

Ontario – Elevated Work Platform

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Occupational Health and Safety Act

PART III

DUTIES OF EMPLOYERS AND OTHER PERSONS

Duties of constructor

23. (1)A constructor shall ensure, on a project undertaken by the constructor that,
- (a) the measures and procedures prescribed by this Act and the regulations are carried out on the project;
 - (b) every employer and every worker performing work on the project complies with this Act and the regulations; and
 - (c) the health and safety of workers on the project is protected.

Duties of supervisor

27. (1)A supervisor shall ensure that a worker,
- (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
 - (b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor

- (2)Without limiting the duty imposed by subsection (1), a supervisor shall,
- (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
 - (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
 - (c) take every precaution reasonable in the circumstances for the protection of a worker.
- R.S.O. 1990, c. O.1, s. 27.

Duties of workers

28. (1)A worker shall,
- (a) work in compliance with the provisions of this Act and the regulations;
 - (b) use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn;
 - (c) report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and

(d) report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.

PART V

RIGHT TO REFUSE OR TO STOP WORK WHERE HEALTH OR SAFETY IN DANGER

Refusal to work

(3) A worker may refuse to work or do particular work where he or she has reason to believe that,

- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- (b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- (b.1) workplace violence is likely to endanger himself or herself; or
- (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker. R.S.O. 1990, c. O.1, s. 43 (3); 2009, c. 23, s. 4 (2).

PART II

GENERAL CONSTRUCTION

ONTARIO REGULATION 213/91 CONSTRUCTION PROJECTS

Elevating Work Platforms

143. (1) Subject to subsection (2), every elevating work platform, including elevating rolling work platforms, self-propelled elevating work platforms, boom-type elevating work platforms and vehicle-mounted aerial devices shall comply with section 144.

O. Reg. 213/91, s. 143 (1).

(2) Subsection (1) does not apply to,

- (a) suspended scaffolds or suspended work platforms; and
- (b) buckets or baskets suspended from or attached to the boom of a crane. O. Reg. 213/91, s. 143 (2).

144. (1) An elevating work platform shall be designed by a professional engineer in accordance with good engineering practice,

(a) to meet the requirements of the applicable National Standards of Canada standard, set out in the Table to subsection (6); and

(b) to support a minimum of 1.3 kilonewtons rated working load as determined in accordance with the applicable National Standards of Canada standard set out in the Table to subsection (6). O. Reg. 213/91, s. 144 (1).

(2) An elevating work platform shall be manufactured in accordance with the design referred to in subsection (1). O. Reg. 213/91, s. 144 (2).

(3) An elevating work platform,

- (a) shall be tested in accordance with the National Standards of Canada standard set out in the Table to subsection (6); and
- (b) shall be inspected each day before use, in accordance with the manufacturer's instructions by a worker trained in accordance with section 147. O. Reg. 213/91, s. 144 (3).
- (4) An elevating work platform shall only be used if a professional engineer has certified in writing that it complies with the National Standards of Canada standard set out in the Table to subsection (6). O. Reg. 213/91, s. 144 (4).
- (5) The certification required by subsection (4) shall include the details of testing. O. Reg. 213/91, s. 144 (5).
- (6) The National Standards of Canada standard applicable to the type of elevating work platform listed in Column 1 of the Table to this subsection are the standards set out opposite it in Column 2:

TABLE

Column 1	Column 2
Elevating Work Platform	National Standards of Canada standard
Elevating Rolling Work Platform	CAN3-B354.1-M82
Self-Propelled Elevating Work Platform	CAN3-B354.2-M82 and CAN3-B354.3-M82
Boom-Type Elevating Work Platform	CAN3-B354.4-M82
Vehicle-Mounted Aerial Device	CAN-CSA-C225-M88

O. Reg. 213/91, s. 144 (6).

- (7) An elevating work platform shall be equipped with guardrails. O. Reg. 213/91, s. 144 (7).
- (8) An elevating work platform shall have signs that are clearly visible to an operator at its controls indicating,
- (a) the rated working load;
 - (b) all limiting operating conditions including the use of outriggers, stabilizers and extendable axles;
 - (c) the specific firm level surface conditions required for use in the elevated position;
 - (d) such warnings as may be specified by the manufacturer;
 - (e) other than for a boom-type elevating work platform, the direction of machine movement for each operating control;
 - (f) the name and number of the National Standards of Canada standard to which it was designed; and
 - (g) the name and address of the owner. O. Reg. 213/91, s. 144 (8).

