Ontario Alert: The Working At Heights Training Deadline Is Coming-Are You Ready?



WHAT'S AT STAKE

Unless you received an extension to Oct. 1, you now have to comply with the new OHS working at heights training regulations. Here's a look at who the rules affect and the 4 things they require you to do.

HOW IT ALL CAME ABOUT

Like so many safety laws, the new training rules were borne from tragedy. It happened in Toronto on Christmas Eve, 2009. A construction crew boarded a swing stage scaffold to repair balconies on the 14th floor of a high rise. The scaffold collapsed and four of the men were killed.

It never should have happened. The crew knew the scaffold was unsafe because they had seen it sag two days earlier. It was exactly the sort of situation work refusals were designed for. The problem was that the workers, immigrants from Eastern Europe, were totally unaware of their refusal rights.

In demonstrating that lack of safety awareness can be lethal, the Metron Construction tragedy proved a turning point for OHS law in Ontario. The OHS system was reorganized and new

awareness training regulations were adopted. Mandatory 'OHS awareness' training for workers and supervisors took effect in 2014. The new working at heights rules are the first (but far from the last) application of awareness training to a specific hazard.

WHICH WORKERS MUST GET TRAINING

Not all workers have to be trained. Workers need working at heights training only if both of the following conditions are met:

1. **Workplace Is Construction Project:** Like other provinces, Ontario has separate OHS regulations for different kinds of work sites. The new training rules apply only to sites covered by the Construction Projects regulations. (If you're not sure what a construction project is, click here for an explanation.)

2. **Required to Use Fall Protection:** Just working on a construction site isn't enough. Training is required only for workers who are required to use fall protection, which includes any of the following methods:

   - Travel restraint systems;
   - Fall restricting systems;
   - Fall arrest systems;
   - Safety nets;
   - Work belts; or
   - Safety belts.

HOW NEW TRAINING IS DIFFERENT FROM CURRENT TRAINING

Mandatory fall protection training for workers is nothing new. Thus, Sec. 26.2(1) of the Construction Projects regs. require employers to ensure that workers be 'adequately trained' in any fall protection system they may be required to use. The new working at heights awareness training is an addition to not a replacement of the current training requirements.

THE 4 THINGS YOU MUST DO

The employer's basic obligation is ensuring that workers don't carry out operations requiring use of fall protection unless and until they successfully complete the new awareness training. There are 4 things you must do to meet that obligation.

1. **Verify that Training Provider Is Approved**

The new training is different from currently required fall protection training. Unlike Sec. 26.2(1) training, working at heights training and the trainer who delivers it must be approved by the Ontario Chief Prevention Officer (CPO).

What to Do: Theoretically, you could go to the trouble of getting CPO approval as a trainer and provide working at heights training yourself. But most companies will simply hire a third party to deliver the training for them. Just make sure the provider you select is on the list of officially approved training providers posted on the MOL website.

2. **Verify that Training Program Is Approved**

The actual working at heights training program must also be approved by the CPO as meeting the detailed criteria set out in a document called the Working at Heights Training Program Standard.

What to Do: Chances are that if the training provider is approved, the program is too. But specifically ask for assurances. And if you want to be extra sure, use the Work At Heights Training Course Checklist to vet the program and verify that it meets the CPO Standard.

3. **Check Each Worker's Training Dates for Freshness**

Upon passing the course, workers will get a wallet-sized card from the CPO certifying successful completion of training and listing the training date. Workers must renew their training

within 3 years by taking a CPO-approved 'refresher' course. Don't let them work at heights if their training has expired unless and until they renew it by completing refresher training. Training is portable from employer to employer. But while new workers don't need to retake working at heights training just because they change jobs, you do need to train them in the specific fall protection system you use at your workplace.

What to Do: In addition to tracking the training dates of your current workers (which we'll explain in the next section), ask new workers to present their CPO cards and verify that the listed completion date is within the 3-year window. The MOL will also keep a central training database but you'll need the worker's consent to access his/her personal training information. (Click here for a model form you can use to get the needed authorization.)

4. **Keep Training Records**

You must keep a record for each worker who receives working at heights training listing the:

- Worker's name;
- Name of the approved training provider;
- Name of the approved training program; and
- Date on which the training was successfully completed.

What to Do: The simplest way to meet this requirement is to keep a copy of each worker's CPO wallet card. You also have to give MOL inspectors copies of the records if they request them.