

Ministry of Labour
Heightened Enforcement Campaign on Falls Hazards

Questions and Answers

1. Question: Why is the Ministry of Labour conducting a heightened enforcement campaign on fall hazards at this time?

Answer: To ensure that workers in the province are protected from falls. While Ontario's construction industry is one of the safest in the world and has the lowest incident frequency in all of Canada, there is a high potential for incidents that may lead to an injury, given the nature and conditions of the work on construction projects, at diving operations, and window cleaning window cleaning at buildings where a worker may fall a vertical distance of three metres or more.

On January 6, 2010, the Minister of Labour announced a heightened enforcement campaign on fall hazards at Ontario construction sites and has asked for a report back in 90 days, at which time decisions will be made on what further steps are needed. The ministry also recently issued a [hazard alert](#) on the safe use, maintenance and inspection of suspended work platforms and control measure to minimize the risks associated with using this type of equipment. (See *pages 9 through 12 for the Government of Ontario announcement dated January 6, 2010 and Alert #C22/0110 ISSN 1195-5228*).

2. Question: Where do “falls” rank as the cause of accidental death, critical injury and lost time injuries?

Answer: Falls are one of the leading causes of accidental death on Ontario's construction sites and continue to be a major cause of critical and lost-time injuries. In 2009, the number of fall-related deaths accounted for almost two thirds of the traumatic construction fatalities, up from the previous 3 years. In those years, fall-related fatalities had decreased to one third of all traumatic deaths. Until the tragic incident that occurred on December 24, 2009, the construction industry experienced a significant reduction in the number of fatalities since 2004.

Falls are also the third leading cause of injury in construction. From 2006 to 2008 (the latest year for which statistics are available), falls from heights and falls at the same level account for 23% of all construction lost-time injuries. In 2009, 43% of the total critical injuries on construction projects were due to falls from ladders, scaffolds, roofs or floors/surfaces.

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3. Question: What is the purpose and focus of the campaign?

Answer: The purpose of the campaign is to ensure that workers in the province are protected from falls. Its focus is on the immediate health and safety of a worker when they are exposed to a hazard of falling and assessing whether a worker is adequately protected. This will be accomplished by:

- Ensuring that owners, constructors, employers, supervisors and workers comply with the *Occupational Health and Safety Act* (the Act) and the regulations;
- Making certain that adequate measures and procedures for the safe use of equipment are in place where a worker may use a fall protection system; and
- Making sure that a worker who may use a fall protection system is adequately trained in its use.

4. Question: What is the scope of the heightened enforcement campaign on falls?

Answer: The scope of the campaign is comprehensive and includes fall hazards at Ontario construction projects, diving operations, and window cleaning at buildings where a worker may fall a vertical distance of three metres.

Over the course of the enforcement campaign, inspectors will target fall-related hazards to ensure that owners, constructors, employers, supervisors and workers comply with the *Occupational Health and Safety Act* (the Act) and the regulations.

5. Question: Has the Ministry of Labour (MOL) ever had a fall protection blitz before?

Answer: Yes. The last fall hazards blitz occurred in March of 2008 as part of the Ministry's "Safe At Work Ontario" strategy to improve the health and safety culture of Ontario's workplaces, leading to a reduction of injuries and illnesses and avoidance of associated costs for employers, the Workplace Safety Insurance Board and the health case system.

In addition, each year since the fall protection regulations came into effect in June of 2002, the Ministry's Construction Health and Safety Program (CHSP) has focused on fall hazards as part of the Program's annual sector plan.

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Past industry blitzes on falls have led to the publication of various industry hazard alerts, information bulletins and guidelines on falls hazards that have been widely circulated throughout the construction industry by the MOL and are available on the Ministry's website at: <http://www.labour.gov.on.ca/>.

The most recent alert on Suspended Work Platform Safe Use, Maintenance & Inspection was issued in January 2010 and is intended to provide information about the safe use, maintenance and inspection of suspended work platforms and control measures to minimize the risks associated with using this equipment.

6. Question: What are the results of the Ministry's latest enforcement blitz on fall hazards?

Answer: In March 2008, the MOL's Construction Health and Safety Program undertook a province-wide initiative focusing on the hazards associated with falls.

