

Gouvernement du Québec

O.C. 1393-2024, 3 September 2024

Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry — Occupational health and safety — Occupational health and safety in mines — Amendment

Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 7, 9, 19, 35 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations.

—prescribing measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where he makes premises available to workers for lodging, meal service or leisure activities;

—determining, by category of establishments or construction sites, the individual and common protective means and equipment that the employer must put at the disposal of the workers, free of charge;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—determining the cases where a measuring device may be installed at a workplace or caused to be worn by a worker with his written consent;

—generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2023 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 19 June 2024;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19, 35
and 42, and 3rd par.).

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1

(1) by replacing paragraph 2 by the following:

“(2) “material hoisting apparatus” means an apparatus designed to hoist materials, such as a crane, an overhead travelling crane, a platform lift truck or a fork lift truck;”;

(2) by inserting the following definitions in numerical order:

“(2.1) “personnel hoisting apparatus” means an apparatus designed to hoist people, such as a vehicle-mounted aerial device, an articulated or telescopic self-propelled platform lift or a self-propelled scissor platform lift;

(29.01) “mobile elevating work platform” means an apparatus intended for moving persons, tools and materials to a working position and consisting of at least an extensible structure, a chassis and a work platform equipped with controls;

(36.1) “self-propelled vehicle” means any motor vehicle mounted on wheels, tracks or rails used to transport persons, objects or materials, or to pull or push trailers or materials, except an all-terrain vehicle or a hoisting apparatus;”.

2. Section 2.4.1. is amended by replacing subsection 3 by the following:

“(3) Before installing or putting up a tower crane, a material hoist, a job-site elevator or a mast-climbing transport platform, the employer must send to the Commission the installation plans signed and sealed by an engineer. These plans must also include the disassembling procedure.”.

3. The following section is inserted before section 2.15.1:

“2.15.0.1. Definitions:

In this subdivision,

“experienced person” means a person who has acquired knowledge of things through practice and experience;

“qualified person” means a person who has acquired knowledge of things through recognized instruction that has been attested by a diploma;

“competent person” means a qualified and experienced person who has the required skills to properly judge a thing or perform a duty.”.

4. Section 2.15.1 is replaced by the following:

“2.15.1. General conditions:

(1) A hoisting apparatus and its accessories must

(a) be of safe construction and offer the required strength;

(b) be maintained in good working order so that using them does not endanger the safety of workers;

(c) be inspected, repaired and adjusted by a competent person before their first use after being purchased, leased or rented, or loaned;

(d) be inspected periodically according to the manufacturer’s instructions;

(e) be subjected by the operator, each day they are used, to a visual inspection and an operational test according to the manufacturer’s instructions;

(f) be easily and safely accessible, particularly by means of a ladder or steps with handrails;

(g) be equipped with hoisting brakes or restraining devices so designed and installed as to stop a load at least 1.5 times its rated load, unless the hoisting apparatus is specifically covered by a standard referenced in this Code, in which case that standard applies;

(h) provide the same degree of safety following any repair or changing of parts as it did when new;

(i) be used in accordance with the manufacturer’s instructions to the extent that they do not contradict this Code.

(2) It is prohibited to use a hoisting apparatus or its accessories

(a) if atmospheric conditions such as a storm could make it dangerous to use them;

(b) while they are undergoing repairs or maintenance;

(c) as an anchor point to protect a person situated outside of the equipment from falling from a height, subject to subsection 10 of section 2.15.12 for a personnel platform lift; and

(d) where the wind speed exceeds the limit specified by the manufacturer.

Despite the wind speed specified by the manufacturer, the operator of the hoisting apparatus must, while using it, take into account factors that could affect the stability of the equipment such as environmental conditions and the wind surface area of the items being handled.

An anemometer must be used to measure wind speed on the construction site at the height of the working level of the hoisting apparatus.

