

2004/09/14-05

THE WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

Re: Amendments to requirements of the *Occupational Health and Safety Regulation* (B.C. Reg. 296/97, as amended), pertaining to ladders, scaffolds and temporary work platforms

WHEREAS:

Pursuant to section 225(1) of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 and amendments thereto ("*Act*"), the Workers' Compensation Board ("*WCB*") may make regulations the WCB considers necessary or advisable in relation to occupational health and safety and occupational environment;

AND WHEREAS:

Part 13 of the *Occupational Health and Safety Regulation* ("*OHSR*") contains requirements relating to ladders, scaffolds and temporary work platforms;

AND WHEREAS:

A review of the regulatory requirements within Part 13 has been conducted with the view of streamlining the requirements and to recognize changes in equipment, the types of equipment in use, and the work for which they are used;

AND WHEREAS:

The WCB, pursuant to its mandate under the *Act*, has proposed amendments to Parts 13, 23 and 28 of the *OHSR*, and has given notice of the proposed amendments and held a public hearing on the proposed amendments in accordance with section 226(1) of the *Act*;

AND WHEREAS:

The Board of Directors, after due consideration of all presentations to the WCB, considers it necessary and advisable in accordance with the WCB's mandate under the *Act* in relation to occupational health and safety and occupational environment, to amend Parts 13, 23 and 28 of the *OHSR*;

AND WHEREAS:

The Program Design Division will prepare practice guidelines in support of the regulatory amendments;

AND WHEREAS:

Pursuant to the Provincial Government's *Regulatory Reform Policy*, the Board of Directors has evaluated the proposed regulatory amendments according to the established regulatory criteria;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. The regulatory amendments to the *OHSR*, as set out in Appendix A, are approved.
2. The statements under the heading POLICY in Items R13.32-1 and R24.83-1, as set out in Appendix B, are approved and the Items will be consolidated into the *Prevention Manual*.
3. The policies listed in Appendix C ("listed policies") are "retired" from the *Prevention Manual* as of January 1, 2005. As of this date, the listed policies are no longer "policy" under the Board of Directors' Bylaw re: Policies of the Board of Directors. However, the status of the listed policies as "policy" prior to January 1, 2005 remains unaffected by this resolution. The listed policies remain applicable in decision-making on historical issues to the extent that they were applicable prior to January 1, 2005.
4. The Regulatory Criteria Checklist in Appendix D is approved.
5. The above regulatory amendments will be deposited with the Registrar of Regulations in such form as may be required by the Registrar.

6. The above regulatory and policy amendments come into force on January 1, 2005.

DATED at Nanaimo, British Columbia, September 14, 2004.

By the Workers' Compensation Board

**DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS RESOLVES THAT:

- 1 Part 13 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is repealed and the following substituted:*

Division 1 – General

Definitions

13.1 In this Part:

- “**boom-supported**” means supported by an elevating device that telescopes, articulates, rotates or extends relative to the machine base or vehicle, so that the platform can be positioned completely beyond the base;
- “**boatswain’s chair**”, also known as a bosun’s chair, means a seat attached to a suspended rope designed to accommodate one person in a sitting position;
- “**elevating work platform**” means a movable work platform that self-elevates to overhead work locations;
- “**movable work platform**” means a work platform that can be re-positioned during the course of the work;
- “**permanent powered platform**” means a movable work platform that
- (a) is raised or lowered by other than manual means, and
 - (b) is permanently installed on or attached to a building or structure;
- “**portable powered platform**” means a movable work platform that
- (a) is raised or lowered by other than manual means, and
 - (b) is not permanently installed on or attached to a building or structure;
- “**scaffold**” means any temporary elevated work platform and its supporting structure used for supporting workers, materials or equipment;
- “**self-propelled**” means the capability of an elevating work platform to travel under power with the primary controls on the work platform;
- “**swing stage**” means a work platform that is raised and lowered by manual or powered hoisting equipment, supported by 2 or more suspension lines;
- “**work platform**” means an elevated or suspended temporary work surface used for supporting workers and includes a scaffold and boatswain’s chair.

Standards

- 13.2** (1) A ladder, window cleaner’s belt or work platform must meet and be used in accordance with
- (a) the applicable CSA or ANSI standard in effect when the equipment or structure was manufactured, except as otherwise determined by the Board,
 - (b) another standard acceptable to the Board, or
 - (c) if there is no applicable standard under paragraphs (a) or (b), the requirements of a professional engineer.
- (2) In designing and installing a work platform, appropriate safety factors and minimum rated loads must be used in the materials and method of installation, in accordance with
- (a) *WCB Standard WPL 1, Design, Construction and Use of Wood Frame Scaffolds, 2004,*

APPENDIX A

- (b) *WCB Standard WPL 2, Design, Construction and Use of Crane Supported Work Platforms, 2004,*
- (c) *WCB Standard WPL 3, Safety Factor and Minimum Breaking Strength for Suspended Work Platforms and Associated Components, 2004,* and
- (d) *WCB Standard LDR 1, Job Built Ladders, 2004.*

Inspections

- 13.3** A ladder, window cleaner's belt, work platform and associated components must be inspected before use on each shift, and after any modification, and any condition that might endanger workers must be remedied before the equipment is used.

