

EC2006-37FINANCIAL ADMINISTRATION ACT
AUTHORIZATION FOR
TEMPORARY BORROWING

Pursuant to section 46 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9 Council authorized the Provincial Treasurer to borrow a maximum of twenty million dollars (\$20,000,000.00) from the Royal Bank of Canada, Charlottetown by way of an overdraft on the government general account for the period 31 December 2005 through 31 December 2006.

EC2006-38ISLAND INVESTMENT DEVELOPMENT ACT
FINANCIAL ASSISTANCE REGULATIONS
DIAGNOSTIC CHEMICALS LIMITED
AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to advance a term loan of five million, five hundred thousand dollars (\$5,500,000.00) to Diagnostic Chemicals Limited.

EC2006-39LIQUOR CONTROL ACT
APPROVAL TO LEASE PROPERTY
APPROVAL TO BORROW
RE: CHARLOTTETOWN LIQUOR STORE

Pursuant to clause 7(g) of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 Council granted approval to the Prince Edward Island Liquor Control Commission to:

- (a) enter into a ten year agreement with APM Landmark Inc. to lease approximately 10,000 square feet of space at the West Royalty Power Centre at a cost of \$8.00 per square foot for an annual lease cost of \$80,000;
- (b) alter the said leased space by making tenant improvements; and
- (c) borrow up to \$500,000.00 from the Provincial Treasurer to undertake the said tenant improvements.

EC2006-40

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 090787, LOT 21, QUEENS COUNTY
 IDENTIFICATION FOR NON-DEVELOPMENT USE
 AMENDMENT
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2005-35 of 18 January 2005, rescinded the said Order forthwith, thus rescinding approval to amend the condition of non-development use on Provincial Property No. 090787, to permit the subdivision of a parcel of land of approximately thirty-three (33) acres.

EC2006-41

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 090787, LOT 21, QUEENS COUNTY
 IDENTIFICATION FOR NON-DEVELOPMENT USE
 AMENDMENT

Pursuant to subsection 9(2) of the Prince Edward Island Lands Protection Act R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately sixty-six decimal five (66.5) acres of land, being Provincial Property No. 090787 located in Lot 21, Queens County, Prince Edward Island and currently owned by Keith Bernard of French River, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately fifty-five (55) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the new parcel as well as to the remaining land.

This Order-in-Council comes into force on 24 January 2006.

EC2006-42

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROVINCIALLY OWNED LAND
 AT BELFAST, LOT 57, QUEENS COUNTY
 EXEMPTION FROM
 IDENTIFICATION FOR NON-DEVELOPMENT USE

Pursuant to section 21 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council determined that upon transfer to the Belfast Community Development Corporation, Provincial Property No. 412700 located at Belfast in Lot 57, Queens County, Prince Edward Island, being developed as a cultural tourism attraction, and currently owned by the Government of Prince Edward Island, as represented by the Minister of Transportation and Public Works, NOT be identified for non-development use under the Land Identification Program established by the *Prince Edward Island Lands Protection Act* Land Identification Regulations (EC606/95).

EC2006-43

**OCCUPATIONAL HEALTH AND SAFETY ACT
GENERAL REGULATIONS
AMENDMENT**

Pursuant to section 46 of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, Cap. O-1.01, Council made the following regulations:

1. Section 1.1 of the *Occupational Health and Safety Act* General Regulations (EC180/87) is amended by the deletion of the words “Cap. O-1” and the substitution of the words “Cap. O-1.01”.

2. Section 1.4 of the regulations is amended

(a) in clause (b), by the deletion of the words “Cap. O-1” and the substitution of the words “Cap. O-1.01”; and

(b) by the revocation of clause (f) and the substitution of the following:

- (f) “competent person” means a person who competent person
- (i) is qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace, and
 - (ii) is knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work.

3. Section 34.1 of the regulations is revoked and the following substituted:

34.1 In this Part, “hoisting apparatus” includes an automotive lift, a mobile crane, a tower crane, an electric overhead travelling crane, a winch, a block and other similar apparatus but does not include an elevator or a dumbwaiter. hoisting apparatus,
defined

4. Subsection 34.2(2) of the regulations is revoked and the following substituted:

(2) The employer shall ensure that hoisting apparatus provided by an employer for the use of a worker is designed, installed, erected, examined, inspected, operated and maintained in accordance with the applicable provisions of the following standards: Hoisting apparatus
standards

- (a) CSA Standards:
 - (i) B167 – General Purpose Electrical Overhead Travelling Cranes,
 - (ii) C22.2, No. 33 – Electrical Cranes and Hoists,
 - (iii) Z150 – Safety Code for Mobile Cranes,
 - (iv) Z150S1 – Supplement No. 1 to Z150,
 - (v) Z248 – Code for Tower Cranes;
- (b) ANSI/ALI ALOIM-2000 Standard for Automotive Lifts – Safety Requirements for Operation, Inspection and Maintenance.