Construction inspectors focused on the use of personal protective equipment, scaffold construction, access to and egress from a workplace, ladder use, excavations, unsafe use of work platforms and power elevated work platforms.

A total of 704 projects were visited during the month of March 2008, where 3,262 orders were issued, including 336 Stop Work Orders and 1,455 Forthwith Orders. Thirty-three Part 1 offence notices were issued to workers and twenty-five Part 1 summons were issued to supervisors and workers for failure to work in compliance with the Construction Regulation by not being adequately protected by fall protection.

7. Question: What are construction employers required to do with respect to fall protection training?

Answer: All construction employers in Ontario are required to ensure that every worker who may use a fall protection system is adequately trained in its use and given adequate oral and written instructions by a competent person. O. Reg. 213/91 s 26.2 (1). Employers must provide training in the particular equipment and fall protection systems their workers will encounter on the job.

"Adequate", in relation to a procedure, material, device, object or thing means,

- (a) sufficient for both its intended and its actual use, and
- (b) sufficient to protect a worker from occupational illness or occupational injury.

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Employers must also keep a written record of training and instruction for each worker and make it available to an inspector on request. The training and instruction record must include the name of the worker, the dates on which the training and instruction took place, the type of fall protection training completed and the signature of the person doing the training. The record of training and instruction may be in the form of either a certificate of completion, a wallet-sized proof of training card or a letter from an employer.

A fall protection training program that covers basic information about common fall protection methods can be generic and portable from one employer to another. However, in order to comply with O. Reg. 213/91 s 26.2 (1), employers must ensure that their workers who may use a fall protection system are given adequate oral and written instructions by a competent person.

8. Question: Is fall protection training portable from one employer to another?

Answer: Yes, to the extent that the program covers basic, generic information about common fall protection methods that all construction workers should know. However, employers must ensure that their workers have been trained in the particular equipment and applications they will encounter on the job. Although new hires may present a proof-of-training card issued by their previous employer, their familiarity with the equipment and applications specific to their new workplace should be assessed before they are asked to perform work where they may be exposed to a fall hazard.

9. Question: Are there any other training requirements for a worker using a fall protection system under O. Reg. 213/91?

Answer: Yes. There are a number of specific training and competency requirements in the Regulation for Construction Projects (O. Reg. 213/91) (the “Construction Regulation”) that apply to workers using a fall protection systems

- For all types of scaffolding equipment, a worker who supervises the erection, alteration or dismantling of a scaffold must be a “competent worker”: s. 131.
- “Competent worker”, in relation to specific work means a worker who
 - (a) is qualified because of knowledge, training and experience to perform the work;
 - (b) is familiar with the Occupational Health and Safety Act and with the provisions of the regulations that apply to the work; and

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- (c) has knowledge of all potential or actual danger to health and safety in the work. (section 1 (1))
- When using a mechanically-powered suspended platform, suspended scaffold or boatswain's chair, a competent worker must inspect it before each day's use: s. 137 (11).
- Workers who are on or getting on or off a suspended platform, suspended scaffold or boatswain's chair must wear a full body harness connected to a fall arrest system (s. 141(1)) and they must be trained in its use AND be provided with adequate oral and written instructions by a competent person: s. 26.2.

Furthermore, there are specific training requirements prescribed for the safe use of multi-point suspended scaffolds in the Construction Regulation:

- Before a worker is on a multi-point suspended scaffold for the first time, the employer must provide the worker with adequate oral and written instructions for using the scaffold, including,
 - (a) the manufacturer's instructions or a professional engineer's instructions;
 - (b) instructions on the load limitations;
 - (c) instructions in, and a hands-on demonstration of, the proper operation of the scaffold. O. Reg. 213/91 142.5(2)
- A worker who is to erect, dismantle, traverse or otherwise move a multi-point suspended scaffold must also be given instructions in the procedures for erection, dismantling, traversing and otherwise moving. O. Reg. 213.91 s. 142.5 (3).

Inspectors should assess compliance by asking appropriate questions and reviewing the required documentation to determine whether a worker is competent and adequately trained on fall protection systems that the worker will be using at the project.

