

New Zealand Statutes and Regulations Pertaining to Emergency Evacuation of People with Limited Mobility

A careful consideration of several relevant points in the following Acts and Regulations clearly show the liability many building owners would face if some people were unable to evacuate along with everyone else.

Fire Safety and Evacuation of Building Regulations 2006.
The Health & Safety in Employment Act 1992 (plus amendments).
The Fire Service Act 1975 (plus amendments).
The Human Rights Act.
Convention on the Rights of Persons with Disabilities.

Fire Safety and Evacuation of Building Regulations 2006 took effect on 1st Oct 06. Fire Service recognizes that these regs do not meet the needs of our disabled community. **Responsibility is clearly put upon building owners** 6 (1) “*Owner of Building must provide evacuation procedure.....Owners or tenants of certain buildings must have employees trained to assist occupants to evacuate.*” 6 (2) “...must provide for the occupants to be evacuated to a safe place or places of safety so that ***all*** the building’s occupants can be accounted for.”

Section 17 states “An evacuation scheme for a building must... (a) designate 1 or more places of safety...(i) inside or outside the building, if the building has an automatic sprinkler system; or (ii) ***outside the building, in any other case...***

6 (2) and 17 *All* occupants are to be accounted for and able to get to a place, or places of safety. If the building has no sprinklers these Places of Safety **must be outside the building**. When we approached those who drafted this regulation they said “***All occupants***” **DOES NOT INCLUDE DISABLED PEOPLE**. Surely this must be the height of discrimination. 18 (a) “designate 1 or more places in the building where persons with a disability are to gather if ,...they are unable to evacuate...” This assembly point is not even designated a “Place of Safety.” ***This is discriminatory and totally unacceptable to anyone forced to take refuge in such a place.***

As far as a disabled person getting to a Place of Safety The Honorable Rick Barker (Labour’s Ex Minister of Civil Defence) stated 18(d) “An evacuation scheme for a building must...***Include details of any equipment available for assisting occupants who are persons with a disability to evacuate the building....and how people are trained in it’s use.***” this was drafted in recognition of the problem, ***with equipment such as the Evac Chair, and similar devices in mind.*** It also recognizes the importance of correct training in their use.

The Fire Service feel strongly that more responsibility must be put on building owners for evacuating ***all*** their occupants. ***Stating that they can not guarantee to be at any disaster in time to effect a rescue. “From a Fire Safety perspective it would be far better to have the building completely evacuated.”***

Health & Safety in Employment Act 1992 (plus amendments) “employers must take ‘*all practical steps*’ to ensure the safety of employees in the workplace. Hazards must be *eliminated, isolated or minimised*”.

In emergency evacuations, people with disabilities are left behind until assistance arrives and they can be carried down the stairs by a rescuer. ***This can no longer be considered best practice in ‘minimising the hazard’ when everyone can now exit the stairs smoothly and safely together.*** Employers who do not meet their obligations may face fines of up to \$250,000.

Under the Act, administered by DOL (S 19c). “*every employer must provide reasonable opportunities for employees to participate in ongoing improvement of Health and Safety in the workplace*”. This applies to disabled staff-members, who may suffer harm if trapped in an unsafe building. (Harm can include the undue stress caused by being left behind).

Human Rights Act 1993, ...Unlawful discrimination: “*not being given an employment opportunity; not being given access to a place or service; being treated less favourably or being subjected to a detriment*”....***To be left behind while others are escaping to safety has got to fall into this category.*** **Risk of Harm** has exemptions generally to do with major modifications to existing buildings **But** the Risk of Harm exemption does NOT apply if, “without unreasonable disruption, reasonable measures could be taken to reduce the risk to a normal level.” Evac Chair does this.

Convention on the Rights of Persons with Disabilities: Article 11- “Parties shall take...all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk.”