

Overview of proposed amendments to

Part 14: Cranes and Hoists

Equipment Operation

Section 14.34, Operator qualifications

Section 14.34(3) of the *Occupational Health and Safety Regulation* (“OHSR”) requires operators of certain types of cranes and boom trucks to have an appropriate trade qualification, be an indentured apprentice or have equivalent qualifications as determined by the Industry Training and Apprenticeship Commission (“ITAC”). The ITAC has been abolished, and apprenticeships or trade qualifications are not available for all the equipment types specified nor are the ones available assessable to all the industries that use this type of equipment.

The proposed amendment is to delete the existing section 14.34 (3) and replace it with new section 14.34.1 requiring that on and after July 1, 2007, a mobile crane, tower crane or boom truck may be operated only “by a person with a valid operator’s certificate issued by a person acceptable to the Board”. This amendment is intended to provide the legislative framework for the certification program currently being developed jointly by the industry, and the Worker and Employer Services Division’s Industry and Labour Services Department.

It is also proposed that section 14.34 (2) be amended to replace the term “worker” with “person” so the language in this section is consistent with section 14.34 (1) and the proposed new section 14.34.1. This will broaden the scope of section 14.34 (2) to clearly apply to anyone who operates a crane or hoist under WorkSafeBC jurisdiction, including an owner/operator who may not be a worker as defined in the *Workers Compensation Act*, but is required by the *Act* and the *OHSR* to comply with the *OSHR*.

PART 14: CRANES AND HOISTS

EQUIPMENT OPERATION

Operator qualifications	14.34	(1) A crane or hoist must only be operated by a qualified person who has been instructed to operate the equipment. (2) A person 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 40 tonnes (44 tons), after January 1, 2000.
Operator certification	14.34.1	On and after July 1, 2007, a mobile crane, tower crane or boom truck must be operated only (a) by a person with a valid operator's certificate issued by a person acceptable to the Board, and (b) in accordance with any conditions stipulated on the certificate.

Explanatory Note

Section 14.34 (1) and (2) of the *Occupational Health and Safety Regulation* ("OHSR") requires that a crane or hoist operator be qualified, instructed to operate the equipment, and to demonstrate competency in the operating instructions and code of signals for hoisting operations. These two sections apply to all types of cranes and hoists.

It is proposed that section 14.34 (2) be amended by deleting the word "worker" and replacing it with "person". This amendment broadens the scope of the section to clearly apply to anyone who operates a crane or hoist in a workplace under WorkSafeBC jurisdiction, including an owner/operator who may not be a worker within the context of the *Workers Compensation Act* ("Act"), but is required by the *Act* and the *OHSR* to comply with the *OHSR*. The *Interpretation Act* defines a "person" to include an individual, a corporation, or a partnership.

Section 14.34 (3) requires an operator 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 cannot be met as ITAC has been abolished, apprenticeships are not available for all the crane types specified, 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 (for example, 4.5 years to obtain mobile crane qualification, if not apprenticed).

In 2004, an amendment was proposed to delete section 14.34 (3), the requirement that crane and hoist operators have specific qualifications, and replace it with a requirement that the employer determine if a person is qualified to operate a crane or hoist of the types specified by applying training criteria and

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IN THE OCCUPATIONAL HEALTH AND SAFETY REGULATION**

evaluation processes acceptable to the Workers' Compensation Board ("WCB"). This proposal was not supported by either the employer or the worker communities. Instead, many submissions 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 WorkSafeBC Administration, specifically Industry and Labour Services, to work with industry to develop a program model to address the issue of mobile and tower crane and boom truck operator qualification. In June 2005, the BOD was apprised of the progress made and the BOD approved the continued development of a program that supports the assessment and documentation of an operator's competency. The development process has resulted in the formation of the BC Association for Crane Safety ("BCACS"), which includes representatives of employers and workers from many of the industries that use this type of equipment, as well as representatives of WorkSafeBC and other government agencies concerned with the issue. The BOD also approved the inclusion of the crane and boom truck operator certification/competency issue in the 2006 regulation review process.

The proposed regulatory amendment is to delete section 14.34 (3) and create a new section 14.34.1 to provide the regulatory framework for the program model that is under development.



PART 14: CRANES AND HOISTS

EQUIPMENT OPERATION

Operator qualifications

- 14.34**
- (1) A crane or hoist must only be operated by a qualified person who has been instructed to operate the equipment.
 - (2) A person 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) Repealed.

Operator certification

- 14.34.1**
- On and after July 1, 2007, a mobile crane, tower crane or boom truck must be operated only
- (a) by a person with a valid operator's certificate issued by a person acceptable to the Board, and
 - (b) in accordance with any conditions stipulated on the certificate.
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G14.34.1 Operator Certification

Draft March 24, 2006

Regulatory excerpt

The proposed amendment to section 14.34 of the *OHS Regulation* is:

Operator qualifications	14.34	(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.
Operator Certification	14.34.1	On or after July 1, 2007, a mobile crane, tower crane or boom truck must be operated only (a) by a person with a valid operator's certificate issued by a person acceptable to the Board, and (b) in accordance with any conditions stipulated on the certificate.

