

# When Fall Protection Plans Are Mandatory – Know the Laws of Your Province



Vertical falls remain a leading cause of workplace injuries and OHS penalties. Employers are required to implement a combination of engineering controls, administrative/work controls and PPE to minimize fall hazards at their work sites. In most jurisdictions (Ontario, Quebec and Manitoba are the lone exceptions), OHS regulations also require employers to create and implement a written fall protection plan codifying all of these measures. Here's a look at the rules of each jurisdiction, including with regard to:

- When fall protection plans are required;
- What they must contain; and
- Other administrative requirements.

## **FEDERAL**

**When Required:** Employer must, in consultation with the JHSC or health and safety representative, develop a fall protection plan before work activities begin in any workplace where workers are at risk of falling from:

(a) An unguarded structure or vehicle > 3 m or more above nearest safe level; (b) A ladder > 3 m or more above nearest permanent safe level where worker can't use at least one hand to hold ladder; or (c) A height of less than 3 m if the

surface on which they might fall presents greater risk of injury than a solid, flat surface (*COHS Regs.*, Sec. 12.06(1))

**Plan Content:** The fall protection plan must list: (a) the hazards identified for each work area and each activity to be carried out at the workplace; (b) the fall-protection systems selected to protect against the identified hazards; (c) if a personal fall-protection system is used, the anchorage to be used; (d) if a fall-arrest system is used, the clearance distance below each work area; (e) if there are no manufacturer's instructions, the procedures for: i. storing, maintaining, inspecting and, if necessary, testing the equipment, ii. fitting the equipment to the person using it, iii. keeping the equipment clean and sanitary, and iv. erecting and dismantling equipment; (f) the procedures for rescuing a person who falls; and (g) as an attachment, a copy of any manufacturer's instructions for storage, maintenance, inspection, testing, fitting, installation, use or dismantling of equipment (*COHS Regs.*, Sec. 12.06(2))

## **ALBERTA**

**When Required:** Employer must develop procedures that comply with OHS Code fall protection requirements in a fall protection plan for a work site where a worker may fall 3 metres or more and the worker isn't protected by guardrails (*OHS Code*, Sec. 140(1))

**Plan Content:** The fall protection plan must specify: (a) the fall hazards at the work site, (b) the fall protection system to be used, (c) the anchors to be used, (d) that clearance distances below the work area, if applicable, have been confirmed as sufficient to prevent a worker from striking the ground or an object or level below the work area, (e) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system, if applicable, and (f) the rescue procedures to be used if a worker falls and is

suspended by a personal fall arrest system or safety net and must be rescued (*OHS Code*, Sec. 140(2))

**Other Requirements:** Employer must ensure that the fall protection plan is: (a) available at the work site and reviewed with workers before work with a risk of falling begins; and (b) updated when conditions affecting fall protection change (*OHS Code*, Secs. 140(3) and (4))

## **BRITISH COLUMBIA**

**When Required:** Employer must have a written fall protection plan for a workplace if: (a) work is being done at a location where workers aren't protected by permanent guardrails, and from which a fall of 7.5 m (25 ft) or more may occur, or (b) using a fall arrest system or rope system isn't practicable or will cause an even greater hazard than if such a system was used and, as a result, the employer ensures that work procedures are followed that minimize the risk of injury to a worker from a fall are acceptable to the Board are followed instead (*OHS Regs.*, Sec. 11.3(1))

**Plan Content:** Not specified

**Other Requirements:** The fall protection plan must be available at the workplace before work with a risk of falling begins (*OHS Regs*, Sec. 11.3(2))

## **MANITOBA**

Fall protection plans not specifically required by WSH Regulations.

