

## **Nunavut EWP – Powered Mobile Equipment**

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### **SAFETY ACT**

### **OCCUPATIONAL HEALTH AND SAFETY REGULATIONS**

## **PART 11 POWERED MOBILE EQUIPMENT**

### **Interpretation**

**161.** In this Part, "hours of darkness" means any time when, because of insufficient light or unfavourable atmospheric conditions, individuals or vehicles are not clearly discernable at a distance of 150 m or more. (*heures d'obscurité*)

### **Operation by Competent Workers**

**162.** An employer shall ensure that only competent workers operate powered mobile equipment or are required or permitted to operate that equipment.

### **Visual Inspection**

**163.** (1) An employer shall ensure that, before a worker starts powered mobile equipment, the worker makes a complete visual inspection of the equipment and the surrounding area to ensure a worker is not endangered by the start up of the equipment.

(2) A worker shall not start powered mobile equipment until the inspection required under subsection (1) is completed.

### **Inspection and Maintenance**

**164.** (1) An employer or supplier shall ensure that powered mobile equipment at a work site is inspected

- (a) by a competent worker for defects and unsafe conditions; and
- (b) as often as is necessary to ensure that the equipment is capable of safe operation.

(2) If a defect or unsafe condition is identified in powered mobile equipment, an employer or supplier shall

- (a) take immediate steps to protect the health and safety of each worker who is at risk until the defect is repaired or the condition is corrected; and
- (b) repair the defect or correct the unsafe condition as soon as is reasonably possible.

(3) An employer or supplier shall, at a work site,

- (a) keep a record of inspections and maintenance carried out under this section; and
- (b) make the records readily available to each operator of the powered mobile equipment.

#### Requirements for Powered Mobile Equipment

**165.** (1) An employer or supplier shall ensure that each unit of powered mobile equipment is equipped with

- (a) a device within easy reach of an operator that will permit the operator to stop as quickly as possible any ancillary equipment driven from the powered mobile equipment, including any power take-off, crane and auger and any digging, lifting and cutting equipment;
- (b) an audible or visual warning device that is adequate to warn other workers of the operation of the powered mobile equipment;
- (c) seats that are designed and installed to ensure the safety of each worker in or on the powered mobile equipment unless the equipment is designed to be operated from a standing position; and
- (d) an effective braking system and an effective parking device.

(2) If a unit of powered mobile equipment is operated during hours of darkness in an area that is not sufficiently illuminated, an employer or supplier shall ensure that the unit is equipped with suitable headlights and backup lights that clearly illuminate the path of travel.

(3) If a unit of powered mobile equipment has a windshield, an employer or supplier shall ensure that the windshield is equipped with suitable windshield washers and wipers.

(4) If a unit of powered mobile equipment is fitted with rollover protective structures, an employer or supplier shall ensure that the unit is equipped with

- (a) seat belts for the operator and any other worker in or on the unit; or
- (b) shoulder belts, bars, gates, screens or other restraining devices designed to prevent the operator and any other worker from being thrown outside the rollover protective structures if the work process renders the wearing of a seat belt impracticable.

(5) If there is a danger to the operator of a unit of powered mobile equipment or to any other worker in or on a unit of powered mobile equipment from a falling object or projectile, an employer or supplier shall ensure that the unit is equipped with a suitable and adequate cab, screen or guard.

#### Maintenance of Powered Mobile Equipment

**166.** An employer or supplier shall ensure that each unit of powered mobile equipment is constructed, repaired, inspected, tested, maintained and operated in accordance with the manufacturer's specifications or an approved standard.

#### Use of Seat Belt or Restraint by Operator

**167.** An employer shall ensure that an operator of a unit of powered mobile equipment uses a seat belt or other restraining device under subsection 165(4).

#### Protection Against Shifting of Load

**168.** An employer shall install a bulkhead or other effective restraining device to protect the operator and any other worker in or on powered mobile equipment that is used to transport equipment or materials, if that equipment could shift under emergency stopping conditions and endanger the operator or other worker.

#### Warning of Reverse Motion

**169.** If a vehicle could be used in such a way that a worker could be endangered by an unexpected reverse movement, the employer or supplier shall ensure that the vehicle is equipped with a suitable warning device that operates automatically when the vehicle or equipment starts to move in reverse.

#### Rollover Protective Structures

**170.** (1) An employer or supplier shall ensure that a unit of powered mobile equipment that is equipped with an engine rated at 15 kW or more and is in any of the following categories, is not used, unless it is fitted with a rollover protective structure that meets the requirements of subsection (2):

- (a) motor grader;
- (b) crawler tractor, other than one that operates with side booms;
- (c) wheeled or tracked dozer and loader, other than one that operates with side booms;
- (d) self-propelled wheeled scraper;
- (e) self-propelled roller;
- (f) compactor;
- (g) rubber-tired tractor;
- (h) skidder.

