

Draft Regulations

Draft Regulation

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

Safety Code for the construction industry — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Safety Code for the construction industry, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health, safety and physical integrity of workers on construction sites. It amends certain definitions and also amends and adds measures and standards with respect to work performed above or near water.

To date, study of the matter shows no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Rochon, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, bureau 250, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2031; email: claudio.rochon@csst.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Claude Sicard, Vice-President for Partnership and Expert Counselling, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, local 220, Québec (Québec) G1K 7E2.

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Chief Executive Officer of the Commission
de la santé et de la sécurité du travail*

Regulation to amend the Safety Code for the construction industry

An Act respecting occupational health and safety
(chapter S-2.1, s. 63, s. 223, 1st par., subpars. 7, 9, 14, 19, 30, 42, and 2nd and 3rd pars.)

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

(1) by replacing subparagraph *j* of paragraph 8 by the following:

“(j) a site where work is carried out above or near water;”;

(2) by inserting the following after paragraph 34:

“(34.0.1) “work above or near water” means work carried out above or less than 2 m from a body of water or watercourse that is either more than 1.2 m deep and allows the use of a boat, or with a water flow of more than 0.51 m/s sufficient to carry a person;”.

2. Section 2.4.4 is amended by inserting “, transportation and rescue on water” after “temporary heating”.

3. Section 2.10.13 is replaced by the following:

“2.10.13. Personal floatation device and life jacket:

(1) Any worker working above or near water must wear an individual floatation device or a life jacket during water transportation aboard an open boat or on the deck of a boat or in the case of a measure provided for in the rescue plan referred to in subparagraph 4 of the first paragraph of section 11.1. The foregoing also applies to a rescue attendant performing a rescue operation on water;

(2) a personal floatation device or a life jacket must

(a) be of the right size;

(b) be designed so as to keep head and face above water;

(c) enable to float without limb effort;

(d) be bright in colour and equipped with reflecting strips visible when in water;

(e) have a minimum floatability of 150 N (33 lbs) that is assured by buoyant materials or by an automatic inflation system activated by immersion;

(f) be approved by Transport Canada or by a body recognized by Transport Canada, as evidenced by the tag or approval stamp affixed to it.”

4. Section 3.9.13 is amended by replacing “above water” in the second paragraph of subparagraph *h* of paragraph 1 by “above a body of water or watercourse”.

5. The following Division is added after section 10.7.4:

**“DIVISION XI
WORK ABOVE OR NEAR WATER**

11.1. On a site where work will be carried out above or near water, the principal contractor must, before the work begins,

(1) prepare a description of the body of water or watercourse indicating, in particular,

(a) the type of body of water or watercourse and its characteristics during the time of the work;

(b) the means used to know the water temperature and weather conditions;

(2) prepare a description of the work indicating, in particular,

(a) the work sites;

(b) the nature of the work;

(c) the number of workers on the work sites;

(d) the work schedules;

(e) the dates on which the work begins and ends;

(f) the location of the work, lunch and rest areas;

(g) the platforms, barges and other boats, specifying their dimensions, capacity and respective use;

(3) prepare a water transportation plan adapted to the specific conditions of the work and the characteristics of the body of water or watercourse indicating, in particular,

(a) the name of each person in charge of water transportation operations;

(b) the location of the boarding and landing areas;

(c) the boats used to transport workers, specifying the name of each driver, the routes and the direction of the boats;

(d) the safety rules to be complied with during water transportation;

(4) prepare a rescue plan adapted to the specific conditions of the work and the characteristics of the body of water or watercourse indicating, in particular,

(a) the name of each person in charge of rescue operations;

(b) the name of each person in charge of the maintenance or inspection of rescue equipment;

(c) the rescue procedures in case of a worker falling into water, wreck, fire or other accident, and the instructions regarding those matters;

(d) the name of each rescue attendant and each first-aider;

(e) the emergency call code used to start rescue operations;

(f) the location of rescue equipment;

(g) the location of first-aid stations;

(h) if applicable, the type and number of boats intended for rescue.

The descriptions of the work and body of water or watercourse, as well as transportation and rescue plans, must be posted at work sites. They must also be integrated into the prevention program, specifying the means used to inform workers of their content, in particular with regard to safety rules and instructions intended for workers.

11.2. The principal contractor or the person designated by the principal contractor to prepare the descriptions and plans prescribed by section 11.1 and each person in charge of transportation or rescue operations must hold a certificate from ASP-Construction or the Lifesaving Society issued following training of at least 7 hours pertaining in particular to the following:

(a) the hazards associated with working above or near water and the prevention measures to counter those hazards;

(b) the hazards associated with cold water immersion and the prevention measures to counter those hazards;

(c) the identification of the various pieces of safety equipment required to work above or near water and their use;

(d) the identification of the various pieces of rescue equipment required to recover a person in the water and their use;

(e) the requirements of the federal and provincial legislation regarding work above or near water and the use of a boat on a body of water or watercourse;

(f) the preparation and application of transportation and rescue plans.

11.3. The equipment required by a rescue plan referred to in subparagraph 4 of the first paragraph of section 11.1, as well as any accessories, must be

(a) adapted to the intended use, to the specific conditions of the work and the characteristics of the body of water or watercourse;

(b) inspected and kept in good working order;

(c) present and visible on the premises during working hours;

(d) accessible so that a quick intervention is possible.

11.4. Where a rescue plan includes the use of a boat, the boat must, in addition to the requirements provided for in section 11.3,

(1) in particular, be

(a) adapted and equipped for the research and recovery of persons;

(b) equipped with a propulsion system adapted to the boat;

(c) equipped with the following rescue equipment:

i. 2 rope bags, each containing 1 single-length buoyant heaving line that remains flexible, with a minimum diameter of 9.5 mm and a minimum length of 15 m;

ii. a life buoy with an outside diameter of 762 mm, approved by Transport Canada or by a body recognized by Transport Canada, as evidenced by the tag or approval stamp affixed to it;

iii. a boat hook;

(2) be used by a team of at least 2 rescue attendants trained in the approach and recovery of a person in conditions and according to the characteristics of the body of water or watercourse where their assistance is needed, and who meet either of the following conditions:

(a) hold a Pleasure Craft Operator Card issued by Transport Canada and a certificate from the Lifesaving Society attesting that training was received in the approach and recovery of persons; or

(b) hold a certificate of competency issued by Transport Canada, other than a Pleasure Craft Operator Card, and a certificate attesting that training was received in Marine Emergency Duties (MED) issued by Transport Canada.

11.5. During work above or near water, life buoys with an outside diameter of 762 mm must be placed and spread out over the entire length of the site where work is performed, at a maximum linear distance of 60 m between life buoys. The life buoys must be approved by Transport Canada or by a body recognized by Transport Canada, as evidenced by the tag or approval stamp affixed to each of them.

11.6. A sound alarm system intended to start rescue operations must be present on the work sites.”

6. 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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