFM has devised a system to define the OFM's staffing needs. Because the OFM's work impacts directly on public safety, it is important that the Department objectively determine the level of resources required to fulfil the legislated mandate.

**6.17** Some areas of concern regarding workloads and the current staffing situation that we noted include:

- On the basis that the majority of fire inspection files are annual inspections, the OFM is approximately 2.3 years behind in its inspections. Work is unevenly distributed among the Assistant Fire Marshalls (AFMs). Some have far fewer inspections to perform than others and some have to travel a much longer distance within their regions than other AFMs do. Most AFMs state they have no time to address public education or support the fire departments to the degree they would like to.
- Plan review officers only have time to review plans that have been filed; they do not follow up on plans that should have been filed but were not.
- Only about 10% of the 2001 fire reports and none of the 2002 fire reports had been input into the Fire Reporting System at the time of our fieldwork. The Minister has not received an annual report since 1995.
- Fire departments were told not to send in their fire inspection reports, fire orders, and fire investigation reports unless requested to do so. The OFM informed us it lacks the resources to review them.
- The OFM began to audit fire inspectors within fire departments to ensure inspection procedures are consistently applied Province-wide, but we were informed it lacks the resources to continue.
- Not all employees met the appropriate employment standards at the time they were hired. We examined six hirings and found that in three of the cases the hired candidate did not meet the requirements for the job.
- Although the OFM ensures that fire investigators holding the fire investigator appointment are adequately trained, it does not have a system in place to ensure that fire investigators holding the

**local assistant appointment are trained in a similar fashion. There is also no system in place to ensure that fire inspectors receive adequate training. The OFM does not have a formalized training plan in place for either fire inspectors or investigators and ongoing training appears to be inconsistent and sporadic.**

## **Fire Prevention Act**

### **Clearly defined duties and responsibilities**

**6.18** Our first criterion was:

*The Fire Prevention Act should clearly define the duties and responsibilities of the Office of the Fire Marshal.*

**6.19** The Act was generally well organized, comprehensive and easy to follow. We were pleased to note that in the majority of cases, the duties and responsibilities of the OFM were well defined.

**6.20** The following are some areas of the Act that we feel may warrant clarification:

- The Act addresses training standards for fire fighters and most fire investigators but it does not address training standards for fire prevention officers and for local assistants acting as fire investigators. It is not clear why training standards for these two fire-related positions have been excluded from the Act.
- Some terminology may be cause for confusion. For example, section 5 of the Act states “The fire marshal shall in each year submit to the Minister a detailed report, in such form as the Minister may direct, which shall include particulars of all fires reported during the calendar year next preceding.” “Calendar year next preceding” is a confusing description that should be defined in the Act.
- There is confusion between fire departments and the OFM regarding the definition of “sleeping accommodations” and what constitutes an apartment house with three or more self-contained units above the ground floor. It is important that this matter be clarified among the parties involved.
- In practice, building plans are filed with the OFM and are reviewed by OFM staff. However, the Act only states the requirement for filing plans; it is silent on the matter of whether all plans must be reviewed. While it is likely understood that a filed plan will be reviewed, perhaps the Act should state this.

### ***OFM proposed amendments to the Fire Prevention Act***

**6.21** Through our audit work, we learned that several amendments to the Act have been proposed. We noted that a number of these amendments relate to the protection of lives. In particular, the OFM feels the Act should be amended to expand the circumstances under which a compliance order can be written. The OFM wants to be able to write compliance orders where the potential exists for the spread of

smoke, not just the spread of fire. For example, the National Fire Code requires door closures to be present on apartment doors to prevent the spread of smoke and fire throughout the building. Door closures are critical to prevent the spread of smoke, thereby increasing occupant safety.

**6.22** Another amendment would allow the OFM to write immediate stop work orders. These immediate stop work orders would apply where work being performed on a building or structure violates applicable safety or building codes and standards, and there is an immediate public safety threat. An immediate stop work order could also be used where work is being performed prior to plans being submitted to the OFM for review.

**6.23** A further amendment would provide the authority for the immediate evacuation of a building or premises where the occupancy level has been exceeded or a fire safety hazard exists. Alternatively, the OFM could require an immediate reduction of the number of occupants if this provided a solution to the dangerous situation. In either case, it again seems to be a significant safety related provision.

**6.24** The amendments have been outstanding for about two years. Given the importance of this Act to the safety of New Brunswickers, we encourage the implementation of these amendments.

*Recommendation*

**6.25** We recommended the Department pursue the implementation of the amendments proposed and consider the additional points we have raised to determine if further amendments are required.

*Departmental response*

**6.26** *The amendments referenced along with some of the additional points raised via the audit will be advanced through policy or the legislative process. The Office of the Fire Marshal (OFM) with the assistance of our Policy and Public Affairs Division is presently active in this area.*

*Conclusion*

**6.27** This criterion was met. The Act is relatively well organized, comprehensive, and easy to follow. With the exception of a few areas warranting clarification, the duties and responsibilities of the OFM were well defined.

**Awareness of duties and responsibilities**

**6.28** Our next criterion was:

*The Office of the Fire Marshal should be aware of its duties and responsibilities under the Fire Prevention Act.*

**6.29** Section 2(1) of the Act notes that the Fire Marshal is responsible to ensure that all the provisions of the Act are properly carried out whether the section specifically applies to the Fire Marshal or to other



parties as stipulated in the Act. Ownership of the Act rests with the Fire Marshal.