(2) An employer or supplier shall ensure that a rollover protective structure required by subsection (1)

- (a) is designed, manufactured and installed to meet the requirements of an approved standard; and
- (b) has the following information permanently and legibly marked on the structure:
  - (i) the manufacturer's name and address,
  - (ii) the model and serial number,
  - (iii) the make and model or series number of the machines that the structure is designed to fit,
  - (iv) an identification of the standard to which the structure was designed, manufactured and installed.

(3) If a rollover protective structure required by subsection (1) is not available, an employer or supplier shall ensure that a unit of powered mobile equipment is equipped with a rollover protective structure that is

- (a) designed by a professional engineer;
- (b) designed and fabricated so that the structure and supporting attachments will support not less than twice the weight of the equipment to which the structure is to be fitted, based on the ultimate strength of the metal and integrated loading of structural members, with the resultant load applied at the point of impact; and
- (c) installed to have a vertical clearance of 1.2 m between the decks and the structures at the point of operator entrance or exit.

(4) A rollover protective structure is deemed to meet the requirements of this section if the structure

- (a) was installed on the powered mobile equipment on or before the day that these regulations come into force; and
- (b) was designed and manufactured in accordance with the *General Safety Regulations*, R.R.N.W.T. 1990, c.S-1, as they existed immediately before these regulations come into force.

(5) An employer or supplier shall ensure that modifications or repairs to existing rollover protective structures are certified by a professional engineer.

#### Transparent Materials Used in Cabs

**171.** (1) An employer or supplier shall ensure that transparent material used as part of the enclosure for a cab, canopy or rollover protective structure on powered mobile equipment is made of safety glass or another material that gives not less than equivalent protection against shattering.

(2) An employer or supplier shall ensure that any defective glass or other transparent material in a cab, canopy or rollover protective structure that creates or could create a hazard is removed and replaced.

#### Fuel Tanks in Enclosed Cabs

**172.** If a unit of powered mobile equipment is equipped with an enclosed cab, an employer or supplier shall ensure that a fuel tank located in the enclosed cab has a filler spout and vents that extend to the outside of the cab.

#### Dangerous Movements

**173.** (1) If a worker could be endangered by the swinging movement of a load or a part of a unit of powered mobile equipment, an employer shall not require or permit the worker to remain within range of the swinging load or part.

(2) If a worker could be required or permitted to perform maintenance, testing, repairs, adjustments or other work on or under an elevated part of a unit of powered mobile equipment, an employer shall ensure that the elevated part is securely blocked to prevent accidental movement.

(3) An operator of a unit of powered mobile equipment shall not move or cause to be moved any load or part of the equipment if a worker could be endangered by that movement.

#### Transporting Workers

**174.** (1) An employer shall ensure that a worker is not transported on a vehicle unless the worker is seated and secured by a seat belt or other restraining device that is designed to prevent the worker from being thrown from the vehicle while the vehicle is in motion.

(2) An employer shall ensure that a worker is not transported on the top of a load that is being moved by a vehicle.

(3) An employer shall ensure that a worker does not place equipment or material in a compartment of a vehicle in which the operator or another worker is being transported unless the equipment or material is positioned or secured so as to prevent injury to the operator or the other worker.

(4) If an open vehicle is used to transport a worker, an employer shall ensure that

- (a) the worker is restrained from falling from the vehicle; and
- (b) the worker's body does not protrude beyond the side of the vehicle.

#### Ladders Attached to Extending Boom

**175.** (1) An employer shall ensure that

- (a) subject to subsection (2), a worker is not on a ladder that is attached as a permanent part of an extending boom on powered mobile equipment during any movement of the equipment, including extension or retraction of the boom;
- (b) if outriggers are incorporated into powered mobile equipment, a worker does not climb a ladder attached to an extending boom unless the outriggers are deployed; and
- (c) a worker does not operate powered mobile equipment equipped with an extending boom unless the powered mobile equipment is stable under all operating conditions.

(2) Paragraph (1)(a) does not apply to firefighting equipment.

#### Forklifts

- 176.** (1) An employer or supplier shall ensure that a forklift is
- (a) provided with a durable and clearly legible load rating chart that is readily available to the operator; and
  - (b) equipped with a seat belt for the operator if the forklift is equipped with a seat.

(2) An employer shall ensure that the operator of a forklift uses the seat belt required by paragraph (1)(b).

#### PART 12

#### SCAFFOLDS, AERIAL DEVICES, ELEVATING WORK PLATFORMS AND TEMPORARY SUPPORTING STRUCTURES

#### Forklifts

- 200.** (1) An employer shall ensure that a work platform mounted on a forklift on which a worker could be raised or lowered or required or permitted to work is
- a. designed and constructed to an approved standard or designed and constructed and certified by a professional engineer;
  - b. securely attached to the forks of the forklift to prevent accidental lateral or vertical movement of the platform;
  - c. equipped with guardrails and toeboards that meet the requirements of sections 128 and 129; and
  - d. equipped with a screen or similar barrier along the edge of the platform adjacent to the mast of the forklift to prevent a worker from contacting the mast drive mechanism.

(2) An employer shall ensure that a worker working from a work platform referred to in subsection (1) uses a personal fall arrest system that meets the requirements of Part 7.