Division 2 – Ladders

Manufactured ladders

- 13.4** A manufactured portable ladder must be marked for the grade of material used to construct the ladder and the use for which the ladder is constructed.

Position and stability

- 13.5** A ladder must
- (a) be placed on a firm and level base,
 - (b) be positioned so that the horizontal distance from the base to vertical plane of support is approximately $\frac{1}{4}$ of the ladder length,
 - (c) have sufficient length to project approximately 1 m (3 ft) above the upper landing to which it provides access, and
 - (d) if necessary, be secured to ensure stability during use.

Use of restriction

- 13.6** (1) If work cannot be done from a ladder without hazard to a worker, a work platform must be provided.
- (2) A worker must not carry up or down a ladder, heavy or bulky objects or any other objects which may make ascent or descent unsafe.

Division 3 – Work Platforms

Access

- 13.7** Safe access must be provided to every work platform.

General requirements

- 13.8** Each work platform must
- (a) have sufficient strength to bear the load to be placed on it, and
 - (b) be secured against separation from the supporting equipment, structure or surface to which it is attached.

Lines supporting work platforms

- 13.9** Rigging and lines used to suspend or support work platforms must
- (a) have sufficient breaking strength to withstand the loads likely to be imposed with the required factor of safety,
 - (b) be free of knots or splices except for terminal eye-splices,
 - (c) be suitable for the purpose for which they are used,

APPENDIX A

- (d) be protected from abrasion or other damage from the work environment,
- (e) be secured to the platform and to an anchorage able to withstand the loads likely to be imposed on them,
- (f) be of sufficient length to lower the work platform to a safe lower landing, and
- (g) except for load lines, be used exclusively for suspending the work platform.

Hooks and clamps

- 13.10** (1) Cornice hooks, parapet clamps and thrust-out beams must be secured by tiebacks to a solid anchor on the building or structure.
- (2) Tiebacks for cornice hooks, parapet clamps and thrust-out beams must, as nearly as is practicable, be rigged at right angles to the building face.
 - (3) Each cornice hook, parapet clamp, hanger or stirrup used to support a swing stage must be manufactured of mild steel or other material having similar ductile properties.
 - (4) Counterweights must be
 - (a) made of solid material not subject to loss of weight through attrition, and
 - (b) secured to the thrust-out beam.

Engineering required

- 13.11** (1) A scaffold must be constructed, installed and used in accordance with the instructions of a professional engineer with respect to
- (a) bracing, if the scaffold is enclosed by a tarpaulin or any other cover,
 - (b) a scaffold exceeding 38 m (125 ft) in height,
 - (c) a scaffold exceeding 25 m (80 ft) in height if stairways are included as part of the scaffold,
 - (d) a scaffold used to support a temporary floor,
 - (e) a scaffold suspended or cantilevered from a structure,
 - (f) a scaffold system supported by a catenary line,
 - (g) a needle beam scaffold, and
 - (h) an outrigger scaffold.
- (2) Permanent powered platforms must be constructed, installed and used in accordance with the instructions of a professional engineer.
 - (3) If a boat is used as a work platform in a pile driving operation, a professional engineer must certify the integrity of the boat for this purpose.
 - (4) A signed copy of the engineer's instructions or certification referred to in subsections (1) to (3) must be available at the workplace during installation, disassembly and use of the system.

Removal from service

- 13.12** A work platform must be removed from service until certified safe for use by the manufacturer or a professional engineer if it has
- (a) been subjected to a sudden drop,
 - (b) been in contact with exposed energized electrical equipment or conductors, or
 - (c) shows signs of any kind of structural or mechanical damage or substantial wear.

APPENDIX A

Division 4 – Scaffolds

Responsibilities

- 13.13** The employer must ensure that scaffolds used by workers are in a safe condition and are able to withstand the load, regardless of who erected the scaffold.

Scaffold platforms

- 13.14** (1) The platform of each scaffold must
- (a) be a minimum nominal width of 50 cm (20 in), except that a nominal 30 cm (12 in) wide work platform may be used with ladder jacks, pump jack or similar systems,
 - (b) not leave more than one opening in the work platform, which must be no greater than 25 cm (10 in) in width, and
 - (c) if not level, be designed to ensure adequate footing for workers using the platform.
- (2) Guardrails may be omitted from the edge of a work platform if
- (a) the platform is adjacent to a structure that provides protection equivalent to guardrails, and
 - (b) the open space between the platform and the structure is equal to or less than 30 cm (12 in).