**6.30** During our audit, we were pleased to note that the OFM has undertaken several initiatives to ensure staff are well aware of duties and responsibilities assigned to them under the Act. The OFM's awareness system consists of three components:

- interpretation document;
- awareness sessions; and
- ID cards.

#### *Interpretation document*

**6.31** OFM management has interpreted the entire *Fire Prevention Act* section by section and line by line in a document we will refer to as an interpretation document. Overall, we believe the OFM's interpretation of the Act is reasonable.

#### *Awareness sessions*

**6.32** All individuals seeking an appointment under the Act, Local Assistants, Fire Investigators, and Fire Prevention Officers, are required to take an awareness session put on by the OFM. All OFM employees, with the exception of the administrative support staff and the office manager, hold appointments under the Act as Fire Prevention Officers or both Fire Prevention Officers and Fire Investigators. Local Assistants are generally fire chiefs or deputy fire chiefs within fire departments. The purpose of the awareness sessions is to make these individuals aware of the sections of the Act they will be responsible for upon receiving their respective appointments. Appointees are acting on behalf of the Fire Marshal; it is important that they be made aware of the duties and responsibilities associated with these appointments.

**6.33** The interpretation document noted in the above section along with the Act and the regulations are used by the OFM in giving the awareness sessions. All participants take this documentation away with them upon completion of the session for future reference. Several individuals with appointments under the Act were asked about the relevance of this session and if they had any suggestions for improvement. Many noted that there is no test upon completion of the session; some feel there should be a mechanism to ensure they understand their duties and actually got something from the session. There is also no evaluation performed by session participants upon completion of the session. This would enable session participants to provide valuable feedback to the OFM and enable them to make improvements to the session. There is no refresher session offered on the Act even if the Act changes; many feel this would be beneficial.

#### *Recommendations*

**6.34** We recommended that the OFM establish a testing and feedback mechanism for the awareness sessions. This would help to ensure the sessions are achieving the desired results.

**6.35** We recommended that the OFM offer refresher training sessions on the Act to ensure appointees remain aware of their duties and responsibilities under the Act and to inform them of any changes made to the Act since the last session was given.

*Departmental response*

**6.36** *Providing additional resources can be identified, testing, feedback and enhanced awareness sessions will be included in the new work plans.*

*ID Cards*

**6.37** Upon completion of the awareness sessions, the OFM issues photo identification cards (ID cards) to all appointees. These ID cards are signed by the Fire Marshal and usually contain a paragraph on the back that lists the sections of the Act the appointee is responsible for. We commend the OFM for taking the initiative of issuing ID cards to appointees under the Act. It is a great way to make them aware of, and continually reinforce, the sections of the Act they are responsible for.

**6.38** During our review of these ID cards, it came to our attention that controls over their cancellation are weak. Of concern to us and to many members of fire departments and OFM staff is the fact that these ID cards are good for life – there is no expiry date on them. The OFM relies heavily on fire departments to return ID cards when employees retire, leave the fire department, or change positions within the fire department. We have discovered that this has not occurred in many instances. An example of a risk is that individuals can enter any premises stating they are representing the Fire Marshal. As long as they hold their ID card, it will appear to entitle them to whatever privileges that go along with their appointment under the Act. An individual who has left their position might gain access to a secure site by presenting their OFM ID card.

**6.39** It is very important that the OFM is aware of who is acting on its behalf in the Province. Individuals who have left the fire department should not have ID cards that enable them to act on the Fire Marshal's behalf.

*Recommendation*

**6.40** We recommended that the OFM look into the possibility of having expiry dates on the OFM-issued ID cards used for appointment purposes (for example, three years, five years, etc.).

*Departmental response*

**6.41** *All issued I.D. cards are presently being replaced by the Fire Marshal and include a 5-year automatic expiration date and database control mechanism.*

*Conclusion*

**6.42** This criterion was met. For the most part, the OFM is aware of its duties and responsibilities under the Act. The OFM has shown initiative in making appointees aware of their duties and responsibilities under the Act by way of its interpretation document, awareness sessions, and OFM ID cards.

**Policy and Procedures Manual**

**6.43** Our next criterion was:

*The Office of the Fire Marshal should have appropriate (consistent) policies and procedures in place to carry out its duties and responsibilities as assigned under the Fire Prevention Act.*

**OFM Policy and Procedures Manual (P&P manual)**

**6.44** It is important that the OFM have policies and procedures in place that are consistent with the Act to assist it in administering its duties and responsibilities. The OFM issued its first P&P manual in the 1980s. It was issued to both OFM staff and fire departments. The purpose of the manual was to help fire departments understand the role and responsibilities of the OFM and to provide guidance on matters of mutual involvement.

**P&P manual consistent with Act**

**6.45** The P&P manual was based on the 1986 Act and we are satisfied that in all material respects it reflects the intent of the Act. We reviewed the amendments to the Act since this time and we were satisfied that they did not have an impact on the P&P manual.