145. (1) The owner of an elevating work platform shall maintain it such that the safety factors of the original design are maintained. O. Reg. 213/91, s. 145 (1).

(2) The owner of an elevating work platform shall keep a permanent record of all inspections, tests, repairs, modifications and maintenance performed on it. O. Reg. 213/91, s. 145 (2).

(3) The permanent record required by subsection (2),
(a) shall be kept up-to-date;
(b) shall include complete records from the more recent of,
(i) the date of purchase, or
(ii) the date this Regulation is filed; and
(c) shall include the signature and name of the person who performed the inspection, test, repair, modification or maintenance. O. Reg. 213/91, s. 145 (3).

146. A maintenance and inspection record tag,
(a) shall be provided and attached to the elevating work platform near the operator's station; and
(b) shall include,
(i) the date of the last maintenance and inspection,
(ii) the signature and name of the person who performed the maintenance and inspection, and
(iii) an indication that the maintenance has been carried out in accordance with the manufacturer's recommendations. O. Reg. 213/91, s. 146.

147. (1) A worker who operates an elevating work platform shall, before using it for the first time, be given oral and written instruction on the operation and be trained to operate that class of elevating work platform. O. Reg. 213/91, s. 147 (1).
(2) The instruction and training required by subsection (1) shall include,
(a) the manufacturer's instruction;
(b) instruction in the load limitations;
(c) instruction in and a hands-on demonstration of the proper use of all controls; and
(d) instruction in the limitations on the kinds of surfaces on which it is designed to be used. O. Reg. 213/91, s. 147 (2).

148. An elevating work platform,
(a) shall not be loaded in excess of its rated working load;
(b) shall be used only on a firm level surface;
(c) shall be used only in accordance with the written instructions of the manufacturer;
(d) shall not be loaded and used in such a manner as to affect its stability or endanger a worker; and
(e) shall not be moved unless all workers on it are protected against falling by a safety belt attached to the platform. O. Reg. 213/91, s. 148.

149. An operator's manual for an elevating work platform shall be kept with it while it is on a project. O. Reg. 213/91, s. 149.

Ontario

Aerial Lift - Appareil de Levage

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Occupational Health and Safety Act - R.R.O. 1990, Reg. 851

1. In this Regulation,
"adequate", when used in relation to a procedure, plan, material, device, object or thing, means that it is,
(a) sufficient for both its intended and its actual use, and
(b) sufficient to protect a worker from occupational illness or occupational injury;
"adequately" has a meaning that corresponds to the meaning of "adequate";
"boom" means the projecting part of a back-hoe, shovel, crane or similar lifting device from which a load is likely to be supported;
"lifting device" means a device that is used to raise or lower any material or object and includes its rails and other supports but does not include a device to which the *Elevating Devices Act* applies;

Pre-Start Health and Safety Reviews

7. (1) In this section,
"apparatus" means equipment or a machine or device;
"protective element" means a shield, a guard, an operating control acting as a guard, a locking device or any other device preventing access;
"spray booth" means a spray booth as defined in Ontario Regulation 388/97 made under the *Fire Protection and Prevention Act, 1997*;
"Table" means the Table to this section. O. Reg. 528/00, s. 2.
(2) Subject to subsections (5), (7), (8) and (9), a pre-start health and safety review is required if, in a factory other than a logging operation, a provision of this Regulation listed in the Table applies and the circumstances described in the Table will exist,
(a) because a new apparatus, structure or protective element is to be constructed, added or installed or a new process is to be used; or
(b) because an existing apparatus, structure, protective element or process is to be modified and one of the following steps must be taken to obtain compliance with the applicable provision:
1. New or modified engineering controls are used.
2. Other new or modified measures are used.
3. A combination of new, existing or modified engineering controls and other new or modified measures is used. O. Reg. 528/00, s. 2.
(3) When a pre-start health and safety review is required, the owner, lessee or employer shall ensure that the apparatus, structure or protective element is not

operated or used or that the process is not used, as the case may be, unless the review has been conducted, and,

