

## **New Brunswick – Elevated Work Platform**

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### **NEW BRUNSWICK REGULATION 91-191 under the OCCUPATIONAL HEALTH AND SAFETY ACT (O.C. 91-1035)**

#### **Mobile Cranes**

213(1) An employer shall ensure that a mobile crane

- (a) has a cab, screen, canopy guard or other adequate protection for the operator of the crane if the operator may be exposed to the hazard of falling material,
- (b) is equipped with load limit brakes capable of effectively braking the load being lifted,
  - (b.1) has a two-blocking damage prevention mechanism or an audible device that warns the operator of an impending two-block condition,
- (c) has safety devices and limit switches installed and used as specified by the manufacturer, and
- (d) has a boom angle indicator clearly visible to the operator.

213(1.1) Paragraph (1)(a) does not apply to mobile cranes with controls that are externally mounted outside the cab.

213(2) Where a mobile crane is being operated in an area where the swing clearance of any obstruction is less than 600 mm, an employer shall ensure that barriers are installed to prevent a person from entering the area.  
97-121; 2001-33

213.1 An employer shall ensure that a load chart from the manufacturer of a mobile crane is kept with the crane and is accessible to the operator when operating the crane.  
2001-33

213.11 An employer shall ensure that a mobile crane

- (a) is used only for the purposes for which it is designed and equipped,
- (b) is operated by a competent person,
- (c) is equipped with adequate chassis brakes,
- (d) is equipped with a manually operated horn,
- (e) has a rear-view mirror or other means of ensuring that the equipment can be safely manoeuvred back and forth,
- (f) when wheel mounted, is equipped with an audible back-up alarm that

operates automatically when the equipment is in reverse and that is clearly audible above the background noise,  
(g) when crawler mounted, is equipped with an audible motion detector that operates automatically when the crane is in motion and that is clearly audible above the background noise,  
h) is equipped with adequate headlights and tail lights when used after dark or in dimly lit areas,  
(i) has gears and moving parts adequately guarded,  
(j) has controls that cannot be operated from outside the cab unless the controls are designed to be operated from outside the cab,  
(k) has any load on it adequately secured, and  
(l) is provided with a three point contact to access the operator's cab.  
2001-33

213.2(1) An operator of a mobile crane shall  
(a) ensure that a person does not ride on any part of the crane not designed to carry passengers,  
(b) not set a crane in motion until all air and hydraulic pressures are fully built up to specified operating pressures,  
(c) follow a safe refueling procedure,  
(d) not store containers of gasoline, diesel oil or other flammable substances in the cab,  
(e) not carry loose articles in the cab that would pose a hazard to the safe operation of the crane, and  
(f) keep the crane in gear when going downhill.

213.2(2) An operator of a mobile crane shall, when leaving the crane unattended,  
(a) secure it against movement,  
(b) set the brake,  
(c) not leave a load suspended,  
(d) engage the swing lock and swing brake,  
(e) leave the controls in neutral,  
(f) disengage the master clutch,  
(g) stop the engine, and  
(h) remove the key.  
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213.21(1) An employer shall ensure that a mobile crane is inspected every twelve months by an engineer or a competent person who is supervised by an engineer.

213.21(2) An engineer referred to in subsection (1) shall certify in writing that the inspection complies with the requirements of subsection (4) and that the crane is in safe working order.

213.21(3) A certification under subsection (2) shall provide details on the conditions under which the mobile crane was inspected.

213.21(4) An engineer referred to in subsection (1) shall ensure that the inspection under subsection (1), including a visual weld inspection, is conducted in accordance with the requirements of clause 4.3.5.1 of CSA standard Z150-98, "Safety Code on Mobile Cranes".

213.21(5) An employer may accept a certification from an engineer in another jurisdiction with respect to a mobile crane if the crane has been inspected and certified in that jurisdiction in accordance with subsection (2) and the certification would otherwise be valid under this section.

213.21(6) An employer shall ensure that a copy of the certification provided under this section is accessible to the operator when in the cab and is available to an officer on request.

213.21(7) An employer shall ensure that a mobile crane that  
(a) does not have a certification that meets the requirements of subsection (2), is inspected and certified under this section no later than twelve months after the commencement of this provision, and  
(b) has a certification that meets the requirements of subsection (2), is inspected and certified no later than twelve months after the date of the certification.

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213.3 Section 213.1 and subsections 213.21(1), (5), (6) and (7) apply with the necessary modifications to a person who owns a mobile crane.