**Does P&P manual assist in administering the Act?**

**6.46** One of the most important things we looked for during our audit of this criterion was whether the P&P manual provides guidance to users relative to the requirements under the Act. Certain sections of the Act give the OFM discretionary power. For example, section 4(2)(c) states that “the fire marshal may from time to time inspect...”. We examined the P&P manual to determine if it assisted employees of the OFM by providing guidance as to when they should exercise these powers. We found that the manual did this. For example, the manual provides guidance to users as to when the Fire Marshal would get involved in a fire investigation, what types of buildings to inspect and the scheduled frequency of these inspections. We were pleased to note that, in the majority of cases, the P&P manual provides good guidance to users and is consistent with the Act.

**New P&P Manual**

**6.47** During our fieldwork, we noted that the OFM began a new P&P manual in 2000 but more than half of the new manual remains in draft form and none of the drafts have been issued. No attempts have been made to complete the manual since 2000.

**6.48** It is important that fire departments have the most current procedures to follow in performing their duties. This will help to ensure a consistent level of service delivery across the Province.

**Recommendation**

**6.49** We recommended the OFM complete the P&P manual it started in 2000 as soon as possible.

**Departmental response**

**6.50** *Examination and development of policies and procedures will be undertaken. [A] new position secured through the Provincial Internship Program will assist in this regard.*

**Conclusion**

**6.51** This criterion was met. Although the OFM P&P manual was issued in the 1980s, we found, for the most part, that it remains consistent with the current *Fire Prevention Act*. The manual helps to clarify some sections of the Act and provides guidance to users.

**Planning work to ensure legislative compliance**

**6.52** Our next criterion was:

*Key aspects of legislative compliance should be incorporated into the Office of the Fire Marshal and individual work planning.*

**6.53** Section 2(1) of the Act states,

*The Lieutenant-Governor in Council may appoint a fire marshal for the proper carrying out of the provisions of this Act and the regulations and such other duties as may be assigned to the fire marshal by the Minister.*

**6.54** A means by which the OFM could ensure compliance with specific sections of the Act would be to assign these sections to OFM employees via work plans. Each year the employees could be evaluated on how well, or to what degree, they performed the tasks in their work plans. These work plans should all be tied into the OFM's work plan to ensure everyone is working towards a common goal.

**OFM/Branch Work Plan**

**6.55** We reviewed the OFM's work plan and were disappointed to note that aspects of compliance with the Act were not incorporated into the work plan.

**6.56** The involvement of representatives from all staff levels would be potentially beneficial in the creation of the OFM work plan. This would help staff to see the "big picture" and it would provide additional sources of creative ideas. Staff we interviewed informed us that the work plan had not been clearly communicated to them, further emphasizing the importance of staff involvement.

**Recommendations**

**6.57** We recommended that the OFM incorporate compliance with the Act into its work plan.

**6.58** We recommended that OFM management include OFM staff from all levels in the creation of the OFM work plan where possible. It should be clearly reviewed and discussed with staff so they see the "big picture" and know where they fit in with the organization.

**OFM employee work plans**

**6.59** We determined there are no formal works plans for OFM employees where key aspects of legislative compliance could be assigned. Two employees, via their own initiative, have devised their own work plans to help organize their work.

- Recommendation**                      **6.60**    We recommended the OFM assign duties for specific sections of the Act to individual employees and monitor them to ensure they are completed.
- Departmental response**              **6.61**    *Work plan development will be inclusive of all OFM staff and designed specifically as directed. We recognize that certain activities have lagged, but we are addressing them to catch-up and ensure that they remain current henceforth.*
- Conclusion**                                **6.62**    This criterion was not met. We were not satisfied that compliance with the Act has been addressed. Key aspects of legislative compliance have generally not been assigned to employees. While there is an overall OFM work plan, it does not appear that all key aspects of the legislation have been incorporated into it.
- Monitoring and reporting on compliance**                      **6.63**    Our next criterion was:  
*The Office of the Fire Marshal should monitor and report on compliance with the Fire Prevention Act and take corrective action where necessary.*
- 6.64**    The *Fire Prevention Act* gives the OFM its mandate, duties, and responsibilities. The responsibility for this legislation is clearly with the Fire Marshal.
- 6.65**    In our opinion, the Fire Marshal should monitor and report on compliance with the Act on a regular basis so that corrective action may be taken where necessary.
- 6.66**    We interviewed OFM management to determine what monitoring and reporting processes are in place regarding compliance with the Act as well as what corrective action is taken where non-compliance has occurred. A number of OFM employees and fire department personnel were also interviewed, documents were examined, and the Act was reviewed in detail.
- Monitoring compliance with the Act**                                **6.67**    There are no formal inspection standards and procedures in place to detect non-compliance with the Act. Even though section 2(1) of the Act clearly states that the Fire Marshal is responsible for “the proper carrying out of the provisions of this Act”, there are no systems in place to monitor the degree to which the OFM and outside parties are in compliance with the Act. No one has been assigned responsibility for monitoring compliance.
- Recommendation**                      **6.68**    We recommended that the OFM develop a formal process to monitor the degree to which the Act is complied with.
- 6.69**    We noted some instances of non-compliance with the Act by the OFM that we feel further emphasize the need to consistently monitor and report on compliance. These include the following:

- The OFM is not reporting on a yearly basis to the Minister (there has been no annual report since 1995).
- Time deadlines as stipulated in the Act are not monitored by the OFM. For example, fire chiefs are not reporting fires within fourteen days of receiving the call, insurance reports are not coming in within ten days of the fire, and insurance adjuster reports are not coming in within three days of completing the adjustment. The OFM felt the onus of time deadlines was on the party stipulated in the Act and was not for the OFM to enforce. Without these reports, the OFM is unable to compile its own statistical reports in a timely fashion. These statistical reports are critical to the development and measurement of every local and provincial program dealing with fire safety.
- The OFM does not monitor to ensure building plans as specified in the Act are filed with the OFM. During our audit, we found some plans that should have been filed with the OFM that were not. Not filing the specified plans is an offence and is punishable by law. We were informed by OFM staff that although charges may be laid, they have not done so. We were surprised to learn this. The OFM's mandate states that it is responsible to deliver provincial fire prevention and protection programs that are dedicated to the reduction of fire related losses in lives, injury, and property. Safe buildings are fundamental in fire prevention and appropriate design leads to safe buildings; ensuring all plans are reviewed should be an important part of the OFM's work. Examples of building plans that are to be filed with the OFM include schools, nursing homes/special care homes, daycares, apartments, churches, offices, restaurants, stores, hotels, and hospitals. These buildings are public places often occupied by large numbers of people. It is important that they are safe.
- The OFM is responsible for setting the standards for training firefighters. The OFM is involved with the training of volunteer firefighters, but is somewhat lax when it comes to paid firefighters. The paid fire departments have been acting independently regarding the training of their firefighters. It is important that the OFM ensure that all firefighters receive the appropriate and proper level of training for their own safety as well as the safety of others.
- The OFM does not monitor the method for delivering fire orders. Fire orders are issued by fire inspectors to property owners as a result of a fire inspection where repairs or modifications are required to bring a building or other structure up to code regarding fire safety. The Act stipulates that fire orders are either to be hand delivered to the property owner or to be sent via registered mail. Sometimes only regular mail is used where orders are not hand-delivered. If orders are not hand-delivered or sent via registered

mail, the OFM does not have any assurance that the orders have been received.

- The OFM's primary source of funding consists of a 1% insurance levy collected from insurance companies transacting the business of fire insurance within the Province. The Act states that the levy applies to fire premiums relating to automobiles, but this is not being imposed. This could be an additional source of revenue for the OFM.

### *Recommendations*

**6.70 We recommended the OFM take immediate corrective action to ensure there is compliance with the following:**

- **an annual report should be submitted to the Minister;**
- **time deadlines should be monitored;**
- **fire and insurance reports should be submitted on time;**
- **all building plans specified in the Act should be filed;**
- **there should be volunteer and paid firefighter training standards set by the OFM;**
- **the method of fire order delivery should be monitored; and**
- **the OFM should consider imposing a levy on fire premiums relating to automobiles.**

**6.71 The OFM should carefully monitor compliance in the future. In effect, we are recommending the Fire Marshal take a proactive role and "champion" the Act.**

### *Reporting on compliance with the Act*

**6.72** The OFM is unable to state the degree to which the OFM or outside parties are in compliance with the Act as there is no monitoring system in place. Therefore, it did not surprise us that no reporting is done inside or outside the OFM.

### *Recommendation*

**6.73 We recommended that the OFM develop a formal process to report on the degree to which the Act is complied with. Since compliance with legislation would seem to be such a key measure of effectiveness reporting in this safety organization, we recommended that the degree of compliance be reported in the Department's annual report.**

### *Corrective action*

**6.74** Since there is no formal monitoring system in place, the OFM is not in a position to take corrective action where non-compliance has occurred.

### *Fire statistics*

**6.75** The reporting of fires is critical to the development and measurement of every local and provincial program dealing with fire safety. Equally important as the submitting of fire and insurance reports, is the inputting of this information into the Fire Reporting System on a consistent and regular basis by OFM staff.

**6.76** In 2001, the OFM updated the Fire Reporting System with five years of fire reports (1996-2000). The annual report to the Minister cannot be prepared unless these statistics are in the system. We commend the OFM for getting the statistics up to date, however, a five-year backlog is excessive. Although the 1996-2000 statistics have been updated, the Minister still has not received an annual report for these years.

**6.77** Five years is a very long time for fire departments to go without having any statistical reports. Fire departments are only informed of the dollar losses resulting from fires in their areas by way of the OFM's statistical reports. It is important to have up-to-date statistics for analyzing fire trends, problems and emerging issues. Information collected yearly assists in areas such as public education planning and identifying trends in fire loss.

**6.78** Since the five years of fire reports have been input into the Fire Reporting System, the fire reports have begun piling up once again. The administrative support staff only input them into the system when they have "nothing else to do".

**6.79** A few of the larger municipal fire departments have the capability of having their fire reports downloaded by the OFM as these fire departments have software compatible with the Fire Reporting System at the OFM. An internet version of the Fire Reporting System for fire departments would be of great assistance in providing more up-to-date and accurate fire statistics. It would also reduce the inefficiencies of keying information into the Fire Reporting System from manual fire reports and would allow more time for quality control. This has been on the agenda for a few years now but no progress has been made.

### *Recommendations*

**6.80** We recommended the OFM get all of the fire reports into the Fire Reporting System on a timely basis and ensure they are kept up to date.

**6.81** We recommended the OFM review the benefits and costs of implementing an Internet version of the Fire Reporting System for use by fire departments.

