

PEI EWP – Elevated Work Platform

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CHAPTER O-1.01

OCCUPATIONAL HEALTH AND SAFETY ACT

DUTIES OF EMPLOYERS, WORKERS AND OTHER PERSONS

12.

(1) An employer shall ensure

(a) that every reasonable precaution is taken to protect the occupational health and safety of persons at or near the workplace;

(b) that any item, device, material, equipment or machinery provided for the use of workers at a workplace is properly maintained, and is properly equipped with the safety features or devices, as recommended by the manufacturer or required by the regulations;

(c) that such information, instruction, training, supervision and facilities are provided as are necessary to ensure the occupational health and safety of the workers;

(d) that workers and supervisors are familiar with occupational health or safety hazards at the workplace;

(e) that workers are made familiar with the proper use of all safety features or devices, equipment and clothing required for their protection; and

(f) that the employer's undertaking is conducted so that workers are not exposed to occupational health or safety hazards as a result of the undertaking.

13.

A constructor shall ensure

(a) that every reasonable precaution is taken to protect the occupational health and safety of persons at or near a project;

- (b) that the activities of the employers and self-employed persons at the project are coordinated;
- (c) that the communication of information necessary to the occupational health and safety of persons at the project occurs between the employers and self-employed persons at the project;
- (d) that communication is facilitated between the constructor and a committee or representative required by this Act for the project;
- (e) that the measures and procedures in this Act and the regulations are carried out at the project; and
- (f) that every worker, self-employed person and employer performing work in respect of the project complies with this Act and the regulations. 2004,c.42,s.13.

16.

(1) A worker, while at work, shall

- (a) take every reasonable precaution to protect the worker's own occupational health and safety and that of other persons at or near the workplace;
- (b) cooperate with the employer and with the other workers to protect the worker's own occupational health and safety and that of other persons at or near the workplace;
- (c) wear or use such individual protective equipment as is required by this Act and the regulations;
- (d) consult and cooperate with the committee or representative, if any;
- (e) cooperate with any person performing a duty or exercising a power conferred by this Act or the regulations; and
- (f) comply with this Act and the regulations.

(2) Where a worker believes that any item, device, material, equipment or machinery, condition or aspect of the workplace is or may be dangerous to the worker's occupational health or safety or that of other persons at or near the workplace, the worker

- (a) shall immediately report it to a supervisor;
- (b) shall, where the matter is not remedied to the worker's satisfaction, report it to the committee or the representative, if any; and
- (c) may, where the matter is not remedied to the worker's satisfaction after the worker reports it in accordance with clauses (a) and (b), report it to an officer. 2004,c.42,s.16.

REFUSAL TO WORK

28.

(1) A worker may refuse to do an act at the worker's workplace where the worker has reasonable grounds for believing that the act is likely to endanger the worker's occupational health or safety or the occupational health and safety of another worker.

(2) A worker who has reason to believe that an act is likely to endanger the worker's occupational health and safety or the occupational health or safety of another worker shall immediately report the concern to the worker's supervisor, who shall promptly investigate the situation in the presence of the worker.

CHAPTER O-1.01

OCCUPATIONAL HEALTH AND SAFETY ACT

GENERAL REGULATIONS

SCAFFOLDING REGULATIONS

Power operated elevating work platform

19. (1) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that the work platform is equipped with

- (a) positive pressure controls for the positioning of the work platform;
- (b) a power elevating mechanism equipped with positive drives for both raising and lowering the work platform;
- (c) an interlock device that limits lateral movement when the height of the work platform exceeds that specified by the manufacturer; and
- (d) an elevating mechanism that, upon failure, locks the work platform in the elevated position.

Failure of elevating Mechanism

(2) Where an elevating mechanism referred to in clause (1)(b) of a

power operated elevating work platform fails while a worker is working on the work platform, the employer who provided the work platform for the use of the worker shall ensure that the worker is removed from the work platform before

- (a) the work platform is lowered; or
- (b) repairs are made to the elevating mechanism.

Communication

(3) Where the operator of a power operated elevating work platform is not the worker being raised on the work platform, the employer who provided the work platform for the use of the worker shall ensure that there is an effective and direct means of communication between the operator and the worker.

Application of CSA standards

(4) The owner of a power operated elevating work platform, and an employer who provides a power operated elevating work platform for the use of a worker, shall ensure that the power operated elevating work platform is designed, constructed, erected, maintained, inspected, monitored and used in accordance with the following CSA Standards, as applicable:

- (a) B354.1-04, "Portable Elevating Work Platforms";
- (b) B354.2-02, "Self Propelled Elevating Work Platforms";
- (c) B354.4-02, "Self Propelled Boom Supported Elevating Work Platforms";
- (d) CAN/CSA - Z271-98, "Safety Code for Suspended Elevating Platforms";
- (e) CSA C225-00, "Vehicle Mounted Aerial Device".

Operation requirements

(5) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that

(a) the worker is competent to operate the platform or that the platform is operated by another worker who is competent to do so; and

(b) the worker operating the platform has available on the work platform

- (i) a legible operator's manual, and
- (ii) information on

(A) all of the applicable operational limitations and requirements, including those relating to the use of outriggers, stabilizers and extendable axles,

(B) the specific surface conditions required for safe use in the elevated position,

(C) such warnings as may be specified by the manufacturer;

(D) the name and number of the CSA Standard to which the power operated elevating work platform was designed, and

(E) the name and address of the owner of the work platform.

Posting of information

(6) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that information on

(a) the rated capacity of the work platform; and

(b) other than for a boom-type elevating work platform, the direction of the machine movement for each operating control of the work platform, is securely posted at the controls of the work platform.

Record to be kept by owner

(7) The owner of a power operated elevating work platform shall keep a permanent record of all inspections, tests, repairs, modifications and maintenance performed on it.

Content of record

(8) The record required under subsection (7) shall include the name and signature of the person who performed the inspection, test, repair, modification or maintenance.

Instruction or training of operator

(9) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that the worker who operates the work platform has, before using it for the first time,
(a) received oral or written instruction on the safe operation of the particular work platform; or
(b) otherwise been adequately trained to operate the work platform.

Instruction and training requirements

(10) An employer shall ensure that the instruction and training required by a worker under subsection (9) is provided by a competent person and includes

- (a) instruction
 - (i) on the manufacturer's specifications,
 - (ii) on applicable load limitations,
 - (iii) on the kind of surfaces on which the power operated elevating work platform are designed to be used; and
- (b) a hands on demonstration of the proper use of all controls.

Operation requirements

(11) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that the work platform
(a) is not loaded in excess of its rated capacity;
(b) is used on a firm, level surface unless otherwise specified by the manufacturer;
(c) is used only in accordance with the manufacturer's specifications;
(d) is not loaded and used in such a manner as to create an unstable condition or cause a hazard;
(e) is not moved vertically or horizontally unless every worker on the scaffold, while it is being moved, is protected against falling by a fall arrest system that complies with the Fall Protection Regulations (EC633/04); and

(f) is equipped with an emergency stop button.

Requirement for fall arrest system

(12) An employer of a worker who uses a power operated elevating work platform shall ensure that the worker is protected against falling by a fall arrest system that complies with the Fall Protection Regulations (EC633/04). (EC44/06)