

# Powered Mobile Equipment Operator Qualifications – Know The Laws Of Your Province



**Which workers are allowed to operate forklifts and other PME'**

*Forklifts and other powered mobile equipment (PME) accidents are a leading source of fatal and serious work injuries. Failure to comply with OHS PME requirements is also one of the most common causes of stop work orders, fines and other penalties. One common issue is ensuring that PME is operated only by workers with the necessary qualifications. Here's a look at the OHS PME operator qualification requirements in each part of Canada.*

## Powered Mobile Equipment Operation Requirements Across Canada

### FEDERAL

Employer: (a) Must ensure that operators of motorized materials handling equipment are instructed and get on-the-job training by a qualified person in its inspection, fueling and safe and proper use, in accordance with manufacturer's instructions and workplace conditions; (b) Must keep a written record of such instruction or training for as long as the operator remains in its employment; and (c) Not require an employee to operate motorized or manual materials handling equipment unless the employee: (i) is an operator who's gotten the above training and, (ii) has an operator's licence from the province where the laws of the province in which the equipment is operated require one (COHS Regs., Secs. 14.23 to 14.24)

### ALBERTA

Worker may not operate PME unless he/she: (a) Is trained to safely operate the equipment; (b) Has demonstrated competency in operating the equipment to a competent worker designated by the employer; (c) Is familiar with the equipment's operating instructions; and (d) Is authorized by the employer to operate the equipment; **Exception:** (a), (b) and (c) don't apply if a worker in training operates the equipment under the direct supervision of a competent worker designated by the employer (OHS Code, Sec. 256)

## BRITISH COLUMBIA

(a) Operator training for lift trucks must meet the requirements of CAN/CSA Standard B335-15, Part 6; (*OHS Reg.*, Sec. 16.43); and (b) According to WorkSafeBC guidelines, lift truck operators don't need a certificate to confirm satisfactory completion of the required training

## MANITOBA

(a) Employer must not require or permit a worker to operate a powered lift truck unless it issues a certificate to the worker; (b) Employer must not issue a certificate without first ensuring that the worker: (i) has received instruction, training and testing in the operation of the powered lift truck in accordance with a code of practice issued under the WSH Act, (ii) is familiar with the operating procedures of the truck, and (iii) has demonstrated competency in the operation of the truck; (c) Employer who issues a certificate must: (i) establish and implement an evaluation system to ensure that the worker maintains competency in the powered lift truck's operation, (b) maintain a record of the training the worker receives in the operation of the truck, and (iii) produce a copy of the certificate and record on the request of a safety and health officer (*WSH Regs.*, Sec. 22.29)

## NEW BRUNSWICK

Employer must ensure that PME is operated by a competent employee (*OHS General Reg.*, Sec. 224(b))

## NEWFOUNDLAND

Person may not operate mobile equipment unless he/she: (a) Has received adequate instruction and demonstrated to a supervisor or instructor that he/she is a competent equipment operator; (b) Has been authorized to operate mobile equipment; (c) Is familiar with the operating instructions for the equipment; and (d) Has, where required to operate an air brake equipped vehicle, evidence of successful completion of a course on air brake systems issued by an organization acceptable to the minister; **Exception:** Above doesn't apply where a trainee operates the equipment under the supervision of a qualified instructor or supervisor authorized by the employer (*OHS Regs.*, Sec. 252)

**What OHS Program Must Include:** must be signed and dated by employer and person(s) responsible for managing employer's operations in province, and include: (i) a statement of the employer's commitment to cooperate with the JHSC and workers in the workplace in ensuring occupational health and safety, (ii) a statement of the OHS responsibilities of the employer, supervisors, the JHSC and workers, (iii) procedures to identify the need for, and preparation of written safe work procedures to implement required health and safety practices, (iv) appropriate written work procedures, (v) a plan to orient and train workers and supervisors in workplace and job-specific safe work practices, plans, policies and procedures, including emergency response, (vi) provisions for establishing and operating a JHSC, including provisions dealing with: (A) maintenance of membership records, (B) procedural rules, (C) JHSC access to management staff with the authority to resolve health and safety issues and to required information about the employer's operations, and (D) a plan for training