Manufactured components

- 13.15** Major components of scaffolds must be used in accordance with technical data provided by the manufacturer, or in writing by a professional engineer, that
- (a) shows the rated load, erection procedures and compliance with an applicable standard under section 13.2, and
 - (b) is available at the workplace for reference.

Lumber for structural components

- 13.16** All lumber used to construct a scaffold must be graded and marked to the National Lumber Grades Authority *Standard Grading Rules for Canadian Lumber*.

Scaffold stability

- 13.17** (1) A scaffold must be erected with the vertical members plumb, and with the ledgers and bearers level.
- (2) The base of a scaffold must have bearing plates or sills that rest on a solid surface and are sufficient to support the weight of the scaffold.
- (3) The poles, legs and uprights of a scaffold must be securely and rigidly braced to prevent movement.
- (4) A scaffold must be effectively guyed or secured to a building or structure
- (a) if the height of the scaffold exceeds 3 times its minimum base dimension, or
 - (b) in any other circumstances if required for stability.
- (5) Unless otherwise specified by the manufacturer, height adjustment devices must not extend more than 2/3 of their total length or 60 cm (24 in), whichever is less.

Connections

- 13.18** All connections between the parts of a scaffold must be secure.

APPENDIX A

Electrical hazards

- 13.19** A scaffold must be effectively grounded if
- (a) it is a metal scaffold and is located close to a high voltage energized electrical conductor or equipment, and
 - (b) a hazardous level of electrical charge is likely to be induced in the scaffold.

Division 5 – Movable Work Platforms

Marking of the equipment

- 13.20** (1) The following equipment must be clearly marked with a rated capacity:
- (a) a platform that is suspended from or attached to a crane or hoist,
 - (b) an elevating work platform,
 - (c) a work platform that is supported by a lift truck,
 - (d) a swing stage, and
 - (e) interchangeable load bearing components of a suspended work platform system.
- (2) The rated load for allowable thrust-out beam projections must be clearly marked on a thrust-out beam.
- (3) A swing stage platform, counterweight and hoist unit must each be clearly marked with their own weight.
- (4) A work platform that is suspended from a crane or hoist or attached to a crane boom must be marked with the weight of the platform and rigging and the rated capacity.

Manuals

- 13.21** (1) For each elevating work platform in use at a workplace,
- (a) the equipment manufacturer's operation manual must be available at the workplace, and
 - (b) the equipment manufacturer's maintenance manual, containing maintenance instructions and replacement part information, must be reasonably available to workers at the workplace.
- (2) If either of the manuals required by subsection (1) is not available, the equipment must not be used until
- (a) the manual is obtained, or
 - (b) written instructions for the safe operation and maintenance of the equipment are supplied by a professional engineer.

Maintenance of records

- 13.22** (1) The employer must keep records of inspection, maintenance, repair or modification that meet the requirements of Part 4 (General Conditions) for each
- (a) elevating work platform,
 - (b) swing stage, and
 - (c) permanent powered platform.
- (2) If the inspection and maintenance records, other than pre-shift inspections, are not available, the equipment must not be used until it has been inspected and certified safe for use by the manufacturer or a professional engineer.

APPENDIX A

Testing

- 13.23** (1) A vehicle-mounted elevating work platform and a self-propelled boom-supported elevating work platform must be
- (a) inspected in accordance with good engineering practice at least every 12 months, and
 - (b) certified in writing by the equipment manufacturer or a professional engineer as complying with this Part and safe for use.
- (2) An insulated elevating work platform must be dielectrically tested at least annually in accordance with the edition of *CSA Standard CAN/CSA-C225 Vehicle-Mounted Aerial Devices* that the device was designed to meet, or the most recent edition, as the circumstances require.
- (3) The insulating capability of an insulated elevating work platform must be certified by the testing agency.
- (4) If an insulated elevating work platform does not pass the testing method required by subsection (2) and subsection (3),
- (a) the platform must be considered non-insulated,
 - (b) any markings or identification on the device indicating insulated capability must be removed or effectively covered over, and
 - (c) the user must be informed of the non-insulated status of the device.
- (5) In the tenth year after the date of manufacture, and every fifth year after that, or more frequently if specified by the manufacturer, the inspection required by subsection (1) must include a structural inspection to ensure the platform still meets the standard to which the platform was manufactured to verify
- (a) the integrity of critical components of the platform, and
 - (b) the platform's stability.

