



PLEASE NOTE

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CHAPTER O-1.01
OCCUPATIONAL HEALTH AND SAFETY ACT
FALL PROTECTION REGULATIONS

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:

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| 1. (1) In these regulations | Definitions |
| (a) “Act” means the <i>Occupational Health and Safety Act</i> ; | Act |
| (b) “anchor point” means a secure point of attachment for a lifeline or lanyard; | anchor point |
| (c) “ANSI” means the American National Standards Institute; | ANSI |
| (d) “arborist” means a worker trained and employed, in whole or in part, to climb trees for any economic or scientific purpose, including | arborist |
| (i) detection and treatment of disease, infections or infestations, | |
| (ii) pruning, spraying or trimming, | |
| (iii) repairing damaged trees, | |
| (iv) assessing growth or harvesting potential, or | |
| (v) scientific research; | |
| (e) “CGSB” means the Canadian General Standards Board; | CGSB |
| (f) “CSA” means the Canadian Standards Association; | CSA |
| (g) “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; | |
| (h) “debris net” means a net that is used to catch material and debris that can drop from work areas; | debris net |
| (i) “fall arrest system” means a system of physical components attached to a worker that stops a worker during a fall; | fall arrest system |
| (j) “full body harness” means a harness consisting of leg and shoulder straps and an upper back suspension unit that will distribute and reduce the impact force of any fall; | full body harness |

guardrail	(k) “guardrail” means a temporary system of vertical and horizontal members that warn of a fall hazard and reduce the risk of a fall;
lanyard	(l) “lanyard” means a flexible line used to secure a worker to a lifeline, a static line or a fixed anchor point;
lifeline	(m) “lifeline” means a vertical line attached to a fixed anchor point or a static line and to which a lanyard and a ropegrab may be attached;
means of fall protection	(n) “means of fall protection” means a harness, net, rope, safety belt, structure or other equipment, or device or means of (i) restraining a worker who is at risk of falling, or (ii) stopping a worker who has fallen;
personnel safety net	(o) “personnel safety net” means a net that is used to catch a worker during a fall;
practicable	(p) “practicable” means physically possible in light of current knowledge and invention;
reasonably practicable	(q) “reasonably practicable” means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;
ropegrab	(r) “ropegrab” means a mechanical fall-arrest device that (i) is attached to a lifeline and a lanyard, and (ii) locks itself immediately on the lifeline in the event of a fall;
safe means of access and egress	(s) “safe means of access and egress” means equipment or a structure that is built to prevent falls by workers entering or leaving a work area;
safe surface	(t) “safe surface” means a surface at a workplace that (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;
safety belt	(u) “safety belt” means a belt worn by a worker as a means of fall protection;
softener	(v) “softener” means padding or hoses that are used with a lifeline or static line to prevent a rope from being cut or chafed;
static line	(w) “static line” means a rope (i) that is attached horizontally to two or more fixed anchor points, and (ii) to which a fall arrest system is attached;

- (x) “temporary flooring” means a horizontal working surface that
(i) is designed to give access to areas that do not have permanent flooring, and
(ii) will prevent a worker from falling; temporary flooring
- (y) “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
- (z) “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 and a requirement of this Part, 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
- (4) Measurements of lumber in these regulations are nominal for dressed dimensions, unless rough lumber or dimensions are specified. (EC633/04) Measurements of lumber

GENERAL REQUIREMENTS

2. (1) Where a worker is exposed to the hazard of falling from a work area that is Employer required to provide means of fall protection
- (a) 3 m or more above the nearest safe surface or water;
- (b) above a surface or thing that could cause injury to the worker if the worker were to fall on the surface or thing; or
- (c) above an open tank, pit or vat containing hazardous material,
- the employer of the worker shall ensure that
- (d) the worker is provided with a fall arrest system that meets the requirements of section 3;
- (e) a guardrail that meets the requirements of section 4 is constructed or installed at the work area;
- (f) a personnel safety net that meets the requirements of section 6 is installed at the work area;
- (g) temporary flooring that meets the requirements of section 9 is constructed or installed at the work area; or
- (h) the worker is provided with another means of fall protection that provides a level of safety equal to or greater than a fall arrest system that meets the requirements of section 3.

