October 15, 2025 |

Briefs

Submission to the WCB re Parts 4, 13, 14, 20, 31, Safe for Use

A pdf of the complete submission can be found here.

Submission

The BC Federation of Labour (“BCFED” “Federation”) appreciates the opportunity to provide our recommendations with respect to the proposed amendments to the *Occupational Health and Safety Regulation* (“OHSR”) for Part 4: General Conditions; Part 13: Ladders, Scaffolds and Temporary Work Platforms; Part 14: Cranes and Hoists; Part 20: Construction, Excavation and Demolition; and Part 31: Firefighting in the Occupational Health And Safety Regulation and Consequential Amendment to Part 28: Agriculture.

The Federation represents more than 500,000 members of our affiliated unions, from more than 1,100 locals working in every aspect of the BC economy. The Federation is recognized by the Workers’ Compensation Board (“WCB,” “Board”) and the government as a major stakeholder in advocating for the health and safety of all workers in BC and full compensation for injured workers.

The proposed amendments to the OHSR are much needed, especially in relation to tower cranes. Strengthening the requirements for equipment to be inspected and certified both before being operated and periodically over time will help to prevent serious injuries and save lives.

We urge the Board of Directors to seriously consider our recommendations so we meet our goal to ensure that BC health and safety regulations set high standards for the prevention of injury and death for workers.

This submission was prepared in consultation with our affiliates. In particular, the BCFED is grateful to International Union of Operating Engineers (“IUOE”) for their expertise and insight into cranes and hoists and their assistance with this regulatory review.

In the following submission, we will address those sections of the regulation we believe require further amendments.

Introduction

Currently, the OHSR requires some equipment – mobile cranes, mobile elevating work platforms, concrete pumping and placing equipment, crane booms, tower cranes and aerial firefighting devices – to be periodically certified as being safe for use, most often by a professional engineer.

These pieces of industrial equipment and the industries that employ them pose significant risks to both workers and the public. In BC workplaces in recent years, there have been multiple fatalities that have devastated families and communities.

For example, in May 2012, arborist Lance Klody was killed when his fibreglass work platform broke away from the supporting boom and he fell about 18 metres to the ground below. On March 16, 2021, on Gabriola Island, Marc Doré and Chris Straw were killed when the boom of a concrete pump truck failed.[1] In July 2023, a farmworker picking fruit in an orchard was killed when they fell from a girette (an elevating work platform).

In Kelowna, on the morning of July 12, 2021, the arm of a tower crane fell about 25 storeys as it was being dismantled and four construction workers were killed: Cailen Vilness, Jared Zook and brothers Eric and Patrick Stemmer. Brad Zawislak, who was working in an adjacent office building, also died. A fifth construction worker was injured in the collapse.

Indeed, in the five-year period between 2019 and 2024, there were 22 serious incidents involving tower cranes, including the Kelowna crane collapse and the Oakridge incident that killed Yuridia Flores on February 21, 2024.[2]

Clearly, much more needs to be done to protect workers. Clearer and more stringent requirements for the inspection and certification of equipment, including tower cranes is one important step that can make a difference in holding employers accountable for ensuring workplaces are safe.

The BCFED supports the work of the WCB on these regulatory amendments and believes the strengthened requirements for tower cranes and other equipment will improve the safety of workers and the public. However, we urge the Board to consider additional changes to further improve the proposed amendments, including removing unfair exemptions for equipment used by farmworkers in orchards.

Section 4.9 Inspection and maintenance records

The Board proposes to amend Section 4.9 to require entries in the permanent log or record keeping system for the equipment about the new requirements for certification. The amendments add a reference to Section 4.12.3 to the existing Section 4.9 (3) which says that records must be kept for the life of the equipment and be available to certain people. The proposed amendments to this section say:

> *(3) If this Regulation requires that there be inspection and maintenance records for a machine or piece of equipment, then detailed reports of inspections, maintenance, repairs and modifications, as applicable, and the certificates issued under section 4.12.3(2)(b), must be*
>
> *(a) kept for the duration of the service life of the machine or equipment, and*

(b) reasonably available at the workplace and made available on request to the operator and to anyone else involved in the operation, inspection, testing or maintenance of the machine or equipment.

The BCFED supports adding a reference to Section 4.12.3 here. However, Section 4.9(3)(b) does not include a specific reference to workers, the joint committee or worker health and safety representative.

We know that workers besides the operator may need to view detailed inspection and maintenance records in order to understand hazards they may be exposed to at the workplace or to resolve a health and safety concern. And, access to these records is necessary for the joint committee or worker health and safety representative to meet their obligation to ensure that regular inspections and investigations are properly completed, and to participate in inspections and investigations (*Workers Compensation Act* ("WCA"), Section 36(h) and (i)).

In the experience of BCFED affiliates, employers regularly choose to provide workers and joint committees with summaries rather than access to full, detailed reports, and sometimes refuse to provide any meaningful information at all to workers. This runs counter to a worker's right to know and does not support an effective safety management system. Given this real-world experience, it is important to include a specific requirement for employers to make these kinds of records available to workers and their representatives.

Part 5 of the OHSR, Section 5.98 (2) already includes language that explicitly requires records to be "readily available" to workers and the joint committee or worker health and safety representative:

(2) The following records in relation to a workplace must be readily available to workers and, as applicable, the joint committee or worker health and safety representative:

(a) the inventory;

(b) the risk assessment; +(c) the emergency response plan;

(d) the emergency procedures;

(e) a record prepared under section 5.104(4).

The above language offers a model for further updating Section 4.9 of the OHSR.

Recommendation

The BCFED recommends that Section 4.9(3) be further amended to include a requirement for detailed reports of inspections, maintenance, repairs and modifications, as applicable, and the certificates issued under Section 4.12.3(2)(b), to be readily available to workers and joint committees or worker health and safety representatives.

Section 4.12.2 Prohibition on using uncertified equipment

Here, the proposed amendments outline the basic conditions for equipment that is required to be periodically certified to be used, including the need to have a copy of a valid certificate available:

(1) An employer must not allow equipment that is required by this Regulation to be periodically certified under section 4.12.3 to be used on a given date unless

(a) a valid certificate under that section for the equipment covers the date, and

(b) a copy of the certificate

(i) accompanies the equipment, and

(ii) is immediately available to the equipment operator and to any other person involved with the operation, inspection or maintenance of the equipment.

Again, specific reference to the need to make key documents available to joint committees and worker health and safety representatives is missing from this section.

Recommendation

The BCFED recommends Section 4.12.2 (1)(b) be amended to include a requirement for a copy of the equipment's valid certificate to be provided to the joint committee or worker health and safety representative before that equipment can be used.

Section 4.12.3 Periodic certification as safe for use

The proposed amendments in this section include the main requirements for the periodic certification of equipment. Overall, the BCFED supports the clearer, more consistent and more detailed requirements proposed in this section. Being clear that periodic certification must be done by a professional engineer, setting out the conditions for recertification and addressing changing components and configurations are all welcome additions.

Section 4.12.4 Inspections for periodic certification

Here, the Board proposes detailed requirements for inspections to support periodic certification. Again, overall, the BCFED supports these changes. In particular, setting out a written inspection plan covering a reasonably comprehensive list of considerations is an important new requirement that aligns with good engineering practice. We believe this will support thorough, professional inspections, better documentation and better enforceability. In addition, the BCFED supports specifying that structural, mechanical and control systems must be inspected, as this clarifies and strengthens existing regulatory language.

Missing from the proposed language in this section is any reference to worker involvement. Workers often know the equipment better than anyone and can make a valuable contribution to an inspection. Similarly, joint committees and worker health and safety representatives should be aware of and participate in inspections for periodic certification of equipment.

Recommendation

The BCFED recommends that Section 4.12.4 be amended to include a provision for the participation of workers and their representatives in inspections for periodic certification.

Section 14.77.1 Periodic certification

This section adds a new requirement for a professional engineer to certify a tower crane according to the detailed requirements of Section 4.12.3, after it is erected and before it is put into service. It also strengthens the existing annual certification requirement for all tower cranes by requiring a more fulsome inspection that includes mechanical and control systems, not just structural components. Finally, it removes the existing exemption under Section 14.77(3) to allow a more cursory inspection of tower cranes scheduled to be dismantled within 15 months of being erected.

These changes will ensure that tower cranes are professionally inspected as soon as they are erected, rather than up to a year later. We think these requirements reflect a more proactive, preventative approach to tower crane safety, and will offer greater protection for both workers and the general public. The BCFED strongly supports the proposed amendments in Sections 14.77 (1), (2)(b) and (3).

Section 14.77(2)(a) refers to self-erecting tower cranes. This proposed section maintains existing language for the inspection of self-erecting tower cranes, saying only that these cranes must be “inspected visually” by a “qualified person” each time they are erected. Specifically, Section 14.77 (2) reads:

> *(2) A tower crane that is self erecting must*
>
> *(a) be inspected visually by a qualified person each time it is erected, and*
>
> *(b be certified under section 4.12.3 at least once every 12 months after it is first put into service.*

The proposed language in Section 14.77(2)(a) is much too vague. It does not define the scope or methods for the inspection, provide any details about who would be qualified to do the inspection, require deficiencies found to be remedied before the crane is used or require the inspection to be documented.

The explanatory notes say that for self-erecting tower cranes, following standards for tower cranes is required by Section 14.2(1), and that the relevant CSA standard requires critical or suspect areas to be examined using appropriate non-destructive testing methods. But rather than ensuring this requirement is included in the proposed regulatory requirements, it remains buried within an external standard. Nor is there a WCB guideline available outlining more specific requirements for these “visual” inspections.

In addition, since there is no requirement for self-erecting tower cranes to be certified under Section 4.12.3 before they are put into service, this means employers can rely on ill-defined “visual” inspections for up to 12 months before an inspection and certification by an engineer is required.

Just over a year ago, a self-erecting tower crane in Vancouver had a mechanical failure, jib pendant lines snapped and the crane jib fell to the ground nearby.[3] While no injuries were reported, this was a serious near miss and the fourth significant crane incident in BC in 2024. This summer in Saskatoon, a worker was killed and another seriously injured in an incident involving a self-erecting tower crane which may have been the result of a tower extension cable failure.[4] These recent incidents highlight both the serious risk to workers and the public posed by self-erecting tower cranes, and that equipment failure is a factor driving incidents.

The BCFED is very concerned no requirements are set out in the regulation to identify how a qualified person (“QP”) is to be identified in this context. Instead, the general definition of “qualified” found in the OHSR Part 1, Definitions Section 1.