Work platforms on wheels

- 13.24** (1) A movable work platform with a worker on it must not be transported along the ground unless
- (a) only minor repositioning of the movable work platform is effected,
 - (b) the platform is a self-propelled elevating work platform and is designed to be moved with the platform elevated,
 - (c) a rolling scaffold that has a height of less than 1½ times the minimum base dimension is moved by a worker on the platform, or
 - (d) a rolling scaffold that has a height of less than 2 times the minimum base dimension is moved by a worker on the ground.
- (2) The carrier vehicle or wheels of a movable work platform must be secured against inadvertent movement before a worker occupies the platform.

Warning devices on elevating work platforms

- 13.25** (1) An elevating work platform, except a vehicle-mounted work platform, must have a warning system consisting of an intermittent horn or flashing light that
- (a) is automatically activated during any motion of the work platform, and
 - (b) can be seen or heard by other workers in proximity to the work platform.
- (2) If the safe operation of an elevating work platform requires its carrier vehicle to be on a level surface or level within specified degrees, the platform must be fitted, as the carrier requires, with a device to warn the operator that
- (a) the carrier is not level, or

APPENDIX A

- (b) the carrier is outside the permitted degrees from level.

Controls on elevating work platforms

- 13.26** The controls for an elevating work platform must
- (a) be clearly identified to indicate their functions,
 - (b) be “hold-to-run” (continuous pressure) type that return to the neutral or the stop position when released,
 - (c) be protected against inadvertent operation,
 - (d) for each set of controls, be provided with an emergency stop device that is
 - (i) within easy reach of the operator,
 - (ii) clearly labelled STOP, and
 - (iii) coloured red, and
 - (e) include a clearly marked overriding lowering control that will enable a worker at the lower controls to stop and lower the platform in an emergency.

Cranes and hoists used to suspend work platforms

- 13.27** (1) The weight of a work platform suspended from a crane or hoist or attached to a crane boom and its rigging, plus the rated capacity, must not exceed 50% of the rated capacity of the crane or hoist at the working radius or configuration.
- (2) If a work platform attached to a crane boom causes eccentric loading on the boom,
- (a) the effect on the rated capacity of the crane must be determined and the rated capacity certified by the crane manufacturer or a professional engineer, and
 - (b) the rated capacity of the crane must be reduced accordingly.
- (3) The boom of a crane used to suspend a work platform must have a powered boom or a fixed boom.
- (4) A work platform must not be
- (a) suspended from an articulating boom crane, or
 - (b) attached to an articulating boom crane, unless the crane manufacturer approves the installation.
- (5) If workers are on a work platform suspended from a crane, a secondary hoisting line on the crane must not be used.

Two-blocking

- 13.28** (1) A crane or hoist used to raise a work platform on a load line must be equipped with
- (a) a device to prevent two-blocking at all points, or
 - (b) in the case of a lattice boom crane, a two-blocking warning device.
- (2) Despite subsection (1), a work procedure acceptable to the Board may be followed to minimize the risk of two-blocking if it is not practicable to maintain a two-blocking prevention or warning device on a conventional lattice boom crane used for pile driving and similar applications.

Hoisting and lowering work platforms

- 13.29** (1) Cranes, winches and other devices used for hoisting and lowering movable work platforms must
- (a) be operated as slowly as practicable while supporting the work platform,
 - (b) be lowered under power, if the device is powered, and

APPENDIX A

- (c) not be equipped with a free running boom or hoisting winch controlled only by brakes.
- (2) If a moveable work platform is suspended over a structure that cannot safely support its weight or if other hazards exist below the platform, lower limit travel devices compatible with the hoist system must be used to ensure the platform cannot be lowered beyond the safe lower limit of travel.
- (3) A trial lift for a work platform suspended from or attached to a crane or hoist must be performed at all work locations before the platform is occupied.

Lift truck (forklift) mounted work platforms

- 13.30** (1) A work platform supported by the forks of a lift truck may be used to support workers only for infrequent, short-duration work.
- (2) If a worker is elevated on a work platform supported by a lift truck, the operator must remain at the controls of the truck.

Powered platforms

- 13.31** If a portable powered platform is raised and lowered by two or more separately controlled hoists operated by one person on the platform, the controls must be located so that they can be used simultaneously by that person.

Work procedures in high risk situations

- 13.32** A swing stage, boatswain's chair and portable powered platform must not be used without prior permission of the Board if
- (a) one work platform will be used above or below any portion of another work platform,
 - (b) a deck or planking will be used to span a gap between two independent work platforms,
 - (c) the work platform will exceed 10 m (32 ft) in length, or
 - (d) the suspension height will exceed 91 m (300 ft).