5. The regulations are amended by the addition of the following after Part 51:

PART 52
VIOLENCE IN THE WORKPLACE

52.1 In this Part, “violence” means the threatened, attempted or actual exercise of any physical force by a person other than a worker that can cause, or that causes, injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury. “violence”, defined

52.2 (1) An employer shall conduct a risk assessment of the workplace to determine whether or not a risk of injury to workers from violence arising out of their employment may be present. Risk assessment of workplace

(2) A risk assessment under subsection (1) shall include a consideration of *Idem*

- (a) previous experience of violence in that workplace;
- (b) occupational experience of violence in similar workplaces; and
- (c) the location and circumstances in which the work will take place.

52.3 If a risk of injury to a worker from violence in a workplace is identified by an assessment under section 52.2, the employer shall establish procedures, policies and work environment arrangements Risk identified

- (a) to either
 - (i) eliminate the risk of violence to workers in that workplace, or
 - (ii) if elimination of the risk is not possible, minimize the risk of violence to workers in that workplace; and
- (b) to provide for reporting, investigating and documenting incidents of violence in that workplace.

52.4 (1) An employer shall inform workers who may be exposed to the risk of violence in the workplace of the nature and extent of the risk. Inform workers of risk

(2) Unless otherwise prohibited by law, the duty to inform workers under subsection (1) includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and who may be encountered by a worker in the course of his or her work. Information re history of violent behaviour

(3) An employer shall instruct workers who may be exposed to the risk of violence in Instruction in recognition, procedures, response

- (a) the means of recognition of the potential for violence;
- (b) the procedures, policies and work environment arrangements developed under section 52.3; and
- (c) the appropriate response to incidents of violence in the workplace, including how to obtain assistance.

52.5 An employer shall ensure that a worker who reports an injury or adverse symptom resulting from workplace violence is advised to consult a physician of the worker's choice for treatment or a referral. Consult physician

PART 53 WORKING ALONE

53.1 In this Part, "working alone" means a worker working at a workplace who is the only worker of the employer at that workplace, in circumstances where assistance is not readily available to the worker in the event of injury, ill health or emergency. "working alone", defined

53.2 (1) Where a worker is working alone, the employer shall develop and implement written procedures to ensure, as far as is reasonably practicable, the health and safety of the worker from risks arising out of, or in connection with, the work assigned. Procedure where employee is working alone

(2) Written procedures developed under subsection (1) shall include the following information: Information to be included

- (a) the name, address, location and telephone number of the workplace;
- (b) the name, address, location and telephone number of the employer;
- (c) the nature of the business conducted at the workplace;
- (d) identification of the possible risks to each worker working alone that arise from or in connection with the work assigned;
- (e) the steps to be followed to minimize the risks identified in clause (d);
- (f) details of the means by which a worker who is working alone can secure, and the employer can provide, assistance in the event of injury or other circumstances that may endanger the health or safety of the worker.

(3) The steps referred to in clause (2)(e) shall Specified information

- (a) specify the time intervals for checking on the worker;

(b) specify the person responsible for contacting the worker and recording the results of the contact;

(c) outline the process to be followed if the worker cannot be contacted, including provisions for an emergency rescue; and

(d) provide for checking with the worker at the end of the worker's shift.

53.3 The employer and the worker who is working alone shall comply with the procedures developed under section 53.2. Employer, worker to comply

53.4 The employer shall implement a training program in respect of the procedures established under section 53.2 for each worker who is working alone and for each supervisor who is responsible for a worker working alone. Training program

53.5 The employer shall ensure that a copy of the procedures established under section 53.2 is available to an officer on request. Copy of procedures available to officer

6. The heading before section 24.1 and sections 24.1 to 24.34 of the regulations are revoked.

7. These regulations come into force on May 1, 2006.

EXPLANATORY NOTES

SECTION 1 corrects a citation.

SECTION 2 corrects a citation and replaces a definition.

SECTION 3 and 4 deal with the definition of, and standards for, a hoisting apparatus.

SECTION 5 adds provisions dealing with violence in the workplace and working alone.

SECTION 6 revokes the scaffolding provisions.

SECTION 7 is the commencement of these regulations.

EC2006-44

OCCUPATIONAL HEALTH AND SAFETY ACT SCAFFOLDING REGULATIONS

Pursuant to section 46 of the *Occupational Health and Safety Act* R.S.P.E.I. 1988, O-1.01 Council made the following regulations:

- 1. (1)** In these regulations Definitions
- (a) "Act" means the *Occupational Health and Safety Act*; Act
- (b) "boatswain's chair" means a seat attached to a suspended rope, designed to accommodate one person in a sitting position; boatswain's chair
- (c) "bracket scaffold" means a scaffold consisting of a work platform supported by brackets attached to a structural wall; bracket scaffold
- (d) "cantilevered scaffold" means a scaffold consisting of a work platform attached to components that extend out from a building or a structure; cantilevered scaffold
- (e) "competent person" means a person who is competent person
- (i) qualified because of that person's knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace, and
- (ii) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work;