## **NEW BRUNSWICK**

**When Required:** Employer and contractor must each ensure that a fall-protection code of practice is written for a place of employment where a fall-protection system is required and (a)

the employees are working from a height of 7.5 m or more, (b) the employer uses a safety monitor and work procedures when weatherproofing as the means of fall-protection, or (c) an OHS officer requires that the code of practice be written (*OHS Gen. Regs.*, Sec. 50.2(1))

**Plan Content:** Code of practice must include: (a) possible hazardous situations, including a description of the hazards and possible effects on employees' health or safety; (b) identification of employees at risk; (c) the location where the code of practice might apply; (d) the methods and equipment to be used including inspections procedures; (e) the procedures and equipment which might be required in an emergency; (f) the times, days, or events during which the code of practice might be applicable; (g) the identification of training needs; (h) the identification of the person responsible for implementing the code of practice; and (i) the name of the safety monitor, if applicable, and the training the safety monitor has received (*OHS Gen. Regs.*, Sec. 50.2(4))

**Other Requirements:** The fall protection plan must be developed in consultation with workplace JHSC or health and safety representative and be readily available at the workplace before work with a risk of falling begins (*OHS Gen. Regs.*, Secs. 50.2(2) and (3))

## **NEWFOUNDLAND**

**When Required:** Employer must have a written fall protection plan if it uses a fall arrest system or a personnel safety net as a means of fall protection (*OHS Regs.*, Sec. 142(10))

**Plan Content:** Written fall protection plan must specify: (a) the procedure to assemble, maintain, inspect, use and disassemble the fall arrest system or personnel safety net; and (b) the procedure for the rescue of a worker who has fallen and is suspended by the fall arrest system or personnel safety net, but can't effect self-rescue (*OHS Regs.*, Sec.

142(10)(a) and (b))

## **NOVA SCOTIA**

### **Safe Work Procedure**

**When Required:** Employer must establish a written fall-protection safe-work procedure for the type of work to be performed in any work area where fall protection is required and the maximum fall distance is less than 7.5 m. **Exceptions:** written fall-protection safe-work procedure not required under if any of the following conditions apply: (a) all persons performing the work are protected by a permanent guardrail; (b) the work is performed from a work-platform described in Sections 23.12 to 23.15 of Part 23: Scaffolds and Other Elevated Work-platforms and all persons performing the work are using adequate fall protection (*WHS Regs.*, Secs. 21.3(1) and (2))

**Required Content:** A fall-protection safe-work procedure must be based on a hazard assessment of the work typically performed by the employer and include: (a) the nature of the work to be performed; (b) the typical duration of the work; (c) a description of the work; (d) a list of the primary tools or equipment used in the work; (e) reference to applicable health and safety legislation and regulations; (f) a list of potential fall hazards of the work and their risks; (g) the risk controls to be used to prevent injury; (h) the effect of weather conditions; (i) the name of the person or position with supervisory responsibility for the work, regardless of whether the person is present at the work area; (j) the training and qualifications required for persons who will perform the work, as determined by the employer; (k) a method for communicating the fall-protection safe-work procedure to any person who may be affected by the procedure (*WHS Regs.*, Sec. 21.3(3))

### **Safe Work Plan**

**When Required:** Employer must establish a written fall-protection safe-work plan for a specific work area where fall protection is required and the maximum fall distance is 7.5 m or more; **Exceptions:** written fall-protection safe-work procedure not required under if any of the following conditions apply: (a) all persons performing the work are protected by a permanent guardrail; (b) the work is performed from a work-platform described in Sections 23.12 to 23.15 of Part 23 of the Regs.: Scaffolds and Other Elevated Work-platforms and all persons performing the work are using adequate fall protection; (c) the work is performed by an emergency services agency in accordance with Section 1.16 of the Regs. (*WHS Regs.*, Secs. 21.4(1) and (2))