Fall protection

- 13.33** (1) A worker on a boom-supported elevating work platform must wear a personal fall arrest system secured to an anchor meeting the requirements of Part 11 (Fall Protection).
- (2) If a worker is supported on a work platform suspended by fewer than four suspension lines, the worker must use a personal fall arrest system secured to an anchor meeting the requirements of Part 11 (Fall Protection) and independent of the work platform and its suspension system.
- (3) If a worker is supported on a work platform suspended by four or more suspension lines, the worker must use a personal fall arrest system secured to an anchor on the platform or to an anchor meeting the requirements of Part 11 (Fall Protection) and independent of the work platform and its suspension system.
- (4) Each person on a work platform suspended from a crane or hoist must use a personal fall arrest system with a shock absorbing lanyard, secured to
- (a) an anchor above the load hook, or
 - (b) if the failure of any component does not allow the platform to drop more than 15 cm (6 in), an anchor on the platform designated by the manufacturer or a professional engineer.
- (5) Each person on a work platform attached to a crane boom must use a personal fall arrest system secured to an anchor on the boom or on the platform.

APPENDIX A

- (6) The personal fall arrest system referred to in subsection (5) must be secured on the boom or on the platform to an anchor that is designated by
- (a) the manufacturer, or
 - (b) a professional engineer.
- 2 Section 23.45 (2) is amended by striking out “section 13.12 (1)” and substituting “Part 13 (Ladders, Scaffolds and Temporary Work Platforms)”.**
- 3 Section 28.25 is amended by striking out “Sections 13.1 (1), 13.5 and 13.6” and substituting “Sections 13.2 (1) and 13.5 (a), (b) and (c)”.**
- 4 Section 28.27 (2) is repealed.**
- 5 Section 28.28 is amended by striking out “section 13.12 (2)” and substituting “section 13.2 (1) (a)”.**
- 6 Section 28.44 (1) is amended by striking out “section 13.104 (1)” and substituting “section 13.2 (1)”.**
- 7 Section 28.46 is amended by striking out “Section 13.112 (1)” and substituting “section 13.33 (1)”.**
- 8 Section 28.47 is amended by striking out “section 13.109 (2)” and substituting “sections 13.12, 13.23 (1) (b) and 13.23 (5)”.**
- 9 Section 28.48 is amended by striking out “Sections 13.116, 13.117, 13.120 and 13.121” and substituting “Sections 13.24 (2), 13.25 and 13.26”.**
- 10 The above amendments come into force January 1, 2005.**

DATED at Nanaimo, British Columbia, September 14th, 2004.

By the Workers’ Compensation Board

DOUGLAS J. ENNS, CHAIR
BOARD OF DIRECTORS

**RE: Ladders, Scaffolds and Temporary
Work Platforms -
Swing Stages -
Prior Permission**

ITEM: R13.129-1-R13.32-1

BACKGROUND

1. Explanatory Notes

Section ~~13.129~~ **13.32** prohibits the use of a swing stage, **boatswain's chair and portable powered platform** in certain situations unless prior permission has been obtained from the Board.

2. The Regulation

Section ~~13.129~~:

~~A swing stage may not be used without the prior permission of the board if~~

- ~~(a) — there will be 2 or more work platforms at different levels on one swing stage assembly,~~
- ~~(b) — one swing stage will be used above or below any portion of another swing stage,~~
- ~~(c) — there will be bridging between swing stages,~~
- ~~(d) — the work platform will exceed 10 m (32 ft) in length, or~~
- ~~(e) — the suspension height will exceed 91 m (300 ft).~~

Section 13.32:

A swing stage, boatswain's chair and portable powered platform must not be used without prior permission of the Board if

- (a) one work platform will be used above or below any portion of another work platform,**
- (b) a deck or planking will be used to span a gap between two independent work platforms,**
- (c) the work platform will exceed 10 m (32 ft) in length, or**
- (d) the suspension height will exceed 91 m (300 ft).**

POLICY

Where the Board grants permission under section ~~43.129~~ **13.32**, a letter will be sent to the employer. A copy of the letter must be available at the site during the use of the swing stage system, **boatswain's chair and portable powered platform**.

If an officer encounters the use of a swing stage system, **boatswain's chair or portable powered platform** in a situation described in section ~~43.129~~ **13.32**, and the ~~system~~ **employer** does not have the prior permission from the Board **to use the equipment**, the officer will stop the use of the ~~system~~ **equipment**, and advise the employer of the process for obtaining the necessary permission.

If an officer encounters the use of a swing stage system, **boatswain's chair or portable powered platform** having prior permission of the Board under section ~~43.129~~ **13.32**, the officer will ensure that any conditions for use stipulated in the letter granting the prior permission are being met. In addition, the officer should look for potential problems such as abrasion of suspension cables ~~by a swing stage~~, pinching of the upper stage between the structure and the suspension lines for a lower stage, overloading of the assembly, and safe access between work platforms on multi-level systems.

PRACTICE

For any relevant PRACTICE information, readers should consult the ~~Prevention Division's~~ Guidelines available on the WCB website.