- (f) “crane supported work platform” means a work platform suspended from the cable of a hoist or crane; crane supported work platform
- (g) “fork-lift platform” means a work platform supported by an industrial lift truck; fork-lift platform
- (h) “ladderjack scaffold” means a scaffold consisting of a work platform supported by one or more brackets that are attached to one or more ladders; ladderjack scaffold
- (i) “light duty scaffold” means a scaffold designed to support a uniformly distributed load of not more than 366 kg/m²; light duty scaffold
- (j) “power operated elevating work platform” means a work platform elevated and lowered by means of a mechanical, hydraulic, pneumatic or other powered mechanism; power operated elevating work platform
- (k) “professional engineer” means a person who may, under the *Engineering Profession Act* R.S.P.E.I. Cap. E-8.1, engage in the practice of engineering; professional engineer
- (l) “pumpjack scaffold” means a scaffold consisting of a work platform supported by vertical poles and adjustable support brackets; pumpjack scaffold
- (m) “rated capacity” means, in respect of a scaffold, the maximum safe working load for the scaffold
 (i) as determined by the manufacturer of the scaffold, if the scaffold is a manufactured scaffold, or
 (ii) as certified by a professional engineer; rated capacity
- (n) “rolling scaffold” means a scaffold consisting of a work platform that is rolling scaffold
 (i) supported by wheels, and
 (ii) designed to be moved manually;
- (o) “roofing bracket” means a bracket roofing bracket
 (i) that is secured to a sloped roof, and
 (ii) to which a work platform is secured;
- (p) “safe surface” means a surface at a workplace that safe surface
 (i) has sufficient size and strength to adequately support a worker who falls on to the surface, and
 (ii) is sufficiently horizontal to prevent a further fall from the surface by a worker who has fallen on to the surface;
- (q) “scaffold” means any temporary work platform and its supporting structure that is used to support workers and materials; scaffold
- (r) “suspended scaffold” means a scaffold with a work platform suspended from and supported by components cantilevered out from a building or other structure, and includes a swingstage, a boatswain’s chair and a multi-point suspended scaffold; suspended scaffold
- (s) “swingstage” means a scaffold with a work platform supported by suspension ropes that are parallel; swingstage
- (t) “wooden carpenter’s portable bracket scaffold” means a scaffold consisting of a work platform supported by a triangular wooden bracket attached to a structural wall which does not normally have another means of support; wooden carpenter’s portable bracket scaffold
- (u) “work area” means a location at the workplace at which a worker is, or may be required or permitted to be, stationed and includes a work platform; work area
- (v) “work platform” means a temporary horizontal working surface that provides access to a work area and support to a worker at the work area. work platform
- (2) Where there is an inconsistency between a provision of these regulations and a standard or a manufacturer’s specification incorporated by reference in these regulations, the provision of these regulations prevails to the extent of the inconsistency. Inconsistencies with incorporated standards
- (3) A duty or requirement that is imposed on an employer or a worker under these regulations applies to a self-employed person, with such modifications as the circumstances require. Self-employed person

2. (1) An employer shall ensure that a scaffold provided to a worker by the employer for the use of a worker Scaffold requirements
- (a) is not loaded in excess of its rated capacity;
 - (b) is not erected, operated, used, dismantled or supplied at a workplace unless the employer has available for inspection at the workplace, the design specifications for the scaffold
 - (i) provided by its manufacturer, if the scaffold is a manufactured scaffold, or
 - (ii) certified by the professional engineer who certified the design of the scaffold pursuant to section 8; and
 - (c) is not used to support a ladder or other structure or device for the purpose of increasing the working height of the ladder, or other structure or device.
- (2) No employer shall provide for the use of a worker, and no worker shall use, a ladderjack scaffold or a wooden carpenter's portable bracket scaffold. Scaffold restrictions
3. (1) An employer shall ensure that any work platform of a scaffold provided by the employer for the use of a worker meets the requirements of this section. Work platform requirements
- (2) A work platform shall Design and construction
- (a) be designed, constructed and maintained to support four times the maximum load likely to be imposed on the work platform;
 - (b) be at least 458 mm in width; and
 - (c) be securely fastened in place by cleating or wiring or such other means of fastening as provides an equivalent level of safety so as to prevent movement.
- (3) Where the surface area of a work platform is made of wooden planks, the wooden planks shall Surface area - wooden planks
- (a) be No. 2 grade or better spruce that are 51 mm thick rough and 254 mm wide rough;
 - (b) be free of decay, large knots, splits, warps or other defects;
 - (c) not be painted;
 - (d) extend at least 152 mm and not more than 305 mm beyond the supporting members of the scaffold;
 - (e) be laid flat with an overlap at each end of 305 mm with a plank in any adjoining work platform, with the centre of the overlap directly over a supporting member; and
 - (f) be of the same length, if practical, where the work platform is linked with one or more other work platforms.
- (4) Where the surface area of a work platform is made of materials other than wooden planks, the work platform shall have strength as is equivalent to that of a work platform made of wooden planks that meet the requirements of subsection (3). Surface area - other materials
4. Where an employer provides, for the use of a worker, a scaffold that is erected from the ground or other safe surface, the employer shall ensure that the scaffold Scaffolds- erected from ground or safe surface
- (a) is erected plumb and level;
 - (b) is constructed with vertical supports that
 - (i) rest on a firm footing that can support the maximum load of the scaffold without unsafe settlement or deformation, or
 - (ii) where there is no firm footing, rest on mud sills that prevent unsafe settlement, deformation or tipping;
 - (c) is constructed of components that are secured to prevent lateral movement and
 - (i) has at least one tie for each
 - (A) 4.6 m vertical interval, and
 - (B) 6.4 m horizontal interval, and
 - (ii) has diagonal braces in both the vertical and horizontal planes of the scaffold;
 - (d) is installed and constructed by a competent person to secure the scaffold against lateral movement where the scaffold is enclosed; and
 - (e) is constructed of vertical supports and bearers that are no greater than 3 m apart.