**Required Content:** A fall-protection safe-work procedure must be based on a hazard assessment of the work typically performed by the employer and include: (a) the nature of the work to be performed; (b) the anticipated duration of the work; (c) a description of the work; (d) a list of the primary tools or equipment used in the work; (e) reference to applicable health and safety legislation and regulations; (f) a list of potential fall hazards of the work and their risks; (g) the fall protection system(s) to be used at the work area; (h) any anchorages to be used during the work; (i) if a fall-arrest system is to be used, confirmation that the clearance distances below the work area are sufficient to prevent a person from striking: (i) the nearest safe surface or water, (ii) a surface or thing that could cause injury on contact, or (iii) exposed hazardous material, such as an open tank, pit or vat; (j) a procedure to address the risks associated with the potential for swing as a result of anchorage placement when a person is using a fall-arrest system; (k) the procedures to be used to assemble, maintain, inspect, use and disassemble a fall-protection system, as applicable; (l) schedules for inspecting any fall-protection systems and the names of any persons responsible for carrying out the inspections; (m) adequate written rescue

procedures to be used if a person falls and requires rescue, including if a person is suspended by a fall-arrest system or personnel safety net; (n) the effect of weather conditions; (o) the name of a designated competent person to supervise the work area; (p) the training and qualifications required for persons who will perform the work, as determined by the employer; (q) a method for communicating the fall-protection safe-work plan to any person who may be affected by the plan (*WHS Regs.*, Sec. 21.4(3))

**Other Requirements:** If a workplace has more than 1 work area for which a fall-protection safe-work plan is required, employer may create a separate plan for each specific work area or one overall plan for the workplace that includes all of the requirements necessary for each specific plan (*WHS Regs.*, Sec. 21.4(4))

## **ONTARIO**

Fall protection plans not specifically required by OHS Regulations

## **PRINCE EDWARD ISLAND**

**When Required:** Employer must have a written fall protection plan if it uses a fall arrest system or a personnel safety net as a means of fall protection (*Fall Prot. Regs.*, Sec. 3(11))

**Plan Content:** Written fall protection plan must specify: (a) the procedure to assemble, maintain, inspect, use and disassemble the fall arrest system or personnel safety net; and (b) the procedure for the rescue of a worker who has fallen and is suspended by the fall arrest system or personnel safety net, but can't effect self-rescue (*Fall Prot. Regs.*, Sec. 3(11))

## QUÉBEC

Fall protection plans not specifically required by OHS Regulations

## SASKATCHEWAN

**When Required:** Employer or contractor must develop a written fall protection plan if: (a) a worker may fall 3 metres or more; and (b) workers aren't protected by a guardrail or similar barrier (*OHS Regs.*, Sec. 9-3(1))

**Plan Content:** The fall protection plan must describe: (a) the fall hazards at the worksite; (b) the fall protection system to be used at the worksite; (c) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system; and (d) the rescue procedures to be used if a worker falls, is suspended by a personal fall arrest system or safety net and needs to be rescued (*OHS Regs.*, Sec. 9-3(2))

## NORTHWEST TERRITORIES & NUNAVUT

**When Required:** Employer must develop a written fall protection plan if: (a) a worker may fall 3 metres or more; and (b) workers aren't protected by a guardrail or similar barrier (*OHS Regs.*, Sec. 120(1))

**Plan Content:** The fall protection plan must describe: (a) the fall hazards at the worksite; (b) the fall protection system to be used at the worksite; (c) the procedures used to assemble, maintain, inspect, use and disassemble the fall protection system; and (d) the rescue procedures to be used if a worker falls, is left suspended by a personal fall arrest system or safety net and needs to be rescued (*OHS Regs.*, Sec. 120(2))

**Other Requirements:** Employer must make the fall protection plan readily available to workers before work begins and



ensure that a worker is trained in the fall protection plan and the safe use of the fall protection system before requiring or permitting the worker to work at a work site where a fall protection system is used (*OHS Regs.*, Secs. 120(3) and (4))

## **YUKON**

**When Required:** A written fall protection plan must be in place and communicated to workers at a location: (a) that's not protected by permanent guardrails, and (b) from which a fall of 7.5 m or more may occur (*WSC Regs.*, Sec. 1.38)

**Plan Content:** The fall protection plan must describe: (a) the falling hazards expected; (b) fall protection system(s) to be used; (c) the procedure to assemble, maintain, inspect, use and disassemble the fall protection system(s); and (d) methods to rescue a fallen worker or one who's suspended by a personal fall protection system or safety net and can't effect self-rescue (*WSC Regs.*, Sec. 1.38)