EFFECTIVE DATE:	April 1, 2004 January 1, 2005
AUTHORITY:	s.43.129 13.32 , <i>Occupational Health and Safety Regulation</i>
CROSS REFERENCES:	
HISTORY:	This policy incorporates portions of, and replaces Replaces Policy No. 32.38(3) of the former Prevention Division <i>Policy and Procedure Manual</i> . Effective January 1, 2005, this policy is amended to comply with amendments to Part 13 (Ladders, Scaffolds and Temporary Work Platforms) of the <i>Occupational Health and Safety Regulation</i> made on that date.
APPLICATION:	This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the <i>Prevention Manual</i>. The POLICY in this Item merely continues the substantive requirements of Policy No. 32.38(3), as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 32.38(3) was issued.

RE: Diving, Fishing and Other Marine Operations - Fishing Operations - General Requirements - Access and Egress	ITEM: R24.83-1
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BACKGROUND

1. Explanatory Notes

Sections 24.83 and ~~13.3~~ sets out requirements for portable ladders and gangways. **Section 13.2 creates a general obligation to comply with Canadian Standards Association, American National Standards Institute or Workers' Compensation Board standards for ladders, scaffolds and temporary work platforms.**

2. The Regulation

Section 24.83:

Every portable ladder or gangway between a fishing vessel and shore, between vessels, or when used on board a vessel must be designed and rigged to provide safe access and egress.

~~Section 13.3:~~

~~A protective coating applied to a wooden ladder, other than a small amount for identification purposes, must be transparent to allow any defects to be discovered by inspection.~~

Section 13.2:

- (1) A ladder, window cleaner's belt or work platform must meet and be used in accordance with**
 - (a) the applicable CSA or ANSI standard in effect when the equipment or structure was manufactured, except as otherwise determined by the Board,**
 - (b) another standard acceptable to the Board, or**
 - (c) if there is no applicable standard under paragraphs (a) or (b), the requirements of a professional engineer.**
- (2) In designing and installing a work platform, appropriate safety factors and minimum rated loads must be used in the materials and method of installation, in accordance with**
 - (a) *WCB Standard WPL 1, Design, Construction and Use of Wood Frame Scaffolds, 2004,***
 - (b) *WCB Standard WPL 2, Design, Construction and Use of Crane Supported Work Platforms, 2004,***

PREVENTION MANUAL

(c) **WCB Standard WPL 3, Safety Factor and Minimum Breaking Strength for Suspended Work Platforms and Associated Components, 2004,**
and

(d) **WCB Standard LDR 1, Job Built Ladders, 2004.**

POLICY

Section 24.83 does not specifically require a safe means of access. It only applies to a "portable ladder or gangway" where they are provided.

Where a portable ladder is used for access, Part 13 (Ladders, Scaffolds and Temporary Work Platforms) will be used as a guideline for determining whether it is safe. ~~Ladders in use as of January 1, 1995, are not required to have CSA or other acceptable certification. However, properly certified ladders must be obtained when these ladders are replaced.~~

~~Federal regulations made under the *Fish Protection Act* require that wooden surfaces in contact with fish be covered with an approved coating. These regulations might apply to wooden ladders in fish holds. If there is a conflict between the Federal regulations and section 13.3, the Federal regulations will prevail.~~

PRACTICE

For any relevant PRACTICE information, readers should consult the ~~Prevention Division's OHS Guidelines~~ available on the WCB website.

EFFECTIVE DATE:	July 1, 2000 January 1, 2005
AUTHORITY:	s.24.83, <i>Occupational Health & Safety Regulation</i>
CROSS REFERENCES:	
HISTORY:	This policy incorporates portions of, and r Replaces, Policy No. 85.17 " Access and Egress " of the former Prevention Division <i>Policy and Procedure Manual</i> . A housekeeping change was made on December 14, 2001. Effective January 1, 2005, this policy is amended to comply with amendments to Part 13 (Ladders, Scaffolds and Temporary Work Platforms) of the <i>Occupational Health and Safety Regulation</i> made on that date.
APPLICATION:	This Item results from the 2000/2001 "editorial" consolidation of all prevention policies into the <i>Prevention Manual</i>. The POLICY in this Item merely continues the substantive requirements of Policy No. 85.17, as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 85.17 was issued.

APPENDIX C

PREVENTION MANUAL

LIST OF RETIRED *PREVENTION MANUAL* POLICIES

Policy No.	Policy Name
R13.13-1	Ladders, Scaffolds and Temporary Work Platforms – Ladders – Special Purpose Ladders (Manholes or Wells)
R13.21-1	Ladders, Scaffolds and Temporary Work Platforms – Scaffolds – General Requirements – Guardrails and Toeboards
R13.93-1	Ladders, Scaffolds and Temporary Work Platforms – Work Platforms Supported by a Crane or Hoist – Standards (Suspended Work Platforms)
R13.159-1	Ladders, Scaffolds and Temporary Work Platforms – Suspended Powered Platforms – Permanent Powered Platforms (Use of Permanent Powered Platforms)

APPENDIX D

REGULATORY CRITERIA CHECKLIST

Title of Legislation/Regulation* *Occupational Health and Safety Regulation*

**If Regulation, Title of Authorizing Legislation: Workers Compensation Act*

Purpose of Proposal (One-Line Summary): Amendments to ladders, scaffolds and temporary work platform requirements.