(3) It is prohibited to

(a) use a material hoisting apparatus to hoist persons, unless such use is provided for by the equipment’s manufacturer or complies with section 3.10.7;

(b) modify a hoisting apparatus unless it is confirmed by an attestation signed and sealed by an engineer that the apparatus provides the same degree of safety after the modification as it did when it was new; and

(c) refuel a hoisting apparatus while any of its engines is running.”.

5. Section 2.15.7.1 is revoked.

6. Section 2.15.7.7 is revoked.

7. The following section is added after section 2.15.10:

“2.15.11. Material hoist:

(1) A material hoist manufactured before 1987 must comply with CSA Standard Z256-72, Safety Code for Material Hoists, including all updates.

(2) A material hoist manufactured in or after 1987 must comply with CAN/CSA Standard Z256, Safety Code for Material Hoists, applicable at the time it was manufactured.

2.15.12. Personnel hoisting apparatus:

(1) A personnel hoisting apparatus must be equipped with “deadman” type control levers, an emergency stop button within reach of the workers being transported and a device that prevents the cabin from falling in case of a defect in the electric or hydraulic supply.

(2) A personnel hoisting apparatus must be driven and operated according to the manufacturer’s instructions.

(3) A personnel hoisting apparatus must be used solely to move persons, tools and the materials necessary to carry out their work, without exceeding its rated load and in accordance with the manufacturer’s specifications.

(4) The work platform of the personnel hoisting apparatus must be enclosed by a guardrail.

(5) It is prohibited for workers situated on the work platform of a personnel hoisting apparatus to use a guardrail, planking, ladder or any other object on or inside the platform to extend their reach or the height to which they are able to reach.

(6) When using an apparatus with multidirectional elevation whose work platform can be horizontally extended from the carrier chassis, a worker must wear a safety harness secured by means of a fall arrest connecting device to an anchorage system provided for by the hoisting apparatus’s manufacturer or, failing that, to an anchor, in accordance with subsection 1 of the first paragraph of section 2.10.15.

(7) The operator of a personnel hoisting apparatus that is moving must

(a) limit the travelling speed based on conditions such as the type of ground, visibility, the grade of the terrain, the presence of people and any other factor that could result in collision, injury or overturning;

(b) remain at a safe distance from obstacles, downhill grades, drop off or holes, ramps or any other danger;

(c) make sure to have a good view of the ground and the path to be travelled;

(d) make sure that every person in the concerned work area is informed of the movement of the equipment and there is no one in its path; and

(e) visually inspect the forward range of movement of the platform.

During the visual inspection carried out in accordance with subparagraph *e* of paragraph 7, if the operator notes that nearby overhead structures or obstacles present a risk to persons situated on the platform of being wedged in or crushed, the operator must take the necessary measures to eliminate that risk. Where it is impossible for persons to remain standing on the platform, for example because the equipment is moving under a doorway, the operator must operate the equipment from the ground.

(8) A register of inspections and repairs must be kept by the owner of the personnel hoisting apparatus.

(9) The manufacturer’s operating manual for the personnel hoisting apparatus must be stored in the apparatus in the weather-proof compartment.

(10) It is prohibited to use a personnel hoisting apparatus, other than a job-site elevator or a mast-climbing work platform, to transfer persons from one level to another in order to access a work site situated outside of that work site, except where the following conditions are met:

(a) after analyzing the risks related to access to the work site, a competent person has determined that access to the work site is impossible by means of a ladder, a stairway, scaffolding, an elevator or a mast-climbing work platform;

(b) an engineer has confirmed in writing that a personnel hoisting apparatus can be used safely for that purpose; and

(c) the hoisting apparatus is used in accordance with a work procedure signed by an engineer that takes into account the manufacturer’s recommendations as well as CSA B354.7, Mobile Elevating Work Platforms - Safety Principles, Inspection, Maintenance and Operation. The procedure must be specific to the work site.

Despite the foregoing, a personnel hoisting apparatus may be used to rescue persons as part of a rescue plan.

(11) In the absence of any manufacturer’s specifications, a personnel hoisting apparatus must not be used where wind speed exceeds 45 km/h.

(12) A personnel hoisting apparatus must be equipped with an audible warning device that is activated whenever the apparatus is engaged in motorized movement on the ground.