- 5.** An employer shall ensure that a metal scaffold provided by the employer for the use of a worker Metal scaffolds
- (a) is erected, used, maintained and dismantled in accordance with the manufacturer's specifications, or in accordance with a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement;
 - (b) notwithstanding clause 4(c), is braced diagonally in the vertical plane, at every level and on each side, and in the horizontal plane, at every 4.6 m;
 - (c) has components that are securely fastened with locking mechanisms, as designed by the manufacturer or a professional engineer, both during erection and otherwise; and
 - (d) is equipped with screwjacks where necessary to ensure that the scaffold is plumb and level.
- 6.** An employer shall ensure that every scaffold provided by the employer for the use of a worker
- (a) is capable of supporting at least four times the maximum load likely to be imposed;
 - (b) has a safe means of access and egress; and
 - (c) is provided with fittings and gear that comply with the manufacturer's specifications or a professional engineer's certification.
- 7.** (1) An employer shall ensure that every scaffold provided by the employer for the use of a worker is inspected by a competent person each day prior to use, and after any modification, for any defect, damage, deterioration or loosening that may affect its strength. Inspection by competent person
- (2) A person who inspects a scaffold pursuant to subsection (1) and who finds any defect, damage, deterioration or loosening referred to in that subsection shall report the finding to the employer for whom the inspection is made. Report
- (3) On receipt of a report concerning a scaffold made pursuant to subsection (2), an employer shall ensure that the scaffold is not used until it is repaired. Repair
- (4) An employer shall ensure the erection and dismantling of every scaffold provided by the employer for the use of a worker is supervised by a competent person. Erection and dismantling of scaffold
- 8.** (1) An employer shall ensure the design of a scaffold provided by the employer for the use of a worker is certified by a professional engineer, before the scaffold is used by a worker, where Requirement for professional engineer's certification
- (a) the scaffold is a pumpjack scaffold that is greater than 9.75 m in height, and has one or more supporting members that are not commercially manufactured for the purpose for which they are used;
 - (b) the scaffold is a wooden scaffold that is greater than 9.75 m in height;
 - (c) the scaffold is a suspended scaffold that
 - (i) has one or more supporting members that are not commercially manufactured for the purpose for which they are used, or
 - (ii) has two work platforms that are
 - (A) linked, or
 - (B) tiered on one suspended scaffold;
 - (d) the scaffold is greater than 15 m above the foundation on which it is based;
 - (e) the scaffold is a crane supported work platform with one or more supporting members that are not commercially manufactured for the purpose for which they are used;
 - (f) the scaffold is a fork-lift platform with one or more supporting members that are not commercially manufactured for the purpose for which they are used;
 - (g) an officer determines that extraordinary conditions, including, but not limited to, wind and elevation conditions, require a professional engineer's certified design to ensure the adequacy of the scaffold; or
 - (h) the scaffold
 - (i) is not a commercially manufactured scaffold, and

(ii) is not a scaffold that an employer is otherwise required under this subsection to ensure that it has a design certified by a professional engineer.

(2) Where the design of a scaffold is required to be certified by a professional engineer under subsection (1), the employer who provides the scaffold for the use of a worker shall ensure the scaffold is erected, used, maintained and dismantled in accordance with the certified design.

Scaffold to comply with certified design

(3) Where the design of a scaffold is required to be certified by a professional engineer under subsection (1), an officer may request a professional engineer to certify that the scaffold has been erected and maintained in accordance with the certified design.

Professional engineer's certification

(4) Where an officer makes a request under subsection (3), the employer shall be responsible to pay for the cost of the certification.

employer to pay for certification

9. Where work for an employer is being performed

Protection from falling objects

(a) on a scaffold provided by the employer or by another employer; and

(b) above a work area to which access is not restricted, the employer providing the scaffold shall ensure that any workers having access to the work area are protected from the hazard of objects falling from the scaffold by

(c) providing overhead protection;

(d) having any tool, material or equipment on the scaffold tied to the scaffold; or

(e) employing such other means that provide an equivalent level of safety to the provision of overhead protection.

10. (1) Where a worker is working for an employer from a scaffold provided by the employer or by another employer, the employer providing the scaffold shall ensure that the scaffold is not moved horizontally while the worker is on the scaffold, unless the worker is protected against falling by a fall arrest system that complies with the Fall Protection Regulations (EC633/04).

