

Overview of proposed amendments to

Part 14: Cranes and Hoists

Equipment Operation

Section 14.34, Operator qualifications

Section 14.34 of the *Occupational Health and Safety Regulation* (“OHSR”) requires operators of certain types of cranes to have an appropriate trade qualification, be an indentured apprentice or have equivalent qualifications as determined by the Industry Training and Apprenticeship Commission (“ITAC”). ITAC has been abolished, and neither apprenticeships nor trade qualifications are readily available or attainable.

During the March 2004 public hearing many stakeholders suggested that the OHSR include a requirement that operators complete a mandatory training and certification program, administered by a third party. In July 2004, the Board of Directors (“BOD”) directed the Administration to work with industry to develop a program model for addressing the issue of crane operator qualifications and in June 2005, the BOD approved the continued development of a model that supports the assessment and documentation of a crane operator’s competency. The BOD also approved that regulatory amendments be considered in 2006 to support the eventual program model.

The proposed amendments being prepared in advance of the crane operator qualification program (program currently being developed by the Industry and Labour Services department in conjunction with industry) delete the existing section 14.34 (3) and replace it with a requirement that after July 1, 2007, operators of mobile cranes, tower cranes and boom trucks hold documented proof of competency issued by an agency acceptable to the Board.

PART 14: CRANES AND HOISTS

EQUIPMENT OPERATION

Operator qualifications

- 14.34** (1) A crane or hoist must only be operated by a qualified ~~person~~ **worker** who has been instructed to operate the equipment.
- (2) A worker must demonstrate competency, including familiarity with the operating instructions for the crane or hoist and the code of signals for hoisting operations authorized by the Board before operating the equipment.
- ~~(3) The operator of a crane must have an appropriate trade qualification valid in British Columbia or be an apprentice indentured in the appropriate trade in British Columbia, or have equivalent qualifications as determined by the Industry Training and Apprenticeship Commission after the following dates:~~
- ~~(a) for a mobile crane operator, except a boom truck operator, after January 1, 1999;~~
 - ~~(b) for a tower crane operator in the construction industry, after January 1, 1999;~~
 - ~~(c) for an operator of a boom truck with a rated capacity of more than 10 tonnes (11 tons), after January 1, 2000.~~
- (3) On and after July 1, 2007, a mobile crane, tower crane or boom truck must only be operated by a worker with documented proof of competency issued by a person acceptable to the Board and must be operated in accordance with any restrictions placed on the worker by the issuing person.**
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Explanatory Notes

Existing section 14.34 of the *Occupational Health and Safety Regulation* (“OHSR”) requires crane operators to be qualified, authorized and to demonstrate competency. Further, it requires operators of certain types of cranes to have an appropriate trade qualification, be an indentured apprentice or have equivalent qualifications as determined by the Industry Training and Apprenticeship Commission (“ITAC”). In practice, this requirement is difficult to comply with as ITAC has been abolished, apprenticeships are not available for all crane types, and trade qualifications cannot be accessed by all industries that use mobile cranes. Where trade qualification is available it takes many hours of operating experience before being permitted to challenge the written trade qualification exam (e.g., 4.5 years to obtain mobile crane qualification, if not apprenticed).

In 2004, an amendment was proposed, deleting the requirement that crane and hoist operators have specific qualifications and replacing it with a requirement that employers determine if a person is qualified to operate a crane or hoist by applying training criteria and evaluation processes acceptable to the Workers’ Compensation Board (“WCB”). This proposal was not supported by employers or workers. Instead, many suggested that the *OHSR* include a requirement that operators complete a mandatory standardized training and certification program administered by a third party.

In July 2004, the Board of Directors (“BOD”) directed the Administration, specifically Industry and Labour Services, to work with industry to develop a program model for addressing the issue of crane operator qualifications, and in June 2005, the BOD approved the continued development of a model that supports the assessment and documentation of a crane operator’s competency. The BOD also approved the inclusion of the crane operator certification/competency issue in 2006 regulation review process.

Industry and Labour Services is currently working with industry to develop a program which will establish a process for assessing crane operator competency and issue “proof of competency” documents.

**PROPOSED AMENDMENTS FOR PART 14: CRANES AND HOISTS
IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

It is proposed that existing section 14.34 (1) be amended by deleting the reference to “person” and replacing it with a reference to “worker”. This amendment would ensure that subsection (1) would mirror the reference to a worker in existing subsection (2) and the proposed new subsection (3).

Further, in preparation for the program currently under development by Industry and Labour Services, it is proposed that existing section 14.34 (3) be deleted and replaced with a new subsection (3) that requires that after July 1, 2007, operators of mobile cranes, tower cranes and boom trucks hold documented proof of competency issued by an agency acceptable to the WCB. Operators would be required to work within any restrictions placed on their proof of competency document. It is anticipated that a guideline will outline what constitutes a mobile crane, tower crane and boom truck, as well as what issuing agency(s) will be acceptable to the WCB.

Guideline relating to section 14.34: pending development of program.