- Worker to wear fall arrest system or other means of fall protection (2) Where, in accordance with subsection (1), an employer provides a worker with a fall arrest system, or with another means of fall protection that includes a harness, safety belt or other item that is designed to be worn by the worker using it, the worker shall wear the fall arrest system or means of fall protection while the worker is in the work area.
- Exception (3) Where a worker is entering or exiting a work area by a safe means of access and egress, subsections (1) and (2) do not apply to the worker or the employer of the worker.
- Idem* (4) Notwithstanding subsections (1) and (2), where, at a work area,
 (a) a worker must perform work on or from a vehicle or other mobile equipment;
 (b) it is only practicable for a worker to perform work from a ladder and it is not practicable for the worker to maintain three points of contact while performing the work from the ladder; or
 (c) a worker who is an arborist must perform work from a tree and the density of tree branches prevents the arborist from crotching,
 the employer of the worker shall provide a means of fall protection, and the worker shall wear it if it may be worn, only where and to the extent that is reasonably practicable. (EC633/04)

FALL ARREST SYSTEMS

- Fall arrest systems **3.** (1) A fall arrest system that is provided, in accordance with subsection 2(1), to a worker at a work area as a means of fall protection shall
 (a) be adequately secured to
 (i) an anchor point, or
 (ii) a lifeline that is
 (A) securely fastened to an anchor point, or
 (B) attached to a static line that is securely fastened to an anchor point that is capable of withstanding either the maximum load likely to be imposed on the anchor point or a load of 17.8 kN, whichever is greater;
 (b) include a lanyard
 (i) that is attached to an anchor point or lifeline, where practicable, above the shoulder of the worker, and
 (ii) that complies with CSA Standard Z259.1-95 Safety Belts and Lanyards;
 (c) prevent a free fall greater than 1.22 m where
 (i) the fall arrest system is not equipped with a shock absorption system that complies with CSA Standard Z259.11-M92 Shock Absorbers for Personal Fall-Arrest Systems and that reduces the shock level of any fall to less than 4 kN, or

- (ii) the combined free fall and shock absorbed deceleration distance exceeds the distance between the work area and a safe surface; and
- (d) include a full body harness that
- (i) is attached to a lanyard,
 - (ii) is adjusted to fit the user of the harness, and
 - (iii) complies with CSA Standard Z259.10-M90 Full Body Harnesses.
- (2) Where a fall arrest system provided to a worker includes a lifeline, the lifeline shall
- Lifelines – requirements
- (a) comply with CSA Standard Z259.2.1-98 Fall Arresters, Vertical Lifelines and Rails;
 - (b) extend to a safe surface below the work area;
 - (c) be secured at the bottom of the lifeline to prevent tangling or disturbance of the line;
 - (d) be securely attached to an anchor point;
 - (e) be free of knots, lubricants and imperfections;
 - (f) be free of splices, except as are necessary to connect the lifeline to an anchor point;
 - (g) be provided with softeners at all sharp edges or corners to protect against cuts or chafing; and
 - (h) be clearly identified as a lifeline by colour or by another means that provides an equivalent level of safety.
- (3) No worker shall
- Lifelines - restrictions
- (a) use a lifeline in a fall arrest system while that fall arrest system is being used by another worker; or
 - (b) provide a rope for use, or permit a rope to be used, as a lifeline in a fall arrest system if the rope has been used for another purpose.
- (4) Where a fall arrest system provided to a worker includes a ropegrab, the ropegrab used shall comply with CSA Standard Z259.2.1-98 Fall Arresters, Vertical Lifelines and Rails.
- Ropegrabs
- (5) An employer who provides a worker with a fall arrest system shall ensure the fall arrest system is inspected by a competent person prior to each work shift undertaken by the worker.
- Inspection
- (6) A competent person who carries an inspection of a fall arrest system shall advise the employer as to whether any of the components of the fall arrest system are defective in condition or function.
- Employer to be advised of defective components
- (7) Where an employer is advised by a competent person that any of the components of a fall arrest system are defective in condition or
- Removal from service where defective

function, the employer shall ensure that the fall arrest system is not used until every defective component is replaced or repaired.

Removal from service after arresting fall

(8) Where a fall arrest system has arrested the fall of a worker at a work area, the employer of the worker shall ensure that the fall arrest system

- (a) is removed from service and inspected by a competent person; and
- (b) is repaired, before it is reused, to the original manufacturer's specifications, if the inspection of the competent person reveals that any component of the fall arrest system is defective.