2.15.13. Vehicle-mounted aerial device:

(1) A vehicle-mounted aerial device must meet one of the following requirements:

(a) it must be designed and manufactured in accordance with CSA Standard C225, Vehicle-Mounted Aerial Devices, applicable at the time it was manufactured; or

(b) it must be designed and manufactured in accordance with ANSI/SAIA Standard A92.2, Vehicle-Mounted Elevating and Rotating Aerial Devices, applicable at the time it was manufactured.

(2) It is prohibited to use a vehicle-mounted aerial device for purposes other than those for which it was specifically designed.

2.15.14. Job-site elevator: Every job-site elevator must be designed and manufactured in accordance with CSA Standard Z185, Safety Code for Personnel Hoists.

2.15.15. Digger derrick:

(1) A digger derrick manufactured after 1 January 1987 must be designed and manufactured in accordance with ANSI/ASSP Standard A10.31, Safety Requirements, Definitions and Specifications for Digger Derrick, applicable at the time it was manufactured.

A “digger derrick” means an apparatus equipped with a hydraulic boom, mounted on a carrier vehicle and designed specifically to drill holes and install posts in the ground and, by means of an aerial device, install the material to be supported by the posts.

(2) It is prohibited to use a digger derrick to hoist loads other than those for which it was specifically designed.

2.15.16. Mobile elevating work platform:

(1) A mobile elevating work platform must be manufactured in accordance with CSA Standard B354.6, Mobile Elevating Work Platforms - Design, Calculations, Safety Requirements, and Test Methods, applicable at the time it was manufactured.

(2) A mobile elevating work platform must undergo a structural inspection in accordance with CSA Standard B354.7, Mobile Elevating Work Platforms - Safety Principles, Inspection, Maintenance and Operation, to ensure that the integrity of its critical components and its stability remain as they were when it was new:

(a) 10 years after the date of manufacture and every 5 years thereafter;

(b) after any suspected, potential or real damage sustained in an incident and liable to affect its structural integrity and its stability; and

(c) after a change of owner.

2.15.17. Mobile elevating work platform operator training: A mobile elevating work platform may be used, at the construction site, only by an operator who is adequately trained and familiarized with the type and group of equipment, as defined by CSA Standard B354.6, Mobile Elevating Work Platforms - Design, Calculations, Safety Requirements, and Test Methods. A mobile elevating work platform operator is adequately trained if

(1) the operator has received an initial training, for each type of equipment, whose content is equivalent to CSA Standard B354.8, Mobile Elevating Work Platforms - Operator (Driver) Training. In addition,

(a) the training must comprise a theoretical portion, a practical portion and an evaluation for each type and group of equipment covered by the training. The training must also address work methods for traveling safely under structures to prevent any person situated on the platform from being wedged in or crushed;

(b) the practical portion must include, at a minimum, one hour at the controls of the equipment for each worker;

(c) the evaluation must comprise a theoretical portion and a practical portion at the controls of the equipment which must show that the worker has acquired the necessary skills to safely operate the equipment;

(d) the training must be provided by

i. an accredited instructor in accordance with the Regulation respecting the accreditation and ethics of training bodies, training instructors and training services (chapter D-8.3, r. 0.1); or

ii. an instructor qualified by a training body recognized by the Commission; and

(e) an attestation of training indicating the type and group of equipment covered by the training must be issued to the worker by the training body or the instructor that provided the training;

(2) the operator receives, every five years following the initial training, refresher training including, at a minimum, a practical examination;

(3) the operator is familiarized, at the construction site by a qualified or experienced person, with the following elements:

(a) the location of the manufacturer’s operating manuals;

(b) the manufacturer's specific warnings and instructions;

(c) the functions of specific controls;

(d) the function of each specific safety device; and

(e) the specific operating features.