10. Question: Are there any training requirements for a worker performing window cleaning?

Answer: Yes. The Window Cleaning Regulation (O. Reg. 859/90) requires that a safety training program be established and maintained by every employer whose workers engage in window cleaning using suspended scaffolds,

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boatswains chairs or similar single-point suspended equipment to train the workers in the common core skills for the safe use of such scaffolds, boatswain's chair or similar single-point suspended equipment. O. Reg. 859/90 s 45.

11. Question: What are the common core skills required in the employer's safety training protection for window cleaners?

Answer: The safety program must include common core skills on:

1. proper rigging of support lines;
2. the inspection for wear of primary support lines and lifelines;
3. the safe use of descent control devices;
4. the proper use of fall arrest body harnesses including accepted methods for attaching lifelines to buildings or structures; and
5. the safe use of suspended scaffolds and boatswain's chair or similar single-point suspension equipment. O. Reg. 859/90 s 45 (2)

Workers who are being instructed in the safe use of window cleaning and fall arrest equipment must be accompanied by a person who has successfully completed the employer's safety training program. O. Reg. 859/90 s 45 (3),(4)

Employers must establish and maintain in writing a list of workers who have successfully completed the employer's training program. O. Reg. 859/90 s. 45 (5).

12. Question: Can any worker engage in window cleaning using a suspended scaffold, boatswain's chair or similar single-point suspension equipment?

Answer: No. A worker must be trained in the employer's safety training program consisting of the common core skills for the safe use of suspended scaffolds, boatswain's chair or similar single-point suspended equipment. Workers who are being instructed in the safe use of window cleaning and fall arrest equipment must be accompanied by a person who has successfully completed the employer's safety training program. O. Reg. 859/90 s 45

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13. What must employers do to ensure that persons participating in a diving operation are adequately trained?

Answer: Employers must ensure that all persons who participate in a diving operation are trained to a level of competency equal to or exceeding the competency requirements of the Standard that applies to the type of diving operation found in CSA Z275.4-02 “Competency Standard for Diving Operations” (O. Reg. 629/94 s. 4.1).

14. Question: Where can I get Fall Protection training?

Answer: While the Ministry of Labour does not endorse specific fall protection training courses, employers and workers are encouraged to contact the Infrastructure Health and Safety Association (formerly the Construction Safety Association of Ontario) at <http://www.ihsa.ca/> or 416-674-2726 or 1-800-781-2726 for more information about fall protection training. Employers and workers may also be directed to contact private organizations to get assistance with complying with the Act and regulations.

15. Question: When reviewing a fall protection training program, what should an inspector do?

Answer: Inspectors should assess compliance and the quality of the training by asking appropriate questions and reviewing the required documentation to determine whether a worker is competent and adequately trained on fall protection systems that the worker will be using.

16. Question: What progress can be seen as a result of the Ministry’s Safe at Work Ontario initiative?

Answer: Safe at Work Ontario (SAWO) seeks to improve the health and safety culture of workplaces leading to a reduction of injuries and avoidance of associated costs for employers, the Workplace Safety and Insurance Board and the health care system. SAWO has moved MOL’s enforcement direction from a traditional reactive, rigid, enforcement based program to a modern, proactive, flexible, compliance-based program. The flexibility of SAWO makes it easier for inspectors to visit workplaces before injuries occur and focuses resources where they are needed most. Therefore, MOL is into workplaces before injuries occur.

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What we have achieved so far

- Decrease in the lost time injury rate in 2007 of 1.8 to 1.7 in 2008.
- 11,414 fewer injuries in 2008 as compared to 2007.
- 22 fewer fatalities in 2008 as compared to 2007.

We are targeting the right workplaces

- The higher average of orders issued per SAWO field visits at 1.8 versus the program average of 1.7.
- The higher average of orders issued per blitz workplace inspected at 3.4 versus the average of 2.6 per SAWO workplace inspected.
- The higher average of orders issued per blitz field visit at 2.8 versus the average of 1.8 per SAWO field visit conducted.

The Ministry of Labour is in the process of hiring 41 new inspectors, 20 of which are for the construction program. Hiring for all of the inspector positions will be completed by the end of this fiscal year. After completing a comprehensive training program, the new inspectors are expected to be in the field by late summer (August - September).