

Ontario Eases Construction Notice of Project Filing Rules



NOPs will be required only for hazardous projects, regardless of material and labour costs.

As in many provinces, in Ontario you're not allowed to start work on certain construction projects unless you submit written notification listing detailed information about the work and the contractors performing. While the point of the rule is to enable the Ministry of Labour (MOL) flag hazardous operations for possible OHS inspection, completing the Notice of Project (NOP), aka Form 0175, can be very burdensome, especially for smaller, relatively less dangerous projects. The good news is that the MOL is relaxing the NOP requirements. Here are X FAQs explaining the NOP requirements and changes.

Q1. Who Files the NOP'

Answer: The NOP is filed by the 'constructor,' or contractor in charge of certain 'projects' where workers of more than one employer work. Remember that it's the nature of the work rather than the site that determines whether a site is a 'project.' Accordingly, 'projects' include not only building and construction sites but also plants, warehouses and other industrial sites where that work is carried out.

Q2. For Which Projects Are NOPs Required'

Answer: Under current regulations (Sec. 6(1) of the OHS *Construction Projects Regulations*), NOP is required for projects that either: (i) Are expected to cost more than \$50,000 in materials and labour (the threshold is \$250,000 for projects at automotive manufacturer and assembler sites); or (ii) Involve high- any of the risk activities listed in the regulation, including:

- Erection or structural alteration of a building more than 2 storeys or more than 7.5 metres high;
- Demolition of a building at least 4 metres high with a floor area of at least 30 square metres;
- Erection, structural alteration or structural repair of a bridge, earth-retaining structure or water-retaining structure more than 3 metres high or a silo, chimney or similar structure more than 7.5 metres high;
- Work in compressed air;
- Construction of a tunnel, caisson, cofferdam or well into which a person

may enter;

- Excavation work in a trench that's over 300 metres long or 1.2 metres deep and over 30 metres long;
- Construction, over frozen water, slush or wetlands, of an ice road for vehicles, machinery or equipment; or
- Work that the regulations require a professional engineer to design.

Q3. How Are the NOP Requirements Changing'

Answer: The problem with the current rules is that the \$50,000 monetary threshold is both too low and not indicative of how dangerous a project actually is. So, the MOL is proposing not simply to raise but totally eliminate the money threshold and replace it with an expanded list of hazard-based triggers. The proposed amendment lists the following examples (which the MOL says is just a partial list):

- Installation of a tower crane;
- Erection of a scaffold 15 metres in height above its base support (or 10 metres for a tube and clamp system scaffold);
- Excavation work in a trench over 1.2 meters deep that a worker is required or permitted to enter including all underpinning work;
- Erection of formwork designed (in whole or part) by a professional engineer;
- Work on or near energized electrical equipment or installations, regardless of voltage;
- Work is above or near water involving dredging or generation of hydro-electric power; or
- Operations involving externally-loaded helicopter hoisting of materials.

One more technical change: NOPs can now be filed by email.