2.15.18. Mast-climbing transport platform:

A mast-climbing transport platform must be designed and manufactured in accordance with CSA Standard B354.12, Design, Calculations, Safety Requirements, and Test Methods for Mast Climbing Transport Platforms. In addition,

(1) the mast-climbing transport platform must

(a) be covered with a roof in accordance with section 4.4.3.2 of that standard; and

(b) be enclosed by a fixed guardrail at least 1.06 m high consisting of full-length wire mesh that can block a 25 mm ball;

(2) the hoistway doors must

(a) be at least 2 m high;

(b) be equipped with a side protector at least 0.6 m wide on both sides of the door; and

(c) be equipped with a mechanical interlock system that prevents the platform from moving when the hoistway door is open;

(3) where the floor of the loading dock is less than 2 m from the ground, the hoistway door providing access to the platform at that level may

(a) be at least 1.06 m high consisting of full-length wire mesh that can block a 25 mm ball;

(b) be equipped with a side protector at least 0.6 m wide on both sides of the door consisting of full-length wire mesh that can block a 25 mm ball; and

(c) be kept closed by means of a latch;

(4) The loading dock must be enclosed by a guardrail that complies with section 3.8.3 of this Code;

(5) A mast-climbing transport platform may not be used at a height of more than 55 m measured from the ground;

(6) A fence at least 1.8 m high must enclose the work area around the mast-climbing transport platform installations.

2.15.19. Mast-climbing transport platform maintenance and use: A mast-climbing transport platform must be used and maintained in accordance with CSA Standard B354.13, Safe Use and Best Practices for Mast Climbing Transport Platforms (MCTPs).

2.15.20. Mast-climbing transport platform operator training: A mast-climbing transport platform may be used only by an operator trained and familiarized with the type of equipment used on the construction site, in accordance with CSA Standard B354.14, Training for Mast Climbing Transport Platforms (MCTPs)."

8. Section 3.2.5 is amended by replacing paragraph *b* by the following:

"(b) at any place where a material hoisting apparatus, a personnel hoisting apparatus with an extensible mast or a concrete pump is used."

9. Section 3.5.1 is amended by replacing "or mechanical equipment designed for the hoisting of persons" by "scaffolding, elevators or mast-climbing transport platforms".

10. Section 3.10.1 is amended

(1) by replacing "vehicle, crane, or apparatus" in the portion before paragraph *a* by "self-propelled vehicle or equipment";

(2) by replacing "a competent" in paragraph *b* by "an experienced";

(3) by striking out "or when refuelling" in paragraph *e*.

11. Section 3.10.2 is amended

(1) by replacing "to skidders or to all-terrain vehicles" in paragraph *b* of subsection 1 by "or to skidders";

(2) by striking out the last sentence of subsection 2.

12. Section 3.10.4 is amended

(1) by replacing subsection 1 by the following:

"(1) All construction equipment must be used by an experienced person or under their supervision.";

(2) by replacing paragraphs *a* and *b* of subsection 3 by the following:

"(a) in training; and

(b) accompanied by a person who meets the requirements provided for in subsection 2."

13. Section 3.10.5 is amended by replacing "engin" in subsection 2 by "équipement".

14. Section 3.10.7 is amended by striking out subsection 1.

15. Section 3.10.8 is revoked.

16. Section 3.10.9 is amended by replacing subsection 1 by the following:

“(1) Any material hoisting apparatus used at a construction site must have an outrigger beam capable of supporting 4 times the apparatus’ rated load. The beam must comply with section 3.9.15.”

17. Section 3.10.9.1 is revoked.

18. Section 3.10.10 is amended by replacing “motorized equipment” in subsection 1 by “a self-propelled vehicle”.

19. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 312.40 by replacing “3.10.7” in subparagraph *a* of subparagraph 2 of the first paragraph by “2.15.12”.

20. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 401 by replacing paragraph 4 by the following:

“(4) an aerial basket that complies with section 2.15.13 of the Safety Code for the construction industry (chapter S-2.1, r. 4). A worker situated in an aerial basket must wear a safety harness secured by a fall arrest connecting device in the circumstances and on the conditions set out in subparagraph 6 of section 2.15.12 of the Code;”.

21. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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