Scaffold stability and movement

(2) An employer who provides a scaffold for the use of a worker shall ensure that the scaffold is not moved horizontally while any unsecured tool, material or equipment is on the scaffold.

Unsecured tools

(3) Where an employer causes a scaffold to be erected or dismantled, the employer shall ensure that, during the erection or dismantling of the scaffold, no worker works from the scaffold unless

Work performed in scaffold being dismantled or erected

(a) the work platform of the scaffold is designed and constructed or erected in accordance with the requirements of these regulations; or

(b) the worker performing the work is protected by a means of fall protection that complies with the Fall Protection Regulations (EC 633/04).

(4) Where a free standing scaffold that is at least three times higher than its minimum base dimension is provided by an employer for the use of a worker, the employer shall ensure that the scaffold is equipped with

Free standing scaffold

(a) guy wires or outrigger stabilizers that prevent tipping; or

(b) such other means of support that provides an equivalent level of safety.

(5) An employer shall ensure that a scaffold is not used by a worker when there is a severe weather condition which may create a hazardous situation.

Prohibition - use of scaffold

11. (1) An employer who provides a scaffold for the use of a worker shall ensure that access to otherwise inaccessible work platforms of the scaffold, that are up to 9 m above the ground or other safe surface, is provided by

Access to scaffolds - up to 9 m

(a) end frames providing a ladder-like structure having horizontal members uniformly spaced at 30 cm on centre, or

(b) a vertical or portable ladder, or stairway, attached to the scaffold.

(2) An employer who provides a scaffold for the use of a worker shall ensure that access to otherwise inaccessible work platforms of the scaffold, that are over 9 m above the ground or other safe surface, if any, is provided by

Access to scaffolds - over 9 m

- (a) a stairway erected for the full height of the scaffold,
 (b) an attached vertical ladder, with rest platforms at least every 9 m which are fully guarded except at the ladder location, or
 (c) end frames providing a ladder-like structure having horizontal members uniformly spaced at 30 cm on centre, and rest platforms at least every 9 m which are fully guarded except at the ladder location.
- (3) No employer who provides a scaffold for the use of a worker shall allow the worker to climb the outside of scaffold frames between work platforms. Climbing on scaffold
- 12.** (1) An employer who provides a rolling scaffold for the use of a worker shall ensure that the rolling scaffold Rolling scaffolds
 (a) is equipped with
 (i) working braking and locking devices that prevent movement of the scaffold, and
 (ii) a mechanism that, when applied, secures the wheels of the scaffold; and
 (b) is assembled
 (i) with diagonal bracing in the vertical plane, at every level and on each side, and in the horizontal plane, at every 4.6m, and
 (ii) from components that
 (A) are designed by a manufacturer or a professional engineer, and
 (B) are securely fastened with locking devices, as designed by the manufacturer or a professional engineer for use with the components of the rolling scaffold.
- (2) An employer who provides a rolling scaffold for the use of a worker shall ensure that the braking and locking devices and the securing mechanism referred to subsection (1) are applied prior to and while a worker is using the scaffold. Braking and locking devices
- (3) An employer who provides a rolling scaffold for the use of a worker shall ensure that the rolling scaffold is not moved by a worker on an inclined surface unless adequate precautions are taken to prevent tipping, sliding, acceleration or any other dangerous or sudden movement. Movement of rolling scaffold
- 13.** (1) An employer who provides a pumpjack scaffold for the use of a worker shall ensure that the pumpjack scaffold complies with this section. Pumpjack scaffold - compliance
- (2) A pumpjack scaffold made of metal Metal pumpjack scaffold
 (a) shall not be more than 13.7 m in height; and
 (b) shall be braced every 4.6 m, starting at the base of the scaffold.
- (3) A pumpjack scaffold that includes one or more supports made of wood Wood supports
 (a) shall not be more than 7.3 m in height; and
 (b) shall be braced every 3 m, starting at the base of the scaffold.
- (4) An employer who provides a pumpjack scaffold for the use of a worker shall ensure that a pumpjack scaffold Use of pumpjack scaffold
 (a) is used only as a light duty scaffold; and
 (b) is not used by more than two workers at one time.
- (5) An employer who provides a pumpjack scaffold for the use of a worker shall ensure that a pumpjack scaffold is erected, used, maintained and dismantled Erection, use, etc. of pumpjack scaffold
 (a) according to the manufacturer's specifications; or
 (b) in accordance with a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement.
- 14.** (1) Where a suspended scaffold that is commercially manufactured is provided by an employer for the use of a worker, the employer shall ensure it is erected, used, maintained and dismantled in accordance with the manufacturer's specifications. Suspended scaffolds - commercially manufactured
- (2) Where a suspended scaffold that is not commercially manufactured is provided by an employer for the use of a worker, the employer shall Suspended scaffolds - not commercially manufactured
 (a) develop written procedures for its operation; and
 (b) ensure that the suspended scaffold is