Static lines

(9) Where a fall arrest system provided to a worker includes a static line, the static line shall

- (a) have a nominal diameter of at least 12.7 mm;
- (b) be equipped with vertical supports at least every 9 m;
- (c) have a maximum deflection, when taut, of no greater than 381 mm for a 9 m span;
- (d) be equipped with turnbuckles or other comparable tightening devices that provide an equivalent level of protection, at the ends of the static line;
- (e) be made of Improved Plow Wire Rope;
- (f) be equipped with softeners at all sharp edges or corners to protect against cuts or chafing;
- (g) be made only of components that are able to withstand either the maximum load likely to be imposed on the components or a load of 8 kN, whichever is greater; and
- (h) comply with CSA Standard Z259.13-04 Flexible Horizontal Lifeline Systems and CSA Standard Z259.16-04 Design of Active Fall Protection Systems.

Fall arrest systems for arborists

(10) Where a fall arrest system is provided to a worker who is an arborist, the fall arrest system shall

- (a) include a tree climbing or tree trimming harness or saddle;
- (b) be adequately secured to
 - (i) an anchor point, or
 - (ii) a lifeline that is
 - (A) securely fastened to an anchor point, or
 - (B) attached to a static line that is securely fastened to an anchor point;
- (c) include a climbing rope or safety strap;
- (d) where practicable, include a second climbing rope or safety strap that
 - (i) provides additional stability, and
 - (ii) back-up fall protection; and

(e) be capable of withstanding either the maximum load likely to be imposed or a load of 17.8 kN, whichever is greater.

(11) Where an employer uses a fall arrest system or a personnel safety net as a means of fall protection, the employer shall have a written fall protection plan that specifies

- (a) the procedure to assemble, maintain, inspect, use and disassemble the fall arrest system or personnel safety net; and
- (b) the procedure for the rescue of a worker who has fallen and is suspended by the fall arrest system or personnel safety net, but is unable to effect self rescue. (EC633/04)

GUARDRAILS

4. (1) A guardrail that is constructed or installed at a work area, in accordance with subsection 2(1), shall

- (a) extend around
 - (i) any uncovered opening in a floor or other surface, and
 - (ii) the perimeter or other open side of a floor, mezzanine, balcony or other surface, at the work area from which a worker may be exposed to the hazards of a fall described in clauses 2(1)(a) to (c);
- (b) have posts that
 - (i) are spaced at intervals of not more than 2.4 m; and
 - (ii) are secured against movement by the attachment of the posts to the structure under construction or that is otherwise being worked on, or by another means that provides an equivalent level of safety;
- (c) have a top railing that is between 0.91 and 1.06 m above the surface of the protected working area and that is securely fastened to posts secured in compliance with subclause (b)(ii);
- (d) have a toeboard, securely attached to the posts and the structure to which the posts are secured, extending from the base of the posts to a height of 102 mm; and
- (e) have an intermediate railing on the inner side of the posts midway between the top railing and the toeboard.

Construction and
installation
requirements

(2) Where a wooden guardrail is constructed or installed at a work area, the guardrail shall, in addition to the requirements of subsection (1),

- (a) have top and intermediate railings and posts that are at least 51 mm by 102 mm;
- (b) have a toeboard that is at least 25 mm by 75 mm; and
- (c) be made of
 - (i) Grade Two or better spruce, or
 - (ii) other lumber that provides an equivalent level of safety to the type of lumber referred to in subclause (i).

Wooden guardrails

- Wire rope railings (3) Where a guardrail that is constructed or installed at a work area has wire rope railings, the guardrail shall, in addition to the requirements of subsection (1),
- (a) have top and intermediate railings that are at least 8 mm in diameter;
 - (b) be identified with high visibility markings placed every 1.5 m on the top railing; and
 - (c) have top and intermediate railings that are equipped with turnbuckles or other means that provide adequate tension to ensure an equivalent level of protection to that provided by the wooden railings required under subsection (2).
- Manufactured guardrails (4) Notwithstanding anything to the contrary in subsection (1), an employer may have a manufactured guardrail installed or constructed at a work area if it provides an equivalent level of protection to that provided by a wooden guardrail that complies with the requirements of subsections (1) and (2). (EC633/04)
- Building shafts **5.** Where, at a work area,
- (a) there is no work platform installed at the level of a doorway or opening in a building shaft; and
 - (b) the employer is required by these regulations to have a guardrail constructed or installed at the work area,
- the employer shall ensure that the guardrail is marked with a warning sign that indicates the presence of an open building shaft. (EC633/04)

NETS

- Personnel safety nets **6.** (1) Where an employer has a personnel safety net installed at a work area, in accordance with subsection 2(1), the employer shall ensure that
- (a) the personnel safety net is installed not more than 4.6 m below the work area;
 - (b) the personnel safety net extends 2.4 m on all sides beyond the work area;
 - (c) the personnel safety net is installed and maintained so that the maximum deflection when arresting the fall of a worker does not allow any portion of the worker to contact another surface;
 - (d) the personnel safety net is installed to ensure that no obstructions or intervening members may be struck by a worker during a fall between the work area and the personnel safety net; and
 - (e) if the personnel safety net is connected to one or more other personnel safety nets, the splice joints connecting it with the other personnel safety nets are equal or greater in strength to the strength of the weakest of these personnel safety nets.

