

ONTARIO REGULATION 443/09
made under the
OCCUPATIONAL HEALTH AND SAFETY ACT

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Amending O. Reg. 213/91
(Construction Projects)

Note: Ontario Regulation 213/91 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

1. Paragraphs 1 to 8 of subsection 26.1 (3) of Ontario Regulation 213/91 are revoked and the following substituted:

1. CAN/CSA-Z259.1-05: Body Belts and Saddles for Work Positioning and Travel Restraint.
2. CAN/CSA-Z259.2.1-98 (R2008): Fall Arresters, Vertical Lifelines and Rails.
3. CAN/CSA-Z259.2.2-98 (R2004): Self-Retracting Devices for Personal Fall-Arrest Systems.
4. CAN/CSA-Z259.2.3-99 (R2004): Descent Control Devices.
5. CAN/CSA-Z259.10-06: Full Body Harnesses.
6. CAN/CSA-Z259.11-05: Energy Absorbers and Lanyards.
7. CAN/CSA-Z259.12-01 (R2006): Connecting Components for Personal Fall Arrest Systems (PFAS).
8. CAN/CSA-Z259.14-01 (R2007): Fall Restrict Equipment for Wood Pole Climbing.

2. (1) Paragraphs 3 and 4 of subsection 26.3 (4) of the Regulation are revoked and the following substituted:

3. Subject to subsection 116 (8), the top of the guardrail system shall be located at least 0.9 metres but not more than 1.1 metres above the surface on which the system is installed.
4. The intermediate rail shall be located midway between the top rail and the toe board.
- 4.1 The toe board shall extend from the surface to which the guardrail system is attached to a height of at least 89 millimetres.

(2) Subsection 26.3 (6) of the Regulation is revoked and the following substituted:

(6) The distance between any two adjacent posts of the guardrail system may be greater than 2.4 metres only if the system is capable of resisting the loads specified in subsection (5) increased in proportion to the greater distance between the posts.

(3) Paragraph 1 of subsection 26.3 (7) of the Regulation is amended by adding “and shall not have any visible defect affecting its load-carrying capacity” after “construction grade quality or better” at the end.

(4) Section 26.3 of the Regulation is amended by adding the following subsection:

(7.1) If a guardrail system that is made of wood is constructed and installed so that it is capable of resisting all loads that it may be subjected to by a worker, the following do not apply:

1. The requirement in paragraph 2 of subsection (4) that the replacement material can withstand a point load of 450 newtons.
2. Subsections (5) and (6).

(5) Paragraph 1 of subsection 26.3 (8) of the Regulation is amended by striking out “by a turnbuckle” at the end and substituting “by a turnbuckle or other device”.

(6) Paragraph 4 of subsection 26.3 (8) of the Regulation is revoked.

3. (1) Subsection 27 (1) of the Regulation is revoked and the following substituted:

(1) Despite subsections 26.1 (1) and (2), if the following conditions are met, a worker shall wear a lifejacket or other personal flotation device that is adequate:

1. The worker is exposed to a risk of drowning on a project.

2. It is not reasonably possible to install a guardrail system as subsection 26.1 (1) requires.
3. It is not reasonably possible to protect the worker adequately by means of a fall protection method as subsection 26.1 (2) requires.

(2) Clauses 27 (3) (a) and (b) of the Regulation are revoked and the following substituted:

- (a) a seaworthy boat equipped with a lifebuoy attached to a buoyant heaving line not less than 15 metres in length and a boat hook; and

(3) Subsection 27 (6) of the Regulation is revoked.