- (i) operated in accordance with written operating procedures developed by the employer under clause (a);
- (ii) constructed, erected, used, operated, maintained and dismantled in accordance with a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement; and
- (iii) designed, constructed, erected, used, operated, maintained, inspected, monitored and dismantled in accordance with CSA Standard Z91-02, "Health and Safety Code for suspended equipment operations", as amended from time to time.
- (3) An employer shall ensure that a suspended scaffold provided by the employer to a worker is suspended by at least two upper attachments that are placed so that the suspension ropes are parallel, unless the suspended scaffold is a boatswain's chair. Suspension
- (4) An employer shall ensure that a suspended scaffold provided to a worker is tied, during use, Scaffold to be tied
- (a) to an outrigger; or
- (b) to a parapet clamp, where it is impractical to tie the scaffold to an outrigger.
- (5) An employer shall ensure that a suspended scaffold provided by the employer to a worker is Scaffold not in use
- (a) lowered to the ground; or
- (b) lashed to the building or other structure to which it is attached, when the scaffold is not in use.
- (6) An employer shall ensure that a suspended scaffold provided by the employer to a worker is not moved up or down by a worker during use if the work platform of the scaffold is more than 10% out of level. Movement of scaffold
- (7) Where a powered suspended scaffold is provided by an employer to a worker and the employer does not otherwise provide a safe means of egress to the powered suspended scaffold, the employer shall ensure that the powered suspended scaffold is equipped with a controlled descent device, other than a lifeline, for use in the event of a mechanical or power failure, that can Powered suspended scaffold
- (a) be safely operated from the work platform; and
- (b) move the scaffold to a point of safe egress.
- (8) An employer shall ensure that a suspended scaffold provided by the employer to a worker complies with subsections (9) to (19). Suspended scaffold - compliance
- (9) Power units on a suspended scaffold shall be equipped with Power units
- (a) positive pressure controls; and
- (b) positive drives, for raising and lowering the work platform.
- (10) A manually operated suspended scaffold shall be equipped with a hoisting mechanism that has a secondary locking device that is securely locked in a positive drive position. Manually operated suspended scaffold
- (11) Where two work platforms are tiered on one suspended scaffold, the upper platform shall have at least two independent means of support arranged so that the failure of one support will not result in the collapse of the upper platform. Tiering of suspended work platforms
- (12) Subject to clause (19)(a), all supporting members of a suspended scaffold, including outriggers, parapet clamps, anchor points, parapet and work platforms shall be able to withstand four times the maximum load likely to be imposed on them. Suspended scaffold - supporting members
- (13) Counterweights on a suspended scaffold shall Counterweights
- (a) be securely attached to the outriggers;
- (b) consist of solid material; and
- (c) be of sufficient weight to counterbalance four times the rated capacity of the scaffold.
- (14) Where the outrigger of a suspended scaffold does not have an eye bolt, the outer end of the outrigger shall be equipped with a positive stop device that prevents the movement of the rope. Positive stop device on outrigger

- (15) The maximum load that may be imposed on the components of an outrigger on a suspended scaffold shall be
 (a) printed on each component; or
 (b) otherwise accessible to the worker at the work area where the outrigger is located. Maximum load imposed on outrigger
- (16) An outrigger used in a suspended scaffold shall not be made of wood or include components made of wood. Prohibition of wood outrigger
- (17) Any outrigger or parapet clamp used on a suspended scaffold shall be tied to an anchor point to prevent movement of the outrigger or parapet clamp. Outrigger or parapet clamp to be tied
- (18) Where an outrigger on a suspended scaffold consists of more than one component, the components shall be fastened by at least two independent fastening systems to prevent the components from separating. Fastening of outrigger components
- (19) A rope used to suspend a work platform shall
 (a) be able to withstand ten times the maximum load likely to be imposed on the rope;
 (b) where made of wire, be not less than 7.8 mm in diameter;
 (c) where made of polypropylene, be not less than 16 mm in diameter; and
 (d) in the case of a suspended scaffold that can be moved upward and downward,
 (i) extend to the nearest safe surface, and
 (ii) be secure from tangling or fouling. Suspension rope
- (20) An employer shall ensure that a fall arrest system, including a ropegrab and an independent life line, is used by workers
 (a) working on or from a suspended scaffold; and
 (b) entering onto or leaving a suspended scaffold. Fall arrest system
- (21) Notwithstanding subsection (20), where a suspended scaffold has more than one means of support on each side of the work platform, either of which would prevent collapse of the scaffold in the event of the failure of the other, an employer may attach a fall arrest system to an adequate anchor point on the platform. Exception
- (22) Where a worker is performing work on a suspended scaffold, an employer shall ensure the work area below the work platform
 (a) is roped off, barricaded or provided with a means of overhead protection; and
 (b) has highly visible warning signs posted to notify workers of the overhead hazard. Work area below suspended scaffold
- (23) An employer shall ensure that
 (a) all suspension lines, tiebacks, lifelines and other supporting components of a suspended scaffold that are made of rope; and
 (b) the internal hoist mechanisms, are protected from abrasions, corrosive substances, other foreign materials, heat or work activities that might damage the rope or the internal hoist mechanisms. Protection of rope components
- 15.** An employer who provides a bracket scaffold for the use of a worker shall ensure that a bracket scaffold
 (a) does not have brackets more than 3 m apart;
 (b) is securely attached to the structural wall to prevent dislodging; and
 (c) is erected, used, maintained and dismantled in accordance with
 (i) the manufacturer's specifications, or
 (ii) a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement. Bracket scaffold
- 16.** An employer who provides a roofing bracket for the use of a worker shall ensure that a roofing bracket
 (a) is erected and maintained to support four times the maximum load that is likely to be imposed on the bracket;
 (b) is securely nailed to the roof;
 (c) has a span of no more than 3 m; and
 (d) is erected, used, maintained and dismantled in accordance with Roofing bracket

