

Mandatory Bicycle Helmet Use

in

Newfoundland and Labrador



NEWFOUNDLAND AND LABRADOR
MEDICAL ASSOCIATION



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Introduction

In June 2005, the Canadian Pediatric Society (CPS) released its national benchmarking report: *Are We Doing Enough? A Status Report on Canadian public policy and child and youth health*. As part of its review of public policy in three key areas – disease prevention, health promotion and injury prevention – the Society noted the immediate need for intervention in the form of bicycle helmet legislation.

Some key statistics:

- Bicycle injuries are the third-leading cause of injury for children between the ages of 10 and 14 years old.¹
- Each year, about 875 children between 5 and 19 years old suffer a head injury while cycling.¹
- Cycling, snowmobiling and all terrain vehicle (ATV)-related injuries were the three most common causes of severe sport and recreational injury to children aged 5 to 19 years.¹
- Newfoundland and Labrador had the third highest bicycle-related hospitalization rate for children and youth in Canada in 2001-2002.¹

In its review of provincial and federal initiatives, the CPS ranked Newfoundland and Labrador, along with six other provinces and territories, as “poor” for the absence of provincial bicycle helmet legislation.² Four provinces received a ranking of excellent – British Columbia, New Brunswick, Nova Scotia, and Prince Edward Island – as their legislation covers all ages of bicycle riders, while Alberta and Ontario received a ranking of good as their legislation is limited to riders 18 years and under.³ Interestingly enough, Newfoundland and Labrador received a ranking of good for its ATV safety legislation, in which helmets are mandatory.⁴

Effectiveness of Legislation

The CPS chose bicycle helmet legislation, among other benchmarks, or health indicators, because the scientific research and evidence was there to support the recommended intervention. The Society notes:

- Bike helmets reduce the risk of brain injury by 88%.^{1,2}
- Where laws exist to make bike helmets mandatory, not only do most people use helmets, but injury rates among young cyclists are lower.²

A number of studies in Canada have confirmed the effectiveness of legislation to support the enforcement of bicycle helmet use, and its accompanying reduction in the rate of injuries. British Columbia was the first North American province or state to enact helmet legislation in 1996. A comparative study evaluating the rates of helmet use pre- and post-legislation in that province

¹Newfoundland and Labrador Centre for Health Information. “*Injuries to Children and Youth*.” **Fast Facts**. St. John’s: NLCHI, June 2004.

²Canadian Paediatric Society. **Are we doing enough? A Status Report on Canadian public policy and child and youth health**. Ottawa: CPS, 2005, p. 12

³Ibid. p 13

⁴Ibid. p 15

found a substantial increase in helmet use, from a wearing rate of 46% in 1995 to 70% in 1999.⁵ Macpherson et al (2002) in their assessment of mandatory bicycle helmet legislation found there was a 45% reduction in the number of bicycle injuries in the provinces where there was legislation, compared to a 27% reduction in those provinces where there wasn't any legislation.⁶

Support for Legislation

In its 2002 Ipsos-Reid poll on helmets, attitudes and actions, the Canada Safety Council found that seven to eight respondents out of every 10 living in provinces without bicycle helmet legislation thought there was a legal requirement for helmet use. The Canada Safety Council believes this could indicate support for helmet legislation, and in fact, 77% of all the respondents in its survey indicated that legislation was an effective way to increase helmet use, along with public information and awareness campaigns (88%) and safety courses and events (81%).⁷

Several key associations in Canada and abroad have stated their support for helmet legislation. The Canadian Academy of Sports Medicine (CASM) recommends that all provinces and territories enact helmet legislation; the CASM also supports programs promoting helmet use and affordability.⁸

The Canadian Association of Road Safety Professionals (CARSP) (2004)⁹ supports the mandatory use of bicycle helmets for all ages, not just children and youth under the age of 18. The CARSP recommends a comprehensive approach, one that includes legislation and public awareness and education. In its view, the increased helmet use and significant reductions in injuries demonstrate the effectiveness of mandatory helmet use.

In 2004, the British Medical Association reversed its earlier position against helmet legislation, and now supports legislation making helmet use compulsory for both children and adults.¹⁰ Much of its rationale for its change in position was based on the new evidence arising from research evaluating provincial helmet laws in Canadian jurisdictions.

⁵Foss, RD, & Beirness DJ. **Effects of the Helmet Use Law in British Columbia**. UNC Highway Safety Research Centre & Traffic Injury Research Foundation: April 2000.