Purpose of guideline

The purpose of this guideline is to set out that WorkSafeBC would consider the BC Association for Crane Safety (BCACS) as an acceptable person under section 14.34.1, given BCACS's proposed program for issuing operators' certificates for mobile cranes, tower cranes and boom trucks. It also provides information about the proposed program. Finally, the guideline gives information on what equipment is included within the meaning of each of the terms, mobile crane, tower crane and boom truck.

Background

In July 2004, the WorkSafeBC Board of Directors resolved that WorkSafeBC would develop a program model for mobile and tower crane and boom truck operator qualifications, with the assistance and participation from interested stakeholders. After wide industry consultation, a program for assessment and documentation for operators' competency was developed and the BCACS was formed to administer the program. The proposed regulation would implement this programmatic approach. WorkSafeBC would require employers and prime contractors in the construction industry, as well as other industries where these types of cranes and boom trucks are used, to ensure that operators at their workplaces have valid certificates issued by a person considered acceptable to the Board.

Person acceptable to the board

The BCACS would be an acceptable person to the WorkSafeBC under section 14.34.1, given BCACS's proposed program for issuing operators' certificates for mobile cranes, tower cranes and boom trucks.

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The BCACS includes representatives of employers and workers from many of the industries that use this type of equipment, as well as representatives of WorkSafeBC and other government agencies. The BCACS has developed a program for assessing mobile and tower crane and boom truck operator competency and the issuing of a “proof of competency” document to a person who successfully completes the assessment processes.

WorkSafeBC would also consider as acceptable, other persons under section 14.34.1 if they meet evaluation criteria established by the board. For example, the person (which includes an individual, corporation or partnership) would have to be independent and not-for-profit, with broad industry representation, and joint labour-management governance. Education, training and examination criteria would also have to be met.

Learner and restricted use certificates

Under the program, a person’s competency would be assessed in two ways. First, the person would be tested on their knowledge and understanding of operating principles and regulations on the type of equipment they intend to use. Second, the learner would be required to demonstrate their operating skills in a practical test on the equipment.

Training could be undertaken through an employer’s in-house program or through a third party program provider or training agency.

Once a learner passed the operating principles and regulations test, they would be issued a learner’s certificate. This would qualify them to operate a crane under the conditions on their certificate. One of these conditions would be that they operate only under the direct supervision of a person holding a valid operator’s certificate for the type of equipment being used. The learner would be required to pass a practical test to receive their certificate to operate, without supervision, the equipment they had qualified on.

In limited circumstances, the BCACS may issue a restricted use certificate to someone who has passed the operating principles and regulations test only. For example, in some industries, such as log home builders, an operator could hold a restricted use certificate which would limit their operation of a crane or boom truck to a particular type of work or workplace. This operator would be required to work only under the direct supervision of a person with an operating certificate for that type of equipment.

A person with a relevant trade qualification or an equivalent documented level of competency from another program or another jurisdiction would not be required to challenge the operating principles and regulations test. He or she would be required to pass the practical test. An interim certificate may be issued to a person who has acceptable out of province or other trade qualification to allow the person to work until he or she passes the practical test. The interim certificate would be valid for a limited time, likely no longer than six months.

Direct supervision

Direct supervision of persons with learners or restricted use certificates entails having an operator with a certificate in attendance at the workplace and in close physical proximity and readily accessible to the learner or restricted user while they are operating the equipment. Means of communication between the supervisor and the operator, such as

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through a direct line of sight with hand signals, or radio contact, and a warning system, should be set up as part of the supervision.

Supervisors would also be required to document their assignment to a learner and the ongoing supervisory activities of the learner.

Implementation

An operator's certificate issued by BCACS would be valid for a period of 5 years from the date of assessment. Recertification would normally be given if the person has operated the crane on a regular basis in the previous five years without incident.

The BCACS would initiate its program in January of 2007. By July 1, 2007, operators must have obtained a certificate (learner's, interim or a full certificate) or be in the process of obtaining a certificate.

Types of equipment covered

Section 14.34.1 applies to mobile cranes, boom trucks and tower cranes. WorkSafeBC considers this equipment to include the following:

Mobile Cranes and Boom Trucks:

As described in:

- CSA Standard Z150-1974, Safety Code for Mobile Cranes,
- ANSI Standard ANSI/ASME B30.5-1994, Mobile and Locomotive Cranes, or
- ANSI Standard ANSI/ASME B30.22-1993, Articulating Boom Cranes.

Tower Cranes

As described in:

- CSA Standard Z248-1975, Code for Tower Cranes, or
- ANSI Standard ASME B30.4-1990, Portal, Tower, and Pillar Cranes.