### *Departmental response*

**6.82** *Compliance with the Fire Prevention Act is to be incorporated as part of our plan development exercise. An Annual Report will be provided to the Minister supported by a more proactive monitoring of fire reports and timely filing of building plans. Enhancements presently being incorporated into the fire-reporting system, will be Internet-accessible, compliant, and ensure file/date delivery will be more closely monitored.*

### *Conclusion*

**6.83** This criterion was not met. The Fire Marshal has not taken a proactive role with respect to section 2(1) of the Act. There are no



formal monitoring or reporting systems in place to detect or report on non-compliance with the Act. And little, if anything, exists for a formal corrective process in cases where non-compliance has occurred. As a result, fire and insurance reports are not being submitted on time or sometimes not at all. This affects the timeliness and completeness of the OFM's statistical reports that are used to identify fire trends and target public education programs. Many building plans that are required to be filed with the OFM often are not and, therefore, cannot be reviewed to ensure they are designed with the appropriate fire safety precautions. Paid firefighters often receive training without input from the OFM. It is important that all firefighters in the Province receive consistent and proper training for their own safety and the safety of others.

## Human resources

### Defining staffing needs and preparing action plans to address those needs

#### *No systems in place to define staffing needs*

#### *Does the OFM require additional staff?*

**6.84** Our first two criteria under human resources were:

*Staffing needs should be clearly defined, and*

*Action plans should be prepared to ensure staffing needs are met.*

**6.85** Through our audit work, we determined that neither the Department nor OFM has devised a system to define the OFM's staffing needs. They have not systematically reviewed the services the OFM provides (and the level to which they are provided) and the number of qualified staff required to properly deliver them. Work has generally been assigned to employees based on historic practice.

**6.86** During our audit work, staff expressed various concerns regarding their workloads and the current staffing situation. From the opening meeting of our audit, departmental officials appeared to be of the opinion that the OFM required more resources. But, with the exception of recognizing the need to hire an additional plan review officer to assist with the large number of plan reviews for the Province, additional staff has not been requested. We noted some areas of concern ourselves. They include the following:

- There are 5,712 open inspection files for the OFM and only 3,500 inspections were performed overall in 2001, including re-inspections. If the re-inspection factor of approximately 40% is removed, only 2,500 new inspections were performed in 2001. "Open" inspection files are all the buildings the OFM has on its list to inspect. Staff were unable to tell us how many of the 5,712 files were annual inspections but estimated that the majority are. On the basis that the majority of the files are annual inspections, the OFM is approximately 2.3 years behind in their inspections. The 5,712 files include such buildings as schools, nursing homes/special care homes, daycares, apartments, churches, offices, restaurants, stores, hotels, hospitals and arenas. These are buildings that are to be inspected for licensing purposes, accreditation purposes, under agreements with government departments (for example, schools), or

according to the OFM's own internal policy. We were informed that inspections are performed on a priority basis – highest priority is placed on those inspections for licensing and accreditation purposes as well as those under agreements with government departments.

- Work is unevenly distributed among the Assistant Fire Marshals (AFM). One AFM has 472 open inspection files while another has 879. The number of actual inspections performed by the AFMs in 2001 ranged from 240 to 633.
- Each AFM is responsible to perform their duties within one of eight regions. The travel distances within the regions vary widely from one AFM to another. The distances range anywhere from 80 km to 150 km. The AFM with the largest number of inspection files also has the longest distance to travel while the AFM with the smallest number of files has the shortest distance to travel.
- Most AFMs informed us they do not have the time to address public education or to support fire departments to the degree they would like to. Both of these functions are components of their job responsibilities.
- The two plan review officers only have time to review plans that have been filed; they do not follow up on plans that should have been filed but were not.
- The Fire Marshal believes that more than one person is required to perform the public education function within the OFM.
- Only about 10% of the 2001 fire reports and none of the 2002 fire reports had been input into the system at the time of our fieldwork. The Minister has not received an annual report since 1995.
- Staff informed us that there are insufficient resources to dedicate to reviewing the Act for additional changes.
- Fire departments were told by the OFM not to send in fire investigation reports, fire inspection reports, or fire orders unless they were requested to do so as there are insufficient resources to review them.
- Time deadlines as stipulated in the Act are not monitored by the OFM.
- The OFM began to audit the fire inspectors within the fire departments to ensure inspection procedures are consistently applied Province-wide, but OFM staff informed us they lack the resources to continue.

**6.87** The concerns addressed above may indicate there is a need for additional staff, but this may not necessarily be the case. There could be other factors involved as well, such as lack of work plans, lack of workload measurement, various approaches to planning, and so on. These concerns support the need for a work measurement study to be performed by the Department.

### **Conclusion**

**6.88** These criteria were not met. Staffing needs have not been clearly defined and there is no system in place to define staffing needs.

### **Recommendation**

**6.89** We recommended the Department perform a work measurement study to determine the correct number of qualified staff required to properly deliver the services the OFM is mandated to provide. Once this study is completed, the OFM, in cooperation with the Human Resources Branch of the Department, should implement an action plan to address the needs identified.

