

Ontario Compliance Alert: Part 2: Create a Scaffold & Work Platform Safety Policy to Comply with New OHS Rules



CONTENT

Proposed MOL regulatory changes in the pipeline will require at least some Ontario employers to modify their current OHS policies. Although the changes are wide-ranging, this series focuses on the 4 key OHS policies that will be the most directly and immediately impacted by the changes:

- Vertical fall protection;
- Scaffolds and work platforms;
- Traffic safety; and
- Biological and chemical hazards.

This installment explains how to revise your scaffold policy to meet the new requirements and includes a Model Policy that you can adapt for your own workplace.

Employers Affected

The proposed rule changes affect not all Ontario employers but those subject to the *OHS Regulation for Industrial Establishments* (Reg. 851). This includes factories, offices and office buildings, retailers, restaurants, warehouses logging operations and foundries.

Employers Not Affected

The changes don't affect worksites subject to another set of Ontario industry-specific OHS regulations, i.e., construction, oil/gas, mining, farming, teaching, window cleaning and diving operations.

Purpose of Changes

More workplaces are covered by Reg. 851 than any other industry-specific OHS

regulations; but despite this, Reg. 851 is fairly antiquated and filled with gaps. The MOL's objective is to fix this paradox and bring Reg. 851 into line with more developed OHS regulations, especially *Construction Projects Regulation* (Reg. 213/91) and *Mines & Mining Plants* (Reg. 854). In addition to fleshing out current requirements for industrial establishments, the idea is to ensure coordination of standards across industries.

The Timeline

The public consultation period on the proposed changes ended on April 6. Assuming the comment period isn't extended, the MOL will finalize the changes and publish them in the *Ontario Gazette*. While that could take a few months, April 20 to May 15 is a reasonable estimate based on previous changes. The key will be the effective date. The 2 possibilities:

- The changes will take effect immediately as of the date of publication in the *Gazette*; or
- The MOL will give employers a grace period to comply which might be in the range of anywhere from 1 to 6 months.

The New Rules for Scaffolds & Work Platforms

Scaffolds, swing stages, boatswain's chairs and other elevated platforms are commonly used at both industrial *and* construction sites. But whereas Reg. 213/91 dedicates nearly 20 pages to laying out detailed and technical rules to ensure safe use of such equipment, Regulation 851 doesn't address the issue at all. So the MOL is proposing to incorporate the Reg. 213/91 requirements into Reg. 851 to ensure that workers using scaffolds and elevated work platforms at industrial establishments get the same protection as their counterparts at construction projects.

What You'll Need to Do to Comply

Industrial establishments will need to create and implement a scaffold and work platform policy that meets the detailed requirements of current Reg. 213/91 that's soon to become part of Reg. 851 as well. In fact, you may already have such a policy in place even if you don't think of your business as a 'construction' operation.

Explanation: Technically, because of the way 'construction project' is defined in the OHS Act, you may already be subject to the Reg. 213/91 requirements if you use scaffolds and work platforms at your site. This is true even if your worksite is a manufacturing plant or other facility normally subject to regulation as an industrial establishment. The good news for employers in that situation is that the Reg. 213/91 rules are being carried over to Reg. 851 nearly lock, stock and barrel. As a result, you may need to make only minor revisions to your current policy.

The 11 Key Technical Issues Your Policy Must Address

However, if you're an industrial establishment in which scaffolds and work platforms covered by the regulation are used, you'll have to create and implement an elaborate new policy and set of engineering, administrative and PPE-related safety measures to comply with the new Reg. 851 rules. The OHSI Model Policy is designed to meet each of the fundamental requirements set out in

the rule. While you can use it as a template, you'll also need to modify the policy to account for the specific equipment you use and the way you carry out operations in which scaffolds and work platforms are used. Just make sure your policy includes at least the following 11 elements:

1. Key Definitions

There are a number of key technical terms you'll need to define in your policy to comply with the new requirements, including:

- Allowable suspended load;
- Competent worker;
- Critical weld;
- Generic installation drawing;
- Non-destructive test;
- Rated capacity;
- Site-specific installation drawing;
- Suspended work platform system; and
- Work platform.

[Model Policy, Section 2].

2. Scaffold Design & Construction Requirements

The policy must list the general design and construction standards a scaffold must meet in term of how much force the scaffold and its components can support and resist, including additional requirements for scaffolds mounted on wheels or castors [Model Policy, Section 6].

3. Platform Design & Construction Requirements

Make sure you account for the similar requirements that apply to other work platforms, including the special requirements for outrigger scaffolds [Model Policy, Section 7].

4. Suspended Work Platform Systems & Boatswain's Chairs

Most of the regulatory requirements apply to 'suspended work platform systems,' i.e., access systems made up of one or more overhead fixed supports and/or suspension lines and, in some cases, hoisting devices and one or more work platforms that can be moved vertically. The other major target of the regulations is a similar type of equipment called a boatswain's chair. Your policy needs to address the technical suspended work platform and boatswain's chair requirements with regard to:

- Construction and design;
- Strength and load-bearing capacity; and
- Design drawings.

[Model Policy, Section 8].

5. Worker Training & Instruction

There are detailed training and instruction requirements that must be met before a worker can be allowed or required to use a suspended work platform system or boatswain's chair. There are 2 layers of training your policy must account for:

- General training for workers who will use the system or boatswain's chair; and
- Competent worker training for workers in charge of inspecting it before each use.

[Model Policy, Section 9].

6. Suspended Work Platform System Testing & Inspection

The next batch of requirements your policy needs to address is how and when suspended work platform systems (but not boatswain's chairs) are tested. In addition to initial testing and inspection before the system is first used, random testing of system components must be carried out on an annual basis. Test procedures and sample selection rules are rigorous and employers must keep detailed equipment logs tracking test results [Model Policy, Section 10].

7. Pre-Use Requirements for Suspended Work Platforms

The fun is just beginning. The regulations next lay out a series of additional measures that must be taken before a suspended work platform system can be put into use, including:

- Ensuring that all suspended work platform parts are properly marked or labelled;
- Verifying that fixed supports and their components meet specific load requirements;
- Verifying that anchorage connectors meet load requirements; and
- If the employer owns a building or fixed structure where a suspended work platform system or boatswain's chair is to be used, implementing a safety plan known as a roof plan.

[Model Policy, Section 11].

8. Site Plans

In addition to conducting a hazard assessment and creating a rescue policy for workers after their falls are arrested, the employer needs to implement a 'site plan,' which can be either generic or site-specific and distribute it to workers and employers of workers who will use the suspended work platform system or boatswain's chair [Model Policy, Section 12].

9. Installation, Alteration & Dismantling

Next come the detailed requirements for erecting, altering and dismantling a suspended work platform system or boatswain's chair, including the obligation to ensure that there's an installation design drawing in place and that it's properly implemented [Model Policy, Section 13].

10. Required Site Measures

Make sure your policy provides for implementing the other site safety measures the regulations require including:

- Posting the platform's rated capacity;
- Verifying that suspension lines and wire rope terminations meet the required standards;

- Ensuring the equipment is used properly, e.g., with respect to how many workers may safely use a boatswain's chair at one time; and
- Performing required functional testing.

[Model Policy, Section 14].

11. PPE & Safety Equipment

The final technical aspect of the regulations your policy needs to address is the required PPE and safety equipment for use of a suspended work platform system or boatswain's chair [Model Policy, Section 15].