

# Material Handling – 2023 Year in Review



## BRITISH COLUMBIA

### LAWS & ANNOUNCEMENTS

**Dec 1:** WorkSafeBC approved [changes](#) to OHS crane safety requirements contained in Parts 14 and 19 of the OHS Regs. that will take effect on March 1, including requiring: i. A professional engineer to supervise inspections and certify the safety of crane equipment after contact with loads and structures; and ii. Installation of zone-limiting devices in tower cranes.

**Action Point:** Use the OHSI [cranes/hoists/lifting device compliance game plan](#) to avoid crane violations at your site.

**Mar 1:** That's when [changes](#) to OHS crane safety requirements contained in Parts 14 and 19 of the OHS Regs. take effect, including requiring: i. A professional engineer to supervise inspections and certify the safety of crane equipment after contact with loads and structures; and ii. Installation of zone-limiting devices in tower cranes.

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**Mar 1:** Newly effective revisions to ([Section 14.16.1](#) of the) OHS Regulations require cranes to be taken out of service after a shock load, loss of a load, brake failure, upset or other “misadventure,” and not used again until they’re inspected and certified as safe by a professional engineer and installation of zone-limiting devices in tower cranes.

**Action Point:** Use the OHSI [cranes/hoists/lifting device compliance game plan](#) to avoid crane violations at your site.

**Aug 25:** That’s the deadline to [comment](#) on [proposed changes](#) to OHS regulations (Part 14) requiring employers and contractors to provide WorkSafeBC written notice of project at least 2 weeks before engaging in “crane activity,” defined as erecting, climbing, repositioning or dismantling a tower crane.

**Action Point:** Use the resources on the OHSI Material Handling [Compliance Center](#) to ensure compliance.

## NEW BRUNSWICK

### LAWS & ANNOUNCEMENTS

**Oct 25:** New WorkSafeNB [guidance](#) explains when it’s okay for workers to have their hands under suspended loads for short periods of time under Section 211(2)(e) of the OHS General Regulation. If possible, nobody should ever reach underneath a suspended load, the guidance explains. If reaching is necessary, the employer must: i. Assign a competent person to monitor the work; ii. Ensure all workers are familiar with the work; and iii. Limit the amount of time spent under a suspended load as much as possible.

**Action Point:** Use the resources on the OHSI Material Handling [Compliance Center](#) to ensure compliance at your workplace.

# NORTHWEST TERRITORIES

## LAWS & ANNOUNCEMENTS

**Apr 6:** Handling of loads accounted for more than 12% of all time loss injuries in Northwest Territories and Nunavut over the past 5 years. Among these, 40% were back injuries. With that in mind, the WSCC issued new guidance on the ergonomics of material handling.

**Action Point:** Use the resources on the OHSI Material Handling [Compliance Center](#) to prevent injuries at your workplace.

# NUNAVUT

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**Action Point:** Use the resources on the OHSI Material Handling [Compliance Center](#) to prevent injuries at your workplace.

# ONTARIO

## LAWS & ANNOUNCEMENTS

**May 1:** That's the date the MOL plans to launch a new inspection blitz focusing on compliance with material handling requirements by manufacturers, warehouses and other businesses covered by the OHS Industrial Establishments Regulations.

**Action Point:** Use the resources on the Material Handling [Compliance Center](#) to avoid OHS violations at your workplace.

**Aug 26:** The MOL [published](#) proposed tough new OHS rules designed to ensure safe use of self-erecting tower cranes, that is, cranes that can be erected ancillary equipment, at construction projects.