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213.31(1) An operator of a mobile crane shall visually inspect the mobile crane daily before commencing work with the crane.

213.31(2) If more than one operator uses a mobile crane in the course of a day or if the crane is used on more than one shift, each operator shall visually inspect the crane before commencing work with the crane.

213.31(3) A visual inspection under this section shall be of all components that have a direct bearing on the safe operation of the crane and whose status may change from day to day with use and shall include, but is not limited to,  
(a) where practicable, all rope reeving, including load lines, jib suspension, boom hoist and mid-point suspension, for compliance with the crane and wire rope manufacturer's specifications,  
(b) all control mechanisms, before operation, for maladjustments or malfunctions interfering with proper operation,  
(c) all control mechanisms for excessive wear of components and contamination by lubricants or other foreign matter,

- (d) all safety devices for malfunction,
- (e) all air, hydraulic, lubricating and cooling systems for deterioration or leakage,
- (f) electrical apparatus for malfunction, signs of excessive deterioration, dirt, icing or moisture accumulation,
- (g) all exposed hydraulic hoses, particularly those that flex during the operation of the crane,
- (h) hooks and latches, for deformation, chemical and heat damage, cracks and wear,
- (i) the hydraulic system for proper oil level,
- (j) swivels for freedom of rotation,
- (k) clutches, brakes and attachments for malfunctions,
- (l) where practicable, outriggers for their ability to retract and extend and to bear the load,
- (m) outrigger boxes for structural damage,
- (n) tires for recommended pressure,
- (o) where practicable, all running ropes for any appreciable loss of original strength as indicated by general corrosion, broken or cut strands and visible broken wires and for distortion of the rope, such as kinking, crushing, unstranding, birdcaging, main-strand displacement or core protrusion,
- (p) where practicable, rotation-resistant ropes and boom-hoist ropes, to ascertain any damage or deterioration, and
- (q) where practicable, all points of rapid deterioration, such as flange points, crossover points and repetitive pickup points on drums.

213.31(4) An operator who conducts a visual inspection under this section shall forthwith record the results of the inspection in an operator's log kept for the crane, and shall also record any deficiencies in the crane log.

213.31(5) An employer shall ensure that an operator's log is prepared and maintained for each mobile crane so as to provide each operator with the results of previous visual inspections of the crane by an operator, and shall ensure that the log is kept in the cab of the mobile crane.

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213.4(1) An employer shall ensure that a crane log is prepared and maintained for each mobile crane to provide the owner, employer and operator with a complete machine history for the crane.

213.4(2) A crane log referred to in subsection (1)

- (a) shall be designed to provide the information in a logical and chronological sequence,
- (b) shall show in detail all inspections, tests, maintenance, repairs, revisions and modifications carried out on the crane,
- (c) shall show the date on which work was performed on the crane, and by whom, together with the total hours of service recorded on the machine up to that time,

(d) shall have all entries dated and signed by the person carrying out the work on the crane,

(e) shall record in detail all incidents or misadventures, all damage sustained, and subsequent repairs, and

(f) shall include details of boom sections designed and manufactured by someone other than the crane's original equipment manufacturer.

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213.41(1) Where an employee is performing maintenance or repairs on a mobile crane that is raised from the ground by means of jacks or hoists, other than outriggers or stabilizers, an employer shall ensure that the mobile crane is adequately blocked.

213.41(2) An employer shall ensure that an employee does not work under or go under the raised parts of a mobile crane unless the parts are adequately blocked, or the crane is raised by its outriggers or stabilizers, and no employee shall work under or go under such raised parts unless the parts are adequately blocked, or the crane is raised by means of its outriggers or stabilizers.

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213.5(1) No person shall alter a mobile crane in such a way as to render ineffective a safety device or limit switch installed on the crane.

213.5(2) Notwithstanding subsection (1), a person may alter a mobile crane to render ineffective a safety device or limit switch installed on the crane if the alteration is certified in writing by the manufacturer of the device or switch, or an engineer, as affording protection equal to or greater than the protection afforded by the safety device or limit switch.

213.5(3) An operator shall not use, and an employer shall not permit to be used, a mobile crane if the crane has been altered so as to render ineffective a safety device or limit switch installed on the crane.

213.5(4) Subsection (3) does not apply where the alteration has been certified in writing by the manufacturer of the safety device or limit switch, or an engineer, as affording protection equal to or greater than the protection provided by the safety device or limit switch.