committee members as required under the Act, (vii) a system for recognizing, evaluating and controlling hazards that includes: (A) evaluation and monitoring to identify potential hazards, (B) regular inspection procedures and schedules, (C) procedures to identify, report and control or correct hazards, (D) procedures for prompt investigation of hazardous occurrences to determine cause and actions necessary to prevent a recurrence, (E) circumstances where employer must report hazards to JHSC and procedures for doing so, and (F) accountability measures of persons responsible for reporting and correcting hazards, (viii) a plan for control of biological and chemical substances handled, used, stored, produced or disposed of at the workplace and where appropriate, monitoring the work environment to ensure health and safety, (ix) a system to ensure that contractors comply with the program, (x) an emergency response plan, (xi) maintenance of records and statistics, including occupational JHSC minutes, reports of inspections and investigations, with procedures to allow access to persons entitled to receive them under the Act, and (xii) provision for monitoring the implementation and effectiveness of the program; and (*OHS Regs.*, Sec. 12)

**OHS Policy:** (a) Employer must, in consultation with the safety rep, establish and post a written OHS policy if fewer than 10 workers are employed at a workplace (*OHS Act*, Sec. 36.2); (b) Policy must be signed and dated by employer and person(s) responsible for managing employer's operations in province and contain a statement of the employer's commitment to occupational health and safety that includes: (i) a statement of the employer's commitment to cooperate with the safety rep and workers in the workplace, and (ii) a statement of the OHS responsibilities of the employer, supervisors, safety rep and other workers; and (c) Employer must review and, if necessary, update the policy at least once a year, in consultation with safety rep (*OHS Regs.*, Sec. 13)

## **NOVA SCOTIA**

**When OHS Program Required:** (a) Employer must, in consultation with JHSC or safety rep., implement a written OHS program if: (i) 20 or more employees are regularly employed by an employer other than a constructor or contractor, (ii) 20 or more employees are regularly employed directly by a constructor or contractor, not including employees for whose services the constructor or contractor has contracted, or (iii) the regulations require a program; and (b) Employer must make copy of program available to JHSC or safety rep, and, if requested, a worker at the workplace (*OHS Act*, Sec. 28)

Employer must ensure that a hoist, lift truck or PME is operated by a competent person (*Occupational Safety General Regs.*, Sec. 56(a))

## **ONTARIO**

Lifting device may be operated only by a competent person, or a worker being instructed who's accompanied by a competent person (*Industrial Establishments Reg.*, Sec. 51(2)(a))

## **PRINCE EDWARD ISLAND**

OHS Regs. don't specifically address operator qualifications

## **QUÉBEC**

OHS Regs. don't specifically address operator qualifications

## **SASKATCHEWAN**

Employer must ensure that: (a) PME is operated only by a 'trained operator,' defined as one who has successfully completed a training program that includes all of the elements listed in Table 11 of the Reg. for the type of PM, or is completing the practical training required by Table 11 under the direct supervision of a competent operator; (b) The required training is provided by competent persons; and (c) A written record of all training delivered is kept readily available (*OHS Regs.*, Sec. 11-2)

## **NORTHWEST TERRITORIES & NUNAVUT**

Employer must ensure that only competent workers operate or are required or permitted to operate PME (*OHS Regs.*, Sec. 162)

## **YUKON**

Workers may only operate mobile equipment if: (a) They've received adequate training in its safe use and operation; (b) They've demonstrated competency in operating the equipment to a supervisor or qualified person; (c) If mobile equipment has air brakes, they hold a valid air brake certificate or driver's license with an air brake endorsement, or evidence of successful completion of a course of instruction on air brake systems by an organization acceptable to the director; (d) They're familiar with the mobile equipment's operating instructions; (e) They've been authorized by a supervisor to operate the equipment; and (f) If the workers are trainees, they're under the direct supervision of a supervisor or qualified person (*OHS Regs.*, Sec. 6.03)