

# Fall Protection – 2023 Year in Review



## ALBERTA

### LAWS & ANNOUNCEMENTS

**Mar 1:** The WCB issued revised OHS fall protection guidance and materials:

- [Fall protection plan.](#)
- [Fall protection plan: Information sheet for residential roofing.](#)
- [Fall protection plan template.](#)

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

### CASES

#### **Fall Protection: Lack of Fall Protection Leads to Lifeguard Fatality, \$87,000 Fine**

A junior lifeguard suffered a fatal fall of 3 metres/10 feet into the deep end of an empty pool at a town recreation centre. It was the victim's first day on the job. The town was fined \$87,000 and for failing to ensure fall protection [*Town of Picture Butte*].

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to avoid similar violations at your site

# NEW BRUNSWICK

## LAWS & ANNOUNCEMENTS

**Dec 14:** The jury at a coroner's inquest investigating a school worker's fall death recommended changing the OHS laws to allow a work stoppage any time a required fall protection system isn't in place. Other safety recommendations include beefed-up training and mandatory use of electronic work order management systems to track each employee's whereabouts on a site.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to avoid injuries and OHS violations at your site.

**Oct 5:** WorkSafeNB published a [checklist](#) employers and workers can use to carry out daily or prestart inspections of elevated work platforms to ensure they're in safe operating order and in compliance with provincial OHS requirements.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

# NOVA SCOTIA

## LAWS & ANNOUNCEMENTS

**May 12:** Newly published OHS [Safety Bulletin 0000024](#) warns of the risk of falls and other dangers associated with the use of plumpjack safety scaffolds. Pumpjacks must be installed and used in accordance with OHS regulations and manufacturer's instructions, the Bulletin stresses.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

# NORTHWEST TERRITORIES

## LAWS & ANNOUNCEMENTS

**Dec 21:** The WSCC issued a reminder to employers to guard against slips, trips, and falls, noting that they account for 1 in 5 of all lost-time workplace injuries in Northwest

Territories and Nunavut. The notice lists good housekeeping practices for reducing risks.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

## NUNAVUT

### LAWS & ANNOUNCEMENTS

**Dec 21:** The WSCC issued a reminder to employers to guard against slips, trips and falls, noting that they account for 1 in 5 of all lost-time workplace injuries in Northwest Territories and Nunavut. The notice lists good housekeeping practices for reducing risks.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

## ONTARIO

### LAWS & ANNOUNCEMENTS

**May 17:** The MOL announced that [changes](#) to OHS working at heights training rules for construction workers will take effect on April 1, 2024, including additional learning outcomes on ladders, skylights, and damaged equipment, new requirements on fitting PPE to specific body types and inclusion of anti-racism principles in classrooms.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

## CASES

### Fall Protection: Elevator Collapse Results in 2 Deaths and \$380,000 in Fines

The MOL imposed \$380,000 in fines against a constructor, contractor, supervisor and corporate director for an elevator platform collapse incident resulting in the death of 2 workers at a high-rise residential construction site in St. Catharines [*Homestead Land Holdings Ltd. et al*, [MOL Release](#), December 21,

2022].

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to avoid similar violations at your site

### **Fall Protection: OK to Suspend Worker for Not Wearing His Fall Protection Harness**

A construction supervisor spots a worker in an escalator pit who's not wearing his required safety harness. The worker claims the OHS coordinator gave him permission not to wear a harness but she denies ever saying any such thing. The worker later contends that he had concerns about his harness getting snagged on parts of the escalator. He gets a 2-day suspension. The union argues that the worker was confused about the harness rule and should have only gotten a warning. The Ontario Labour Relations Board upholds the suspension, finding that the mandatory harness rule was reasonable and that the worker, given his 36 years of experience, was well aware of the safety dangers of violating the rule [[International Union of Elevator Constructors, Local 50 v OTIS Canada Inc.](#), 2023 CanLII 15002 (ON LRB), February 16, 2023].

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site

### **Fall Protection: Failure to Cover Floor Opening Leads to Critical Injury and \$125,000 Fine**

Workers placed a piece of plywood over the gaping hole left by the removal of a concrete cistern that was 30 inches in diameter and 6-metres deep. A worker cleaning the area after the work tried to remove it. In so doing he fell to the bottom of the cistern and suffered critical injuries. Acknowledging that the plywood covering was neither securely placed nor clearly marked as a covering that shouldn't be removed, the employer pled guilty to an OHS violation and got a \$125,000 fine [[EBC Inc.](#), [MOL Press Release](#), February 21, 2023].

**Action Point:** Implement a [game plan](#) to prevent falls through openings at your workplace

### **Fall Protection: 5 Strikes and 'Yer Out-of Business-for**

## Roofing Company Owner

The MOL handed down the ultimate penalty by banning a roofing company with repeated OHS violations from operating in the construction business. The case began when an inspector spotted a worker on a pitched roof without wearing required fall protection. It was the fifth time that the sole proprietor of the roofing company was convicted of an OHS violation. After pleading guilty, he received a suspended sentence, subject to a probationary order, stripping him of the right to work or employ anyone, directly or indirectly, in the construction industry [Steven Bell, [MOL Press Release](#), December 6, 2023].

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site

## QUÉBEC

### LAWS & ANNOUNCEMENTS

**May 24:** Proposed *Construction Safety Code* [regulations](#) update the minimum dimensions for lumber planks used to provide flooring for scaffolding.

**Action Point:** Use the [OHSI Fall Protection Compliance Game Plan](#) to prevent fall injuries and OHS violations at your site.

### Industry Challenges

May 24: Highlights of CNESST's [proposed changes](#) to OHS arboriculture regulations:

- New requirement that arboriculture work must be done by a pruner with EmploiQuébec competency card.
- Mandatory development of rescue procedures.
- New list of minimum PPE
- New fall protection and harness requirements.
- New minimum content training requirements for arboriculture training.