- (i) the manufacturer's specifications, or
(ii) a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement.
- 17.** (1) An employer shall ensure that an industrial lift truck is not used to lift a fork-lift platform where Use of industrial lift truck
(a) the ground or other conditions at a workplace may affect the stability of the industrial lift truck; or
(b) the industrial lift truck is susceptible to tipping, displacement or other destabilization.
- (2) An employer shall ensure that a fork-lift platform is Fork-lift platform
(a) erected, used, maintained and dismantled in accordance with
(i) the manufacturer's specifications, or
(ii) a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement;
(b) equipped with guardrails;
(c) securely attached to an industrial lift truck during use;
(d) operated at all times by a competent person, who shall be continuously at the controls where the platform is in an elevated position; and
(e) used only where a firm, flat surface ensures the stability of the industrial lift truck, unless otherwise specified by the manufacturer.
- (3) While a worker is working on a fork-lift platform, the employer of the worker shall ensure that the worker is wearing a fall arrest system and that the fall arrest system is attached to an anchor point on the platform. Fall arrest system
- (4) An employer shall ensure that an industrial lift truck complies with CSA Standard B335-04, "Safety standard for lift trucks". Application of CSA Standard
- (5) Where Horizontal movement of industrial lift truck
(a) a fork-lift platform is in an elevated position; and
(b) a worker is on the platform,
the employer of the worker shall ensure the industrial lift truck supporting the work platform is not moved horizontally.
- 18.** (1) An employer who provides a cantilevered scaffold for the use of a worker shall ensure that the cantilevered scaffold is erected, used, maintained and dismantled in accordance with Cantilevered scaffold - outrigger requirement
(a) the manufacturer's specifications, or
(b) a professional engineer's design that includes instructions on erection, use, maintenance and dismantlement.
- (2) An employer shall ensure that a cantilevered scaffold is not used as a landing platform for loads deposited by a crane or hoist, unless Use of cantilevered scaffold
(a) fall protection is used by a worker using the scaffold; and
(b) a guardrail is placed at the entrance to the work platform when the work platform is not in use.
- (3) An employer who provides a cantilevered scaffold for the use of a worker shall ensure that the cantilevered scaffold is equipped with a fully decked work platform. Requirement - fully decked work platform
- 19.** (1) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that the work platform is equipped with Power operated elevating work platform
(a) positive pressure controls for the positioning of the work platform;
(b) a power elevating mechanism equipped with positive drives for both raising and lowering the work platform;
(c) an interlock device that limits lateral movement when the height of the work platform exceeds that specified by the manufacturer; and
(d) an elevating mechanism that, upon failure, locks the work platform in the elevated position.
- (2) Where an elevating mechanism referred to in clause (1)(b) of a power operated elevating work platform fails while a worker is working on the work platform, the employer who provided the work platform for the use of the worker shall ensure that the worker is removed from the work platform before Failure of elevating mechanism
(a) the work platform is lowered; or

(b) repairs are made to the elevating mechanism.

(3) Where the operator of a power operated elevating work platform is not the worker being raised on the work platform, the employer who provided the work platform for the use of the worker shall ensure that there is an effective and direct means of communication between the operator and the worker. Communication

(4) The owner of a power operated elevating work platform, and an employer who provides a power operated elevating work platform for the use of a worker, shall ensure that the power operated elevating work platform is designed, constructed, erected, maintained, inspected, monitored and used in accordance with the following CSA Standards, as applicable: Application of CSA standards

- (a) B354.1-04, "Portable Elevating Work Platforms";
- (b) B354.2-02, "Self Propelled Elevating Work Platforms";
- (c) B354.4-02, "Self Propelled Boom Supported Elevating Work Platforms";
- (d) CAN/CSA - Z271-98, "Safety Code for Suspended Elevating Platforms";
- (e) CSA C225-00, "Vehicle Mounted Aerial Device".

(5) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that Operation requirements

- (a) the worker is competent to operate the platform or that the platform is operated by another worker who is competent to do so; and
- (b) the worker operating the platform has available on the work platform
 - (i) a legible operator's manual, and
 - (ii) information on
 - (A) all of the applicable operational limitations and requirements, including those relating to the use of outriggers, stabilizers and extendable axles,
 - (B) the specific surface conditions required for safe use in the elevated position,
 - (C) such warnings as may be specified by the manufacturer;
 - (D) the name and number of the CSA Standard to which the power operated elevating work platform was designed, and
 - (E) the name and address of the owner of the work platform.