If the answer is “No” for any of the criteria, please attach explanation.

Regulatory Criteria	Criteria Met	
1. Reverse Onus: Need for Regulation is Justified	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Regulatory Design is Results-Based	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Transparent Development of Regulatory Requirements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4. Cost- Benefit Analysis	Formal Cost-Benefit Analysis Completed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Required If <i>Not Required</i> , Impacts have been Analyzed <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. Competitive Analysis Completed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Regulatory Requirements Avoid or Eliminate Duplication with Other Jurisdictions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7. Timeliness of Regulatory Response	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8. Plain Language	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
9. Sunset Review and Expiry Provisions	Sunset Review provision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sunset Expiry provision <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Replacement Principle Applied	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Number of Regulatory Requirements to be added:
 Number of Regulatory Requirements to be eliminated:
NET CHANGE: -658

Douglas J. Enns, Chair
Board of Directors

Date

Contact: Freda Jung, Senior Policy Analyst
Policy & Research Division
Workers' Compensation Board

REGULATORY CRITERIA CHECKLIST

A. BACKGROUND

On March 11, 2002 the provincial government introduced a new Regulatory Reform Policy ("Policy"). The Policy is intended to "support the government's commitment to reducing the regulatory burden in British Columbia by one-third over three years." The Policy applies to all proposed legislation and regulations.

The Policy requires the Chair of the Board of Directors ("BOD") to ensure that proposed regulations are evaluated according to regulatory criteria set out in the Policy, and to sign and make public the "Regulatory Criteria Checklist" ("Checklist") when regulations are enacted. The criteria are designed to ensure that all new regulations are results-based and contribute to a more competitive regulatory environment.

The Policy provides for exemptions from the Checklist if the head of the regulatory agency certifies that, in his or her opinion, the regulation satisfies one or more of the following conditions:

- Is non-regulatory in nature;
- Changes fees in respect of a financial year by an annual rate that has been approved by the Treasury Board;
- Relates only to the procedures or practices of a court or tribunal;
- Is required under a national uniform legislation or regulatory scheme, or by federal legislation that has already been assessed against criteria similar to that provided in the Checklist;
- Is fundamentally declaratory or machinery in nature, such as housekeeping changes that clarify or correct a provision without changing procedural requirements;
- Provides for the commencement of an Act or regulation or the commencement of a provision of an Act or regulation;
- Is consolidated and reviewed under the reversion powers in Part 2 of the *Regulations Act*;
- Is transitional in nature;
- The special circumstances of the case, as identified by the responsible minister or head of the regulatory authority, make it impracticable to comply with the Regulatory Criteria.

The regulatory amendments relating to ladders, scaffolds and temporary work platforms requirements do not meet the criteria for an exemption from the Checklist.

B. REGULATORY AMENDMENTS

Part 13 of the *Occupational Health and Safety Regulation* (“OHSR”) contains requirements that address ladders, scaffolds and temporary work platforms. These requirements are very technical and not responsive to changes in equipment and workplace practices.

A review of the ladders, scaffolds and temporary work platforms requirements was conducted to rationalize current requirements and place greater reliance on standards, including those from the Canadian Standards Association (“CSA”) and the WCB. In addition, the review also identified the need for regulatory amendments to respond to changes in workplace practices and equipment.

C. EXPLANATORY NOTES

1. Reverse Onus: Need for Regulation is Justified

The regulatory requirements are necessary to maintain reasonable standards for the protection of worker health and safety.

2. Regulatory Design is Results-Based

The amendments are a mix of results-based and prescriptive requirements, similar to other parts of the *OHSR*. One of the objectives of the Workers’ Compensation Board’s (“WCB”) ongoing regulation review is to strike a reasonable balance between establishing standards or practices for controlling risk and providing flexibility to enable workplaces to determine appropriate measures for achieving compliance. Where appropriate, the amendments allow flexibility at workplaces for determining appropriate control measures, while maintaining a reasonable standard of protection of worker health and safety.

3. Transparent Development of Regulatory Requirements

Section 226 of the *Workers Compensation Act* (“Act”) requires that before making a regulation under Part 3, the WCB must give notice of the proposed regulation in the *BC Gazette* and at least three newspapers and must hold at least one public hearing on the proposed regulation.