(a) all measures identified in the review as being required for compliance with the relevant provisions of this Regulation that are listed in the Table have been taken; or

(b) if some or all of the measures specified in clause (a) are not taken, the owner, lessee or employer has provided written notice to the joint health and safety committee or the health and safety representative, if any, of what measures have been taken to comply with the relevant provisions of this Regulation that are listed in the Table. O. Reg. 528/00, s. 2.

(4) A pre-start health and safety review includes the preparation of a written report that is made to the owner, lessee or employer and contains,

(a) details of the measures to be taken for compliance with the relevant provisions of this Regulation that are listed in the Table;

(b) if testing is required before the apparatus or structure can be operated or used or before the process can be used, details of measures to protect the health and safety of workers that are to be taken before the testing is carried out; and

(c) if item 3 or 7 of the Table applies, details of the structural adequacy of the apparatus or structure. O. Reg. 528/00, s. 2.

(5) When item 2 of the Table applies, a pre-start health and safety review is not required if,

(a) the protective element was installed at the time the apparatus was manufactured and the conditions set out in paragraphs 1, 2 and 3 of subsection (6) are met; or

(b) the protective element was not installed at the time the apparatus was manufactured and the conditions set out in paragraphs 1, 2, 3 and 4 of subsection (6) are met. O. Reg. 528/00, s. 2.

(6) The following are the conditions mentioned in clauses (5) (a) and (b):

1. The apparatus was manufactured in accordance with and meets current applicable standards, or it has been modified to meet current applicable standards.

2. The apparatus is installed in accordance with the manufacturer's instructions and current applicable standards.

3. The protective element was manufactured in accordance with and meets current applicable standards, or it has been modified to meet current applicable standards.

4. The protective element is installed in accordance with the manufacturer's instructions, and current applicable standards, if any. O. Reg. 528/00, s. 2.

(7) When item 3 of the Table applies, a pre-start health and safety review is not required if the rack or stacking structure is designed and tested for use in accordance with current applicable standards. O. Reg. 528/00, s. 2.

(8) When item 4 of the Table applies, a pre-start health and safety review is not required if the process is conducted inside a spray booth that is manufactured and installed in accordance with current applicable standards. O. Reg. 528/00, s. 2.

(9) When item 7 of the Table applies, a pre-start health and safety review is not

required,

(a) in the case of a lifting device or travelling crane, if it is in or on a supporting structure originally designed for it and its capacity does not exceed the capacity provided for in that original design;

(b) in the case of an automobile hoist, if it is certified that it meets current applicable standards. O. Reg. 528/00, s. 2.

(10) If no pre-start health and safety review is required because subsection (5), (7), (8) or (9) applies, the owner, lessee or employer shall keep documents establishing the exemption readily accessible in the workplace for as long as the protective element, rack or stacking structure or lifting device, travelling crane or automobile hoist remains in the workplace or the process is used in the workplace, as the case may be. O. Reg. 528/00, s. 2.

(11) A pre-start health and safety review required under item 1, 2, 3, 4, 5, 6 or 7 of the Table shall be conducted by a professional engineer. O. Reg. 528/00, s. 2.

(12) A pre-start health and safety review required under item 8 of the Table shall be conducted by a professional engineer or by a person who in the opinion of the owner, lessee or employer possesses special expert or professional knowledge or qualifications appropriate to assess any potential or actual hazards. O. Reg. 528/00, s. 2.