(6) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that information on Posting of information

- (a) the rated capacity of the work platform; and
- (b) other than for a boom-type elevating work platform, the direction of the machine movement for each operating control of the work platform,

is securely posted at the controls of the work platform.

(7) The owner of a power operated elevating work platform shall keep a permanent record of all inspections, tests, repairs, modifications and maintenance performed on it. Record to be kept by owner

(8) The record required under subsection (7) shall include the name and signature of the person who performed the inspection, test, repair, modification or maintenance. Content of record

(9) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that the worker who operates the work platform has, before using it for the first time, Instruction or training of operator

- (a) received oral or written instruction on the safe operation of the particular work platform; or
- (b) otherwise been adequately trained to operate the work platform.

(10) An employer shall ensure that the instruction and training required by a worker under subsection (9) is provided by a competent person and includes Instruction and training requirements

- (a) instruction
 - (i) on the manufacturer's specifications,
 - (ii) on applicable load limitations,
 - (iii) on the kind of surfaces on which the power operated elevating work platform are designed to be used; and

- (b) a hands on demonstration of the proper use of all controls.
- (11) An employer who provides a power operated elevating work platform for the use of a worker shall ensure that the work platform
- Operation requirements
- (a) is not loaded in excess of its rated capacity;
 - (b) is used on a firm, level surface unless otherwise specified by the manufacturer;
 - (c) is used only in accordance with the manufacturer's specifications;
 - (d) is not loaded and used in such a manner as to create an unstable condition or cause a hazard;
 - (e) is not moved vertically or horizontally unless every worker on the scaffold, while it is being moved, is protected against falling by a fall arrest system that complies with the Fall Protection Regulations (EC633/04); and
 - (f) is equipped with an emergency stop button.
- (12) An employer of a worker who uses a power operated elevating work platform shall ensure that the worker is protected against falling by a fall arrest system that complies with the Fall Protection Regulations (EC633/04).
- Requirement for fall arrest system
- 20.** (1) An employer shall not provide a crane supported work platform for the use of a worker unless the work to be performed by the worker cannot be done from a scaffold in a safe and practical manner.
- Crane or hoist suspended work platforms
- (2) An employer who provides a crane supported work platform for the use of a worker shall ensure, where a hoist is used to suspend the work platform, that the design of the hoist is certified by a professional engineer before the work platform is suspended from the hoist.
- Certification of hoist by professional engineer
- (3) An employer who provides a crane supported work platform for the use of a worker shall ensure that the crane or hoist used to suspend the work platform
- Crane or hoist requirements
- (a) is operational in the power up and power down positions;
 - (b) is equipped with an automatic brake system that operates when the crane or hoist is not lifting or lowering;
 - (c) is equipped with an anti-two block device;
 - (d) is operated at a safe lifting and lowering speed; and
 - (e) has at least three full wraps on the hoisting drum at all times.
- (4) An employer who provides a crane supported work platform for the use of a worker shall ensure that the operator of the crane or hoist used to suspend the work platform has a constant means of communication with the worker on the work platform.
- Means of communication
- (5) An employer who provides a crane supported work platform for the use of a worker shall ensure that the work platform has a secondary means of support that is
- Crane supported work platform - secondary means of support
- (a) shackled above the ball of the crane; and
 - (b) able to support the platform if the primary means of support fails.
- (6) An employer who provides a commercially manufactured crane supported work platform for the use of a worker shall ensure that the work platform is erected, used, maintained and dismantled in accordance with the manufacturer's specifications.
- Commercially manufactured crane
- (7) An employer shall, before providing a crane supported work platform that is not commercially manufactured for the use of a worker, ensure that
- Design of non-commercially manufactured platform
- (a) the design of the work platform is certified by a professional engineer; and
 - (b) the work platform is erected, used, maintained and dismantled in accordance with the certified design.
- (8) An employer who provides a crane supported work platform for the use of a worker shall ensure that a fall arrest system, attached to an anchor point on the work platform, is used by workers working from or otherwise present on the work platform.
- Use of fall arrest system
- 21.** Except as expressly permitted in these regulations or in another enactment, an employer shall ensure that workers are not lifted or held aloft in equipment, such as loader buckets or backhoes, that is not specifically designed for that purpose.
- Lifting in certain equipment prohibited

22. These regulations come into force on May 1, 2006.

Commencement

EXPLANATORY NOTES

These regulations set out the requirements and duties governing the provision of scaffolds to, and the use of scaffolds by, workers.

EC2006-45

SCHOOL ACT SALE OF SCHOOL PROPERTY WESTERN SCHOOL BOARD

Pursuant to subsection 129(1) of the *School Act* R.S.P.E.I. 1988, Cap. S-2.1, Council approved the sale by the Western School Board of the following real property to the purchaser indicated for the amount shown:

NAME AND LOCATION OF PROPERTY	PURCHASER	AMOUNT
0.22 acres, part of Provincial Property No. 77222, Lot 19, Prince County	Town of Kensington	\$1.00