## CASES

### **Material Handling: Unsafe Forklift Operation Leads to Worker Injury and \$120,000 Fine**

Workers used a forklift to move a transformer weighing over 22,000 pounds to another part of a pulp and paper mill. To ease the move, they placed Hillman rollers under each corner of the machine. Instead of the steering handles and pre-load pads designed for use with such rollers, they used ball peen hammers to steer the load. They also failed to secure the transformer to the rollers in accordance with the manufacturer's instructions. Sure enough, a strike of the ball peen hammer caused the transformer to topple over and land on a worker, resulting in serious injuries. The employer was fined \$120,000 after pleading guilty to an OHS violation for failing to ensure that the transformer was safely moved [*Resolute Forest Products Inc.*, [MOL Press Release](#), April 24, 2023].

**Action Point:** Implement the right [powered mobile equipment operation policy](#) at your workplace

### **Material Handling: Court Nixes Union's Overhead Crane Safety Complaint**

The union complained that a construction firm was violating OHS rules by allowing an unlicensed tradesperson operate an overhead crane at a construction project without a Mobile Crane Operator 1 Certificate of Qualification. The MOL inspected but decided not to cite the employer because the crane wasn't an overhead crane but rather equipment (a permanently installed Kone Overhead Crane which runs on rails mounted atop the runway beam in the main building) that didn't require a Certificate to operate. The Ontario Labour Relations Board upheld the inspector's decision. The union appealed but the Supreme Court found the Board ruling's reasonable and refused to overturn it, while also ordering the union to pay roughly \$9,000 for legal costs [[International Union of Operating Engineers, Local 793 v. Aecon Group Inc.](#), 2023 ONSC

586 (CanLII), January 27, 2023].

**Action Point:** Use the OHSI [cranes/hoists/lifting device compliance game plan](#) to avoid crane violations

## PRINCE EDWARD ISLAND

### LAWS & ANNOUNCEMENTS

**Aug 21:** The PEI WCB issued a new [Hazard Alert](#) in the wake of a recent incident in which an articulated boom lift tipped over resulting in crushing injuries to 1 of the 2 workers in the basket of the boom. The Alert describes the hazards associated with articulated boom lifts and what can be done to manage them.

**Action Point:** Use the OHSI [cranes/hoists/lifting device compliance game plan](#) to avoid crane violations

**Aug 23:** A new WCB [Hazard Alert](#) warns of compressed oxygen cylinder dangers. Earlier this month, a worker preparing to use a plasma table at a manufacturing plant suffered injuries when the valve attached to an oxygen cylinder exploded. Luckily, the gas pack was properly stored on a skid secured to a metal frame or the incident would have been much worse.

**Action Point:** Implement an effective [Compressed Gases Safety & Compliance Game](#) Plan at your workplace.

## QUÉBEC

### LAWS & ANNOUNCEMENTS

**Sep 28:** CNESST published the results of its investigation into the workplace death of a material handler crushed by a load that fell from a forklift, listing inadequacy of the unloading procedure and the lack of supervision as causes. After the incident, CNESST banned the employer from using the Raymond brand narrow aisle forklift, EASI model.

**Action Point:** Use the resources on the OHSI Material Handling [Compliance Center](#) to avoid similar tragedies at your

workplace.

## CASES

### **Material Handling: Relying on Worker's Experience Not Enough to Show Due Diligence**

A garage mechanic lost his life when the forklift tire he was repairing exploded sending part of the rim crashing into his skull. CNESST charged the employer with failing to protect a worker performing repair work. The employer claimed due diligence contending that the victim's carelessness caused the explosion. And since the victim was an experienced tire technician, the incident was unforeseeable. But the Québec court didn't buy it. The wheel's initial assembly of the wheel wasn't done according to industry standard, in effect turning the tire into a time bomb, the court acknowledged. But the employer did nothing to ensure that the work methods were safe, other than relying on the victim's experience. Given the absence of controls, it was entirely foreseeable that an incident like this would happen [[CNESST c. 9033-5878 Quebec inc. \(Pneu Dauville\)](#), 2023 QCCQ 3842 (CanLII), June 14, 2023].

**Action Point:** Use the [OHSI Due Diligence Scorecard](#) to assess the adequacy of your own OHS program