The public hearing was conducted between January 16, 2004 (date of formal notice) and April 16, 2004 (due date for written submissions).¹ Oral hearings were conducted in the following locations:

¹ The proposed regulatory amendments were released to stakeholders on December 5, 2003. Technical Information Sessions for interested parties were conducted between January 13, 2004 and February 26, 2004 and were facilitated in 8 locations across the province.

APPENDIX D

- Prince George – March 9, 2004
- Nanaimo – March 11, 2004
- Kelowna – March 23, 2004
- Richmond – March 25, 2004
- Nelson – March 30, 2004

The response to the amendments during the public hearing was low to moderate and somewhat controversial. However, a significant majority (94%) of the submissions that commented on the regulatory amendments relating to ladders, scaffolds and temporary work platforms expressed some level of opposition to the proposed amendment package. Generally, these submissions (from the worker community) expressed concern about the movement of relevant information, such as definitions, from regulation into guidelines, and access to external third party standards by workplace parties.

Generally, the submissions provided in opposition to the proposed amendments regarding ladders, scaffolds and temporary work platforms questioned the movement of specific requirements and definitions from the regulations into guidelines

Most submissions from the employer community expressed overall support for the proposed changes to ladders, scaffolds and temporary work platforms, even though some submissions indicated concern with a specific amendment. They commented that the changes are appropriate. They noted that the move to generic requirements, complemented by placing helpful information in guidelines, is a sensible approach.

The concerns raised during the public hearing process were represented in the options presented to the BOD for decision.

4. Cost-Benefit Analysis Completed

A formal cost-benefit analysis was not completed. Generally, cost implications were not raised during the public hearing process.

There would be costs to employers to comply with the new requirement for a structural inspection of vehicle-mounted elevating work platforms and self-propelled boom-supported elevating work platforms in the tenth year after the date of manufacture and every fifth year after that. However, this requirement was added to prevent serious accidents that may occur from structural failures that otherwise might not be foreseen. Some of the standards applicable to this equipment, as well as some manufacturers' instructions, already require this in-depth inspection.

5. Competitive Analysis Completed

A formal competitive analysis was not completed. The ladder, scaffold and temporary work platform requirements in other Canadian jurisdictions differ substantially from the approach in BC's amendments. Although the approach in style differs, the level of worker health and safety is the same.

Ladder requirements in all other Canadian jurisdiction are generally very detailed, providing specific technical information in regulations.²

Generally, scaffold and temporary work platform requirements in all Canadian jurisdictions are very detailed, particularly where the requirements are applied to construction activities. However, in Prince Edward Island, the temporary work platform requirement merely provides the general safety objective.³ Also, a number of differences exist in certain jurisdictions, particularly when these requirements apply to general work activities or specific workplaces. For example, the scaffold requirement in Manitoba that applies to general work activities (e.g., demolition activities) merely outlines that scaffolds must be provided.⁴ In Ontario, a similar approach exists with respect to the requirement for suspended scaffold in mines and mining plants. It provides that the “work platform shall be designed by a professional engineer in accordance with good engineering practices and shall be built in accordance with the design.”

6. Avoid or Eliminate Duplication with Other Jurisdictions

The amendments do not duplicate requirements imposed by other regulatory jurisdictions.

7. Timeliness of Regulatory Response

Changes to regulations must be deposited with the Registrar of Regulations and, pursuant to section 227 of the *Act*, may only come into force at least 90 days after their deposit under the *Regulations Act*.

To ensure successful implementation of the new requirements, the amended regulation will be effective January 1, 2005.

The amended regulation will be available on the WCB’s website and a communications strategy has been developed to ensure workplace parties are made aware of the changes. Guidelines have been drafted to provide additional clarity on the new requirements and assist with compliance.

8. Plain Language

The amendments are drafted in plain language.

² The exception is found in Ontario’s regulations that govern ladder requirements for industrial establishments. In this case, the requirements are general in nature, with no specific information provided such as the dimensions of different types of ladders (i.e., ladders must have non-slip feet). However, Ontario ladder requirements for window cleaning, health care facilities, construction projects and mines are very detailed in nature.

³ The requirement provides that a “platform other than a scaffold platform shall be designed, constructed and maintained to safely support all loads that may reasonably be expected to apply to it.”

⁴ In Manitoba, these relate to the requirements in the *Workplace Safety Regulation*. However, scaffold requirements that apply to the construction industry contain detailed, technical information for various types of scaffolds.

9. Sunset Review and Expiry Provisions

Sunset review and expiry provisions are not required. Section 228 of the *Act* requires the WCB to undertake a process of ongoing review of and consultation on its regulations to ensure that they are consistent with current workplace practices, technological advances and other changes affecting occupational health and safety and occupational environment.

10. Replacement Principle Applied

The amendments result in a reduction of 658 regulatory requirements.