⁶See also LeBlanc, JC et al. "Effect of legislation on the use of bicycle helmets." *CMAJ* 2002;166(5):592-5; Macpherson, AK & Macarthur, C. "Bicycle Helmet Legislation: Evidence for Effectiveness." *Pediatric Research* 52:472 (2002); Warda L. & Briggs, G. **Bicycle Injuries in Manitoba: Time for Legislation?** IMPACT, Health Sciences Centre, Manitoba February 2003. Posted at http://www.hsc.mb.ca/impact/bike_2003.htm; and Tennebein, M, Warda L, Rivard, J, & Briggs, G. **Bicycle Helmet Use Trends in a Jurisdiction without Legislation: 1996-2003**. IMPACT, Health Sciences Centre, Manitoba. Posted September 2005. <http://www.hsc.mb.ca/impact/bikehelmettrends.htm>

⁷Canada Safety Council. **Helmets: Attitudes and Actions Survey Finds Most Kids Wear Helmets, Most Adults Don't**. Posted <http://www.safety-council.org/info/sport/helmets.html>

⁸Canadian Academy of Sports Medicine. **CASM/ACMS Position Statement: Mandatory Use of Bicycle Helmets**. Revised February 2000.

⁹CARSP. **Support for the Mandatory Use of Bicycle Helmets for All Ages**. Posted January 27, 2004. http://www.carsp.ca/bicycle_helmets.htm

¹⁰British Medical Association. **Legislation for the compulsory wearing of cycle helmets**. November 2004. <http://www.bma.org.uk/ap.nsf/Content/cyclehelmetlegis>.

Provincial Context

In Newfoundland and Labrador, the provincial government has provided municipalities with the authority to enact bylaws governing bicycle helmet use; the result is a patchwork of regulation that is inconsistent and limited in its application.¹¹ In 1992, the Paradise Town Council was the first municipality to create a helmet bylaw, resulting from a motion stating simply that all bicycle riders must wear helmets. For example, our research¹² has only been able to confirm that another six municipalities – St. John’s, Mount Pearl, Holyrood, Grand Falls-Windsor, Corner Brook, and Harbour Breton – have enacted bylaws requiring bicycle helmet use, largely through the efforts of community advocates and health professionals. These regulations may cover only children under the age of 12, may require only helmet use with bicycles, or they may include coverage for all ages and for all wheeled objects including bicycles, skateboards and roller blades.

As previously noted, British Columbia, Alberta, Ontario, Nova Scotia, New Brunswick and Prince Edward Island have all enacted provincial legislation enforcing the use of helmets. These provincial governments accomplished this by amending what we call in Newfoundland and Labrador the Highway Traffic Act, managed here by the Departments of Government Services and Transportation and Works. For example, British Columbia’s helmet legislation¹³ reads:

Section 218 of the Motor Vehicle Act, R.S.B.C. 1989, is amended by inserting the following section enumerated 218.1 after the existing section 218:

218.1 (1) A person shall not operate a cycle on a highway without properly wearing a cycle safety helmet.

(2) A person shall not operate a cycle on a highway with an infant, when the infant is not properly wearing a cycle safety helmet.

(3) For the purposes of subsections (1) and (2), a helmet that has, by regulations that may be made by the superintendent, been designated as an approved cycle safety helmet, shall be deemed to be a cycle safety helmet.

(4) (a) Where a person is convicted of an offence under this Act in respect of the person's riding or operating a cycle, the court may, in addition to or in lieu of any penalty otherwise prescribed, order the cycle seized, and on the expiry of that period the person entitled to it may again have possession of the cycle.

(b) For the purpose of seizing and impounding a cycle pursuant to an order made under paragraph (a), a peace officer may enter by force any place or building in which the cycle is situated.

¹¹Statutes of Newfoundland 1999: An Act Respecting Municipalities, Assented to May 27, 1999.

¹²The Federation of Municipalities was not able to provide a complete list of communities with such by-laws, noting there were 282 incorporated municipalities, some of which have two or more communities in their jurisdiction, nor was such a list available from the Department of Health and Community Services. In fact, staff in one municipal office advised the researcher that helmets were required by the RCMP or the RNC when asked if the community had by-laws requiring helmet use.

¹³**Bill M 207 – 1992 Bicycle Safety Helmet Act.** http://www.leg.bc.ca/1992/1st_read/mem207-1.htm

Presenting and implementing provincial legislation, along with supporting a public education and promotion program, would meet the provincial government's commitment to wellness, particularly its priority area of injury prevention and the reduction of injury rates.

Recommendations

The Newfoundland and Labrador Medical Association (NLMA), the Association for Registered Nurses of Newfoundland and Labrador (ARNNL), and the Newfoundland and Labrador Public Health Association (NLPHA) make the following recommendations:

- 1) That the provincial government, through the Departments of Government Services and Transportation and Works, enact legislation amending the provincial Highway Traffic Act to make helmet use mandatory for bicycle users of all ages, with appropriate fines for not wearing an approved bicycle helmet. Parents are responsible for ensuring their children wear helmets while riding bicycles.
- 2) That the provincial government, through the Wellness Division of the Department of Health and Community Services, develop, implement and evaluate a public education campaign promoting the use of helmets for all bicycle riders, as well as develop a tool to monitor the effectiveness of the helmet legislation.