### **Departmental response**

**6.90** *The Fire Marshal had only recently commenced his new duties when the audit was conducted. As part of his new responsibilities and in an effort to ensure that we remain responsive to the needs of the Fire Service, [we] have requested that he review the tasks that are currently being performed by his Office. This review will be done in consultation with staff and the Human Resources Branch. The purpose of the review will be to identify any efficiency and effectiveness changes that will improve our service. However, if additional resource needs are identified, this will have to be considered in relation to the budget requirements of the department as a whole.*

### **Job specifications and descriptions**

**6.91** Our next criterion was:

*Job specifications and descriptions should be available that outline job responsibilities, educational requirements, and work experience requirements.*

**6.92** In order for OFM employees to properly deliver provincial fire prevention and protection programs that are dedicated to the reduction of fire related losses in lives, injury, and property, they must be fully aware of their job duties. We interviewed OFM management, including the OFM's Human Resources Advisor within the Department of Public Safety, to determine the existence of job specifications and descriptions and what they entail. We reviewed all position description questionnaires (PDQs) available for all employees as well as several job ads/ competitions. We also had all employees review their own PDQs to ensure they were current and relevant given their present job duties.

### **Job ads/competitions**

**6.93** All job ads/competitions that were examined listed job duties, educational requirements, and work experience requirements.

### **Position Description Questionnaires (PDQs)**

**6.94** PDQs were examined for all permanent staff. All PDQs contained job duties, educational requirements, and work experience

requirements. One was in “draft” form as it had not been updated for a number of years.

**6.95** We asked all OFM staff to review their own PDQ for accuracy and to assess whether it is still current. As a result of this review, we discovered that three PDQs did not reflect current duties.

**Recommendation**

**6.96** We recommended that all PDQs be reviewed periodically to ensure they are still current and are updated or re-written where they are not.

**Departmental response**

**6.97** *The duties to be performed by employees will be clearly outlined in their workplan or job description. Under the performance management system that will be implemented in the new year throughout the Department, employees will have the opportunity to keep their workplans up to date so that they reflect their current responsibilities. As suggested in the report, this mechanism will ensure that the staff are fully aware of their job duties. The new Employee Development and Appraisal System will provide a mechanism to integrate the strategic goals of the Department into the individual work plans. Employees will have clearly defined job performance expectations and will receive on-going feedback about their performance. Their training needs will also be identified through this system.*

**Conclusion**

**6.98** This criterion was partially met. All position description questionnaires (PDQs) and job postings/competitions examined outlined job responsibilities, educational requirements, and work experience requirements but some PDQs were not accurate and needed to be updated or re-written.

**Appropriate employment standards**

**6.99** Our next criterion was:

*The Office of the Fire Marshal should ensure that all of its employees meet appropriate employment standards.*

**6.100** This criterion was directed at the Department’s recruitment practices. We wanted to determine whether the Department had mechanisms in place to ensure that when it hires new OFM employees, these employees meet appropriate standards.

**6.101** Employment standards for purposes of this criterion include the qualifications, educational backgrounds, and work experience requirements the desired candidates should possess. We proceeded by examining the process for hiring six of the seventeen employees.

**Did candidates meet appropriate employment standards?**

**6.102** In three of the six cases we examined, it seemed clear that the most qualified candidates were chosen for the job. The successful candidates appeared to be the most qualified among all candidates who applied and they met the employment standards for the job. However, in three instances the employment standards had to be lowered.

**6.103** In the first case, there were no applicants with the required years of experience. In the second case, the highest-rated candidate did not have the required years of experience or background and did not demonstrate technical competence. In the third case, the individual who was hired lacked both the experience and educational requirements for the job.

**6.104** The fact that individuals are being hired who do not meet the full employment standards for the job is of concern to us. This is especially so in the area of public safety. Hiring inexperienced staff may have a direct impact on health and safety, especially in the initial stages of employment. We do recognize, however, that the Department has a process of mentoring and on-the-job training designed to ensure employees are functional in their jobs.

***Recommendation***

**6.105** We recommended that employment standards not be lowered to meet the qualifications of the existing applicants.

***Comments on fire service background***

**6.106** Whether or not an AFM should have a fire service background is a debatable topic within the OFM and fire departments. Often, the competition will state that a fire background is “desirable”. Four of the eight AFMs have a fire background. Currently, the bulk of the AFM’s work involves fire inspections which requires a technical background. As part of their job duties they are also to perform fire investigations, coordinate public education programs, and support fire departments. It could be argued that a fire background is required for these duties. Numerous people told us that having a fire service background greatly helps in a fire investigation. But, we are not in a position to determine whether or not a fire service background is essential.

***Recommendation***

**6.107** We recommended the Department/OFM look into whether a fire service background is a desirable or an essential requirement of the AFM position.

***Departmental response***

**6.108** *Since the Department of Public Safety was created in April 2000, we have made significant improvements in our human resource management practices. Among our other things, we have formally documented our recruitment process from start to finish including the screening of applicants and the verification of references.*

***Conclusion***

**6.109** This criterion was not met. We found three instances out of six where the successful candidate did not meet the employment standards for the job. OFM employees deal with the protection of lives as part of their everyday job function. Given that, it is of utmost importance that employees are hired that meet the full employment standards for the job.

***Adequate training***

**6.110** Our next criterion was:

*The Office of the Fire Marshal should ensure that all fire inspectors, fire investigators, and plan reviewers are adequately trained.*

**6.111** Many people act on behalf of the Fire Marshal as a result of their appointments under the Act; therefore, it is important that the OFM ensure that all of these people are adequately and properly trained.

**6.112** This criterion extends outside the OFM. It applies to the OFM's process for ensuring adequate training for all fire inspectors and fire investigators in the Province, not just those within the OFM. Some fire departments have their own fire inspectors and fire investigators who act under appointments issued by the Fire Marshal.