(13) The person conducting a pre-start health and safety review shall,

(a) date and sign the written report mentioned in subsection (4);

(b) if the person is a professional engineer, affix his or her seal to the report; and

(c) if the person is not a professional engineer, include in the report details of his or her special expert or professional knowledge or qualifications. O. Reg. 528/00, s. 2.

(14) Reports of pre-start health and safety reviews conducted under this section shall,

(a) be kept readily accessible in the workplace together with any supporting documents; and

(b) be provided to the joint health and safety committee or the health and safety representative, if any, before the apparatus, structure or protective element is operated or used or the process is used. O. Reg. 528/00, s. 2.

(15) Documents kept under subsection (10) may be reviewed, on request, by,

(a) the joint health and safety committee or the health and safety representative, if any; or

(b) an inspector. O. Reg. 528/00, s. 2.

45. Material, articles or things,

(a) required to be lifted, carried or moved, shall be lifted, carried or moved in such a way and with such precautions and safeguards, including protective clothing, guards or other precautions as will ensure that the lifting, carrying or moving of the material, articles or things does not endanger the safety of any worker;

(b) shall be transported, placed or stored so that the material, articles or things,

(i) will not tip, collapse or fall, and

51. (1) A lifting device shall,
- (a) be so constructed, of such strength and be equipped with suitable ropes, chains, slings and other fittings so as to adequately ensure the safety of all workers;
 - (b) be thoroughly examined by a competent person to determine its capability of handling the maximum load as rated,
 - (i) prior to being used for the first time, and
 - (ii) thereafter as often as necessary but not less frequently than recommended by the manufacturer and in any case, at least once a year, and a permanent record shall be kept, signed by the competent person doing the examination;
 - (c) be plainly marked with sufficient information so as to enable the operator of the device to determine the maximum rated load that the device is capable of lifting under any operating condition;
 - (d) have a cab, screen, canopy guard or other adequate protection for the operator where the operator may be exposed to the hazard of falling material;
 - (e) when it is a pneumatic or hydraulic hoist, have controls that automatically return to their neutral position when released.
- (2) A lifting device shall be operated,
- (a) only by,
 - (i) a competent person, or
 - (ii) a worker being instructed who is accompanied by a competent person; and
 - (b) in such a way that,
 - (i) no part of the load passes over any worker,
 - (ii) where a worker may be endangered by the rotation or uncontrolled motion of a load, one or more guide ropes is used to prevent rotation or other uncontrolled motion, and
 - (iii) subject to subsection (3), when its load is in a raised position the controls are attended by an operator.
- (3) Subclause (2) (b) (iii) does not apply to,
- (a) a hydraulic hoist that supports the load from below and is fixed in one location; and
 - (b) an assembly line hoist temporarily unattended during a stoppage of the assembly line.
- (4) Hoisting controls operated from other than a cab or cage shall,
- (a) be located so that they can be operated at a safe distance from a load being lifted; and
 - (b) automatically return to their neutral position when released.
- (5) Where a lifting device is equipped with limit switches, the switches shall,
- (a) automatically cut off the power and apply the brake; and
 - (b) not be used as an operating control unless designed for such use, in which case a second limit switch shall be located behind the control limit switch. R.R.O. 1990, Reg. 851, s. 51.

52. A crane, lift truck or similar equipment shall be used to support, raise or lower a worker only when,

 - (a) the worker is on a platform,

(i) equipped with adequate safety devices that will automatically prevent the platform and load from falling if the platform's normal support fails,
(ii) suspended from a boom that does not move, and the person is attached to a separate lifeline suspended from the boom or a fixed support capable of supporting at least four times the weight of the worker, or
(iii) attached to a mast, or boom which,
(A) is hydraulically or pneumatically operated, and
(B) is equipped with a safety device that will prevent free fall of the platform in the event of a pressure line failure;
(b) where the equipment is not designed for the specific purpose of hoisting personnel, the load applied to the crane, lift truck or similar equipment is less than one half the maximum rated load;
(c) the platform has a sign indicating the load described in clause (b);
(d) where controls are provided at more than one location,
(i) each control station is provided with means whereby the operator can shut off power to the equipment, and
(ii) interlocks have been provided so that only one station can be operative at any time; and
(e) except when the controls are operated from the platform, the controls are attended and operated by another worker. R.R.O. 1990, Reg. 851, s. 52.

