

Confined Space Laws Across Canada



Know The Laws Of Your Province: What's a 'Confined Space'

Confined spaces are a potential death trap for any that enter them, including those who go in during an emergency to rescue the workers inside. The first step in controlling the dangers is figuring out if you have any confined spaces at your own workplace. To identify confined spaces and determine the safety measures necessary to prevent workers from getting killed or injured in them, you need to know what's actually considered a confined space. This can be tricky, especially if you operate in multiple provinces because each jurisdiction has a slightly different definition. For instance, many OHS laws differentiate between different kinds of confined spaces, only requiring safety measures for "hazardous" or "restricted" confined spaces. Here's a look at the definition of each jurisdiction.

Confined Space Definitions Across Canada

Federal

Section 11.1 of the *Canadian OHS Regulations* groups confined spaces into 2 classes:

Confined spaces, or spaces that (a) are enclosed or partially enclosed; (b) are not designed or intended for continuous human occupancy; and (c) have a limited or restricted means of entry or exit or an internal configuration that could complicate provision of first aid, evacuation, rescue or other emergency response; and

Hazardous confined spaces, or confined spaces that presents hazards likely to cause injury, illness or other adverse health effects to persons entering, exiting or occupying it because of (a) their design, construction, location or atmosphere; (b) the materials or substances in it; or (c) any other conditions relating to it.

Alberta

Section 1 of the *Alberta OHS Code* defines '**confined space**' as what's called a restricted space (see below) which may become hazardous to a worker entering it

because of (a) an atmosphere that is or may be injurious due to oxygen deficiency or enrichment, flammability, explosivity or toxicity, (b) a condition or changing set of circumstances within the space that presents a potential for injury or illness, or (c) the potential or inherent characteristics of an activity which can produce adverse or harmful consequences within the space;

'Restricted space' is defined as an enclosed or partially enclosed space, not designed or intended for continuous human occupancy, with a restricted, limited or impeded means of entry or exit because of its construction.

British Columbia

Section 9.1 of the BC *OHS Regulation* defines **'confined space'** as an area, other than an underground working, that: (a) is enclosed or partially enclosed, (b) is not designed or intended for continuous human occupancy, (c) has limited or restricted means for entry or exit that may complicate the provision of first aid, evacuation, rescue or other emergency response service, and (d) is large enough and so configured that a worker could enter to perform assigned work.

Manitoba

Section 1.1 of the Manitoba *Workplace Safety and Health Regulation* groups confined spaces into 2 classes:

Confined spaces are enclosed or partially enclosed spaces that (a) except for purpose of performing work, aren't primarily designed or intended for human occupancy; and (b) have restricted means of access or exit;

Hazardous confined spaces are confined spaces that are or may become hazardous to a worker entering or inside the space due to: (a) the design, construction or atmosphere of the space; (b) materials or substances in the space; (c) the work activities or processes in the space; or (d) any other conditions within or related to the space.

New Brunswick

Section 262 of the New Brunswick *OHS General Regulation* defines **'confined space'** as an enclosed or partially enclosed space not designed or intended for continuous human occupancy with restricted access or exit and which is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions, not including a development heading in an underground mine.

Newfoundland

Section 511(2) of the Newfoundland *OHS Regulations* defines **'confined space'** as an enclosed or partially enclosed space that: (a) isn't designed or intended for human occupancy except for purpose of performing work; (b) has restricted means of access and exit; and (c) may become hazardous to a person entering it due to: (i) its design, construction, location or atmosphere, (ii) the materials or substances in it, or (iii) any other conditions.

Nova Scotia

Section 129(1) of the Nova Scotia *OHS Regulations* defines '**confined space**' as an enclosed or partially enclosed space: (a) not designed or intended for regular human occupancy; (b) with restricted access or exit; and (c) that is or may become hazardous to a person entering it due to its design, construction, location, atmosphere or the materials or substances in it or other conditions.

Ontario

Section 1 of the Ontario *Confined Spaces Regulation* defines '**confined space**' as a fully or partially enclosed space: (a) that's not designed and constructed for continuous human occupancy, and (b) in which atmospheric hazards may occur because of its construction, location or contents or because of work done in it.

Prince Edward Island

Section 13.1 of the Prince Edward Island *OHS General Regulations* defines '**confined space**' as an enclosed or partially enclosed space: (a) not designed or intended for human occupancy; (b) with restricted access or exit; and (c) that is or may become hazardous to a person entering it due to its design, construction, location, atmosphere or the materials or substances in it or other conditions, and includes any bin, tank, tanker, tunnel, silo, sewer, vault, chamber, pipeline, pit, vessel, vat and flue.

Qu bec

Qu bec uses the term '**enclosed area**', which Section 1 of the *OHS Regulations* defines as any area that's completely or partially enclosed, especially a reservoir, silo, vat, hopper, chamber, vault, tank, sewer including a ditch and temporary manure storage ditch, a pipe, chimney, access shaft, truck or freight car tank, which: (1) isn't designed for human occupation, nor intended to be, but may be occupied for performance of work; (2) access to which can only be via a restricted entrance/exit; (3) can represent a risk for the health and safety of anyone who enters, owing to any one of the following factors: (a) its design, construction or location; (b) its atmosphere or insufficiency of natural or mechanical ventilation; (c) the materials or substances that it contains; (d) or other related hazards.

Saskatchewan

Section 266 of the Saskatchewan *OHS Regulations* groups confined spaces into 2 classes:

Confined spaces are enclosed or partially enclosed spaces that: (i) are not primarily designed or intended for human occupancy, except for the purpose of performing work; and (ii) have restricted means of entrance and exit;

Hazardous confined spaces are confined spaces that are or may become hazardous to a worker entering the confined space due to: (i) the design, construction or atmosphere of the confined space; (ii) the materials or substances in the confined space; (iii) the work activities or processes used in the confined space; or (iv) any other conditions relating to the confined space.

Northwest Territories and Nunavut

The *OHS Regulations* group confined spaces into 2 classes:

Section 1 of the Regulations defines a **confined space** as an enclosed or partially enclosed space, that's not designed or intended for continuous human occupancy, with restricted entry or exit;

Section 273 defines **hazardous confined space** as a confined space that endangers or could endanger a worker entering or already in the confined space, due to: (a) the design, construction or atmosphere of the space, (b) the materials or substances in the space, (c) the work activities or processes used in the space, or (d) any other conditions relating to the space.

Yukon

Section 2.01 of the Yukon *OHS Regulations* defines '**confined space**' as an area, other than an underground mine, that: 1. is enclosed or partially enclosed, 2. Isn't designed or intended for human occupancy, 3. has limited or restricted means for entry or exit that may complicate providing first aid, evacuation, rescue or other emergency response services, and 4. is large enough and so configured that a worker could enter to perform assigned work.