**6.113** We interviewed OFM management, including the OFM's Human Resources Advisor within the Department of Public Safety, and we surveyed OFM staff. We also reviewed course documentation, employee performance appraisal forms, and employee personnel files for evidence of proper training.

### *Fire inspectors*

**6.114** By the authority of the Fire Marshal, fire inspectors inspect classes of public and privately owned buildings, as specified in the *Fire Prevention Act*. They do so on a scheduled frequency, upon the receipt of a complaint, or on request to ensure compliance with fire safety issues identified in the National Building Code, the National Fire Code, and provincial legislation and policy. Fire inspectors may issue Fire Marshal's orders to building owners or agents to comply with codes and legislation when violations are identified.

**6.115** Fire inspectors have been appointed as either fire prevention officers (FPOs) or local assistants (LAs) under the Act. Both appointments entitle the appointee to act on behalf of the Fire Marshal for several sections of the Act, including those sections relating specifically to fire inspections. Fire inspectors within the OFM are FPOs (the eight AFMs), while those within fire departments are either LAs or FPOs. LAs are generally fire chiefs or deputy fire chiefs. The fire departments that have fire inspectors are generally those within the cities and a couple of towns.

### OFM fire inspectors (AFMs)

**6.116** To receive an appointment as a fire prevention officer the AFM must take an awareness session on the Act put on by the OFM. The session is approximately three to four hours in duration. AFMs are also to hold a Certified Engineering Technology certificate or be a journeyman in a related trade, as well as have experience in fire inspections or building inspections of public buildings. If they lack the desired level of experience, on-the-job training and mentoring is performed. On a couple of occasions, the OFM has brought back retired employees of the OFM to help train the new AFMs. The AFMs' manager is readily accessible to them.

**6.117** The OFM does not offer training on the National Building or Fire Codes; therefore, all AFMs are enrolled in building codes training with the New Brunswick Building Officials Association upon being hired.

**6.118** Technical sessions are currently held in-house every six months for the AFMs and the plan review officers (PROs). Sometimes speakers are brought in to discuss important issues or to give specific training in a certain area. AFMs and PROs have the opportunity to suggest topics for discussion.

**6.119** We commend the OFM for holding these sessions; it is important that employees be brought together periodically to discuss current issues and topics and receive training as a group. However, other OFM staff may benefit from these sessions as well, so it may be advisable to broaden the audience for these sessions.

**Recommendation**

**6.120** We recommended that the OFM consider whether the technical sessions held for AFMs and PROs should be held more frequently than twice per year and whether it would be beneficial to include all staff.

Fire department fire inspectors

**6.121** The training requirements for fire department fire inspectors are less stringent than for OFM fire inspectors. Other than the same initial awareness session on the Act, neither initial nor ongoing training related to fire inspections is provided to fire departments by the OFM. While we see the awareness session as a valuable orientation tool, the awareness session does not train an individual on how to be a fire inspector. It merely makes them aware of what sections of the Act they are responsible for with their appointment as a FPO or a LA.

**6.122** Further, the OFM does not verify the inspectors' backgrounds prior to issuing their appointments to ensure they are appropriately qualified to perform fire inspections. Specific fire inspection training obtained by fire departments is reliant upon municipality budgets. The OFM has no mechanism in place to ensure a consistent fire inspection practice is in place for the Province or that fire inspectors are adequately and properly trained. There is risk here for inconsistent service delivery across the Province. The OFM also does not monitor fire departments in the performance of their fire inspections.

**6.123** The Act may not mandate the OFM to set the training standards for fire inspectors but, in our opinion, there is value in the Fire Marshal ensuring inspectors are appropriately trained. The mere fact that FPOs and LAs are acting on behalf of the Fire Marshal is reason enough.

**Recommendation**

**6.124** We recommended the OFM take an active role in ensuring that all fire prevention officers responsible for fire inspections in the Province are adequately trained.

**Fire investigators**

**6.125** By the authority of the Fire Marshal, fire investigators are to investigate every fire or explosion where property has been destroyed or damaged to determine whether the fire or explosion was the result of negligence, carelessness, accident, or design. Fire cause determination and point of origin is to be established for all fires.

**6.126** Fire investigators have been appointed as either fire investigators (FIs) or local assistants (LAs) under the Act. Both appointments entitle the appointee to act on behalf of the Fire Marshal for several sections of the Act, including those sections relating specifically to fire investigations. Fire investigators within the OFM are FIs (the eight AFMs), while those within fire departments are either LAs or FIs.

**6.127** To obtain an appointment under the Act as a fire investigator (FI), the individual must complete the appropriate course level with the Canadian Fire Investigation School (CFIS), be employed as a fire investigator, and take the awareness session on the Act put on by the OFM.

**6.128** The appointment process to become an LA is quite different. The only thing individuals must take is the awareness session on the Act put on by the OFM. They do not have to complete any courses with the CFIS. These individuals, by way of their appointments as LAs, may perform fire investigations with or without training through the CFIS.

**Recommendation**

**6.129** We recommended the OFM ensure that local assistants who perform fire investigations have the same Canadian Fire Investigation School training as those who hold appointments as fire investigators.