53. Where a travelling crane is operated on a crane runway, there shall be,
(a) rail stops or bumpers extending at least as high as the centre of the wheels at both ends of the crane runway; and
(b) where applicable, similar rail stops at the ends of the crane bridge. R.R.O. 1990, Reg. 851, s. 53.

54. (1) Mobile equipment shall,
(a) when lighting conditions are such that its operation may be hazardous, have head lights and tail lights that provide adequate illumination;
(b) when exposed to the hazard of falling material, have a screen or canopy guard adequate to protect the operator;
(c) be used to transport a person, other than the operator, only when that worker is seated in a permanently installed seat; and
(d) subject to subsection (2), be operated only by a competent person.
(2) Clause (1) (d) does not apply to mobile equipment operated by a worker while the worker is being instructed and accompanied by a competent person. R.R.O. 1990, Reg. 851, s. 54.

55. A vehicle used to transport structural steel, logs or similar loads shall have a bulkhead between the operator's cab and the load that is reasonably capable of resisting any impact caused by the shifting of the load under emergency stop conditions. R.R.O. 1990, Reg. 851, s. 55.

56. Where the operator of a vehicle, mobile equipment, crane or similar material handling equipment does not have a full view of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment or its load, the vehicle, mobile equipment, crane or similar material handling equipment shall only be operated as directed by a signaller who is a competent person and who is stationed,

- (a) in full view of the operator;
 - (b) with a full view of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment and its load; and
 - (c) clear of the intended path of travel of the vehicle, mobile equipment, crane or similar material handling equipment and its load. R.R.O. 1990, Reg. 851, s. 56.
57. A vehicle left unattended shall be immobilized and secured against accidental movement. R.R.O. 1990, Reg. 851, s. 57.
58. Powered equipment shall not be left unattended unless forks, buckets, blades and similar parts are in the lowered position or solidly supported. R.R.O. 1990, Reg. 851, s. 58.
59. Except for the purpose of a test of the material handling equipment, no material handling equipment shall be loaded in excess of its maximum rated load. R.R.O. 1990, Reg. 851, s. 59.
60. (1) Except as prescribed by section 42.2, where a vehicle, crane or similar equipment is operated near a live power line carrying electricity at more than 750 volts, every part of the equipment shall be kept at least the minimum distance from the live power line set out in Column 2 of the Table for the particular voltage set out opposite thereto in Column 1 of the Table:

TABLE

Minimum distance from live power lines for electricity	
Column 1	Column 2
Voltage of live power line	Minimum Distance
750 to 150,000 volts	3 metres
150,001 to 250,000 volts	4.5 metres
250,001 volts and over	6 metres

R.R.O. 1990, Reg. 851, s. 60 (1); O. Reg. 630/94, s. 3 (1).

- (2) Subject to section 42.2, where a vehicle, crane or similar equipment is operated near a live power line, and it is possible for any part of the vehicle, crane or similar equipment or its load to make contact with the live power line,
- (a) a worker shall be stationed within the view of the operator to warn the operator when any part of the equipment is approaching the minimum distance from the live power line; and
 - (b) clearance shall be allowed for any change in boom angle and for any swing of the hoisting cable and load. R.R.O. 1990, Reg. 851, s. 60 (2); O. Reg. 630/94, s. 3 (2).

- (ii) can be removed or withdrawn without endangering the safety of any worker; and
- (c) to be removed from a storage area, pile or rack, shall be removed in a manner that will not endanger the safety of any worker. R.R.O. 1990, Reg. 851, s. 45.

Valuable further information at the web address below:

http://www.labour.gov.on.ca/english/hs/sawo/pubs/fs_workplatform.php