(2) Subject to subsection (1), an employer who has a personnel safety net installed at a work area shall insure it is manufactured, used, maintained, inspected and stored in accordance with ANSI Standard A10.11-1989 Safety Nets Used During Construction, Repair and Demolition Operations. (EC633/04) Manufacture, use, etc.

7. (1) Where a worker having access to an area below an elevated work area is exposed to the hazard of falling objects or debris from the work area, the employer of the worker shall ensure that Debris nets

- (a) a debris net is installed below the work area in accordance with subsection (2); or
- (b) some other means of protection is provided that provides an equivalent level of protection from falling objects and debris.

(2) An employer who, in accordance with subsection (1), has a debris net installed below an elevated work area shall ensure it Manufacture, use, etc.

- (a) is manufactured, used, maintained, inspected and stored in accordance with ANSI Standard A10.11-1989 Safety Nets Used During Construction, Repair and Demolition Operations; and
- (b) is installed not more than 4.6 m below the elevated work area. (EC633/04)

SAFETY BELTS

8. Where an employer provides a safety belt to a worker, in accordance with subsection 2(1), the employer shall ensure that the safety belt complies with Standards

- (a) CSA Standard Z259.1-95 Safety Belts and Lanyards; or
- (b) CSA Standard Z259.3-M1978 Lineman's Body Belt and Lineman's Safety Strap. (EC633/04)

TEMPORARY FLOORING

9. Where temporary flooring is constructed or installed at a work area, in accordance with subsection 2(1), it shall Requirements

- (a) be constructed or installed at each floor level of the work area where work is in progress;
- (b) extend over the whole work area except for any openings necessary for the carrying out of work;
- (c) be able to withstand four times the maximum load likely to be imposed on it; and
- (d) be securely fastened to and supported on members that are able to withstand four times the maximum load likely to be imposed on them. (EC633/04)

MEASURES REQUIRED WHERE RISK OF DROWNING

Risk of drowning	<p>10. (1) Where a worker is exposed to the hazard of falling from a work area and there is a risk of drowning if the worker does fall, the employer shall</p> <ul style="list-style-type: none"> (a) provide to the worker a personal floatation device where the work area is less than 3 m above the surface of the water; (b) provide rescue equipment that includes <ul style="list-style-type: none"> (i) an adequate boat to ensure a safe and timely rescue, (ii) a life buoy attached with 15 m of rope that is at least 10 mm in diameter and that is made from polypropylene or other material that provides an equivalent level of protection, (iii) a boat hook, (iv) an audible alarm system to notify of an accident and to initiate the rescue procedure; and (c) ensure that workers who are <ul style="list-style-type: none"> (i) designated to perform specific rescue tasks, (ii) properly informed as to the proper rescue procedures, and (iii) trained in the use of the rescue equipment in order to perform rescue operations in a safe manner, are available in such numbers as are needed in the circumstances to perform rescue operations safely.
Worker to wear personal floatation device	<p>(2) Where, in accordance with subsection (1), an employer provides a worker with a personal floatation device, the worker shall wear the personal floatation device while the worker is in the work area.</p>
Personal floatation device	<p>(3) The employer shall ensure that a personal floatation device provided to a worker complies with CGSB Standard 65.11-M88 Personal Floatation Devices.</p>
Work performed over fast current	<p>(4) Where work is being performed above water that has a fast current and where it is practicable, an employer shall ensure that a line is placed across the water that</p> <ul style="list-style-type: none"> (a) is at least 10 mm in diameter or is made of polypropylene or other material that provides an equivalent level of protection; and (b) has a buoy or some other floatation device attached.
<i>Idem</i>	<p>(5) For greater certainty, an employer is not required to provide a worker with a personal floatation device under subsection (1) where the worker is protected by a means of fall protection in accordance with subsection 2(1). (EC633/04)</p>