**CFIS refresher training and certification**

**6.130** No refresher courses are offered through the CFIS to current fire investigators. It was brought to our attention that the CFIS has recently adopted a certification program from the Manitoba Office of the Fire Commissioner. It meets the requirements of the National Fire Protection Association code 1033, "Professional Qualifications for Fire Investigator", and is accredited with the International Fire Service Accreditation Congress. Individuals who receive certification through the School will have to be re-certified every five years. Certification is not a requirement to receive an appointment as a fire investigator under the Act. Certification requires the completion of an additional course level through the School as well as a written certification exam.

**6.131** It is important that all fire investigators' knowledge and skills be kept current. For example, someone who took the CFIS course in the 1980s may not be as up to date on current methods as someone who took the course in 2002.

**Recommendation**

**6.132** We recommended the OFM consider the costs and benefits of certification through the Canadian Fire Investigation School for all



**fire investigators. If it is determined that this is not a feasible solution, the OFM should ensure that those not certified receive refresher training periodically to ensure their skills and knowledge are kept current.**

***Departmental response***

**6.133** *Fire investigator training is presently available and based on training standards developed by Manitoba and shared with the OFM as a result of the NB/Manitoba agreement. The Fire Marshal will incorporate training as a requirement for all future fire investigator appointments and will develop a protocol regarding refresher training.*

**6.134** *The Fire Marshal will make available investigative training sessions for all OFM professional staff. OFM will adhere to the refresher protocol referenced above.*

**6.135** *Additional inspections training for fire prevention officers will be examined as part of the overall OFM resource allocation exercise.*

***Plan reviewers (plan review officers)***

**6.136** Under the authority of the *Fire Prevention Act*, Plan Review Officers (PROs) review plans and specifications for the construction, conversion, or structural alterations of buildings such as schools, nursing homes/special care homes, daycares, apartments, churches, offices, restaurants, stores, hotels and hospitals. They also review plans and specifications for the construction, establishment, modification, or enlargement of buildings/premises for the storage of more than 3,000 litres of flammable fuels and more than 10,000 litres of combustible fuels.

**6.137** They determine and direct that proposed work meets with the intent of the National Building Code, National Fire Code and other regulations/standards adopted under the *Fire Prevention Act*, specifically in the areas of life and fire safety equipment and protection. They provide technical support to AFMs, fire departments, engineers and sprinkler contractors.

**6.138** PROs provide interpretations and rulings on National Codes and Standards to designers/consultants, provincial government departments, building owners, potential builders/renovators, municipal building inspectors, planning officers, and contractors on fire protection systems.

**6.139** There are only two PROs for the Province and both are employed by the OFM. To be hired as a PRO in the first place, the individual must be a Certified Engineering Technologist (CET). There is also a certain degree of experience and codes knowledge that is required. If the individual did not have the desired level of experience or codes knowledge, on-the-job training is performed. As with the AFMs, all PROs are enrolled in building codes training when hired.

**Conclusion**

**6.140** This criterion was not met. While we did note that the OFM ensures that fire investigators holding the fire investigator appointment are adequately trained, the OFM does not have systems in place to ensure that fire inspectors, or fire investigators holding the local assistant appointment, are adequately trained. There is also no ongoing formalized training plan in place and ongoing training for fire investigators and fire inspectors appears to be inconsistent and sporadic.

**Employee performance appraisal**

**6.141** Our last criterion was:

*Employee performance should be reviewed at least annually in an appraisal report. Performance should partially be based on the degree to which work performance meets regional objectives or work plans.*

**6.142** It is important that employees receive feedback on their performance periodically so that good performance can be recognized and unsatisfactory performance can be addressed. OFM management told us they address specific concerns as they arise and there are no surprises at performance appraisal time.

**6.143** We interviewed OFM management, including the OFM's Human Resources Advisor within the Department of Public Safety, and we surveyed OFM staff regarding the performance appraisal process and the performance appraisal form.

**6.144** We found that job performance has generally been reviewed formally each year in an appraisal report for all employees since 1999. Some employees mentioned that they have informal performance appraisals during the year as well.

**6.145** However, appraisals are not based upon the degree to which work performance meets regional objectives or work plans as there are none. Instead, performance appraisals are based upon performance in general over the past year. If the individual was assigned a special project, that would be taken into consideration during the review. The current appraisal process does not appear to meet government policy, which requires employees to be informed of performance expectations and evaluated accordingly.

**Recommendation**

**6.146** We recommended that key responsibility areas of all OFM positions be identified in work plans and key success indicators for each responsibility area be developed. Employee performance should be evaluated based on how well they met the key success indicators for each key responsibility area of their position.

**Departmental response**

**6.147** *The duties to be performed by employees will be clearly outlined in their work plan or job description. Under the performance management system that will be implemented in the new year throughout the Department, employees will have the opportunity to keep their work*

*plans up to date so that they reflect their current responsibilities. As suggested in the report, this mechanism will ensure that the staff are fully aware of their job duties. The new Employee Development and Appraisal System will provide a mechanism to integrate the strategic goals of the Department into the individual work plans. Employees will have clearly defined job performance expectations and will receive on-going feedback about their performance. Their training needs will also be identified through this system.*

**Conclusion**

**6.148** This criterion was partially met. While performance is generally reviewed annually in an appraisal report for all employees, formal work plans do not exist. Performance appraisals are not based on the degree to which work performance meets regional objectives or work plans.