4. Section 116 of the Regulation is revoked and the following substituted:

- 116.** (1) No stilts shall be present at or used on a project except in accordance with this section.
- (2) No leg extensions, other than stilts, shall be present at or used on a project.
 - (3) Subject to subsection (4), stilts may be used on a project for work in residential units and residential common areas only if they are used for the following purposes:
 1. Drywall finishing work.
 2. Installation of insulation.
 3. Installation of vapour barriers.
 - (4) Stilts shall not be used on a scaffold or to climb up or down stairs.
 - (5) Stilts used in accordance with this section shall,
 - (a) be commercially manufactured;
 - (b) be made of unpainted metal;
 - (c) have a non-slip surface on the bottom of each base plate;
 - (d) be in good working condition; and
 - (e) be suitable for their intended use.
 - (6) Stilts may be used to a maximum height of 76 centimetres as measured from the work surface that the user of the stilts would otherwise stand on to the top of the foot plate.
 - (7) Stilts may be used on a work surface only if the work surface satisfies the following conditions:
 1. It is made of rigid material.
 2. It is either level or does not have a slope of more than three per cent.
 3. All openings on the work surface are adequately covered or guarded.
 4. All open sides of the work surface are adequately guarded.
 5. It is free of debris or anything else that may be a hazard to a worker on stilts.
 6. All obstructions that cannot be removed are adequately guarded, placed or secured to prevent a worker on stilts from being injured.
 - (8) If stilts are used in a work area for which sections 26.1 and 26.3 require a guardrail system, the guardrail system shall be modified by adding,
 - (a) an additional top rail,
 - (i) 76 centimetres above the existing top rail, or
 - (ii) at a height above the existing top rail equal to the height of the stilts being used in the work area; and
 - (b) an intermediate rail that is located midway between the additional top rail and the existing top rail.
 - (9) A modified guardrail system described in subsection (8) shall be capable of resisting any load it could be subjected to by a worker on stilts.
 - (10) An employer shall ensure that a worker who uses stilts is trained in their use by completing an adequate training program that,
 - (a) enables the worker to demonstrate proficiency in the safe and proper use of stilts; and
 - (b) provides instruction on the relevant requirements of this Regulation; and
 - (c) provides instruction on,

- (i) mounting and dismounting,
- (ii) adjusting stilts to suit the individual worker and the work,
- (iii) walking on and working with stilts while maintaining balance and stability,
- (iv) inspecting stilts for damage and defects,
- (v) maintaining, servicing and storing stilts,
- (vi) conducting an inspection of the work area before commencing work to identify hazards for stilts use,
- (vii) correcting any hazardous conditions identified under subclause (vi), and
- (viii) setting up tools and materials to ensure they are adequately accessible when using stilts.

(11) No worker shall use stilts at a project unless he or she has successfully completed a program described in subsection (10) and carries proof of completing the program at all times when using the stilts.

(12) A worker using stilts at a project shall inspect the stilts for damage, wear, corrosion and other defects the first time each day that the worker uses the stilts.

(13) An employer shall ensure that a worker does not use stilts that are damaged, worn, corroded or defective and no worker shall use such stilts.

(14) Stilts shall be stored, serviced and maintained in accordance with the manufacturer's instructions.

5. Subsection 181 (1) of the Regulation is amended by striking out “and dated August 2004” at the end and substituting “and revised January, 2009”.

6. Section 228 of the Regulation is revoked and the following substituted:

PRECAUTIONS CONCERNING SERVICES

228. (1) Before an excavation is begun,

- (a) the employer excavating shall ensure that all gas, electrical and other services in and near the area to be excavated are located and marked;
- (b) the employer and worker locating and marking the services described in clause (a) shall ensure that they are accurately located and marked; and
- (c) if a service may pose a hazard, the service shall be shut off and disconnected.

(2) If a service may pose a hazard and it cannot be shut off or disconnected, the owner of the service shall be requested to supervise the uncovering of the service during the excavation.

(3) Pipes, conduits and cables for gas, electrical and other services in an excavation shall be supported to prevent their failure or breakage.

7. Subsection 236 (8) of the Regulation is revoked.

8. Subsection 280 (4) of the Regulation is revoked.

9. This Regulation comes into force on the later of January 1, 2010 and the day this Regulation is filed.

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