



Clarification on the definition of Regulation 834: Critical Injury

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Clause 1(d) of Regulation 834 stipulates that an injury of a serious nature is a "critical injury" if it involves the fracture of a leg or arm but not a finger or toe. The Ministry of Labour interprets this provision as including the fracture of a wrist, hand, ankle or foot – i.e. any such fracture would constitute a critical injury if it is of a serious nature. While the fracture of a single finger or single toe does not constitute a critical injury, the ministry takes the position that the fracture of more than one finger or more than one toe **does** constitute a critical injury if it is an injury of a serious nature.

Clause 1(e) of Regulation 834 stipulates that an injury of a serious nature is a "critical injury" if it involves the amputation of a leg, arm, hand or foot but not a finger or toe. While the amputation of a single finger or single toe does not constitute a critical injury, the ministry takes the position that the amputation of more than one finger or more than one toe **does** constitute a critical injury if it is an injury of a serious nature.

A critical injury must be reported under s. 51 of the Occupational Health and Safety Act if there is a connection between the hazard that gave rise to the injury and worker health and safety.

This notice is intended to provide clarity around the application of clauses (d) and (e) of the critical injury definition. The legal definition of a critical injury set out in Regulation 834 has not changed.