2001-33

214(1) An employer shall ensure that a rubber tired mobile crane is equipped with stabilizers and that the operator of the crane has sufficient training and information to be able to determine when stabilizers should be used.

214(2) Subsection (1) does not apply if the mobile crane is designed to be used without stabilizers.

214(3) When operating a rubber tired mobile crane without using stabilizers, an operator shall work in accordance with the load chart designed for operating without stabilizers.

214(4) When operating a rubber tired mobile crane using stabilizers, an operator shall ensure that the stabilizers are extended as required by the manufacturer and placed on pads of sufficient size to prevent movement.

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215 Where a mobile crane is moving from one location to another under its own power, an employer shall

- (a) ensure that precautions are taken to prevent the boom from swinging, and
- (b) where the operator has restricted vision, have a signaller designated under section 212 guide the movement of the crane.

2001-33 **New Brunswick EWP act-code-reg**

## **CHAPTER O-0.2**

### **Occupational Health and Safety Act**

**Assented to August 5, 1983**

#### **DUTIES OF EMPLOYERS, OWNERS, CONTRACTORS, SUB-CONTRACTORS, EMPLOYEES AND SUPPLIERS**

9(1) Every employer shall

- (a) take every reasonable precaution to ensure the health and safety of his employees;
- (b) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (c) ensure that his employees comply with this Act, the regulations and any order made in accordance with this Act or the regulations.

10 Every contractor and sub-contractor shall

- (a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and
- (b) for every project site for which he is responsible take every reasonable precaution to ensure the health and safety of any person having access to such project site.

11 Every owner of a place of employment or part thereof shall

- (a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations; and

(b) take every reasonable precaution to ensure the health and safety of any person having access to or using that place of employment or part thereof.

12Every employee shall

(a) comply with this Act, the regulations and any order made in accordance with this Act or the regulations;

(b) conduct himself to ensure his own health and safety and that of other persons at, in or near his place of employment;

(c) report to the employer the existence of any hazard of which he is aware;

(d) wear or use such protective equipment as is required by regulation;

(e) consult and co-operate with the committee where one has been established or with the health and safety representative where one has been elected or designated; and

(f) co-operate with any person responsible for the enforcement of this Act and the regulations.

13Every supplier shall

(a) take every reasonable precaution to ensure that any tool, equipment, machine or device or any biological, chemical or physical agent supplied by him

(i) is reasonably safe when used as directed by the supplier or in accordance with the directions supplied by the supplier, and

(ii) complies with this Act and regulations;

(b) provide directions respecting the safe use of any tool, equipment, machine or device or any biological, chemical or physical agent obtained by an employer to be used at a place of employment by employees; and

(c) ensure that any biological, chemical or physical agent supplied by him is labelled in accordance with the applicable federal and provincial regulations.

## RIGHT TO REFUSE

19An employee may refuse to do any act where he has reasonable grounds for believing that the act is likely to endanger his health or safety or the health or safety of any other employee.

2001, c.35, s.8

20(1)Any employee who believes that an act is likely to endanger his or any other employee's health or safety shall immediately report his concern to his supervisor, who shall promptly investigate the situation in the presence of the employee.

**NEW BRUNSWICK**  
**REGULATION 91-191**  
**under the**  
**Occupational Health and Safety Act**  
**(O.C. 91-1035)**

Filed December 3, 1991

Elevating Work Platforms

2001-33

[130\(1\)](#)An employer shall ensure that an elevating work platform is designed, constructed, erected, maintained, inspected, monitored and used in accordance with the following CSA standards, where applicable:

- (a) CAN3-B354.1-M82, “Elevating Rolling Work Platforms”;
- (b) CAN3-B354.2-M82, “Self-Propelled Elevating Work Platforms for Use on Paved/Slab Surfaces”;
- (c) CAN3-B354.3-M82, “Self-Propelled Elevating Work Platforms for Use as ‘Off-Slab’ Units”; and
- (d) CAN3-B354.4-M82, “Boom-Type Elevating Work Platforms”.

[130\(2\)](#)If an employee is required to work from an elevating work platform described in paragraph (1)(a), (b) or (c), the employer shall provide and the employee shall continually use a travel restraint system or fall-arresting system attached to an anchor point on the elevating work platform.

[130\(3\)](#)Despite subsection (2), an employee is not required to continually use a travel restraint system or fall-arresting system when an elevating work platform

- (a) is on a firm and flat surface,
- (b) has all the manufacturer’s guardrails and chains in place, and
- (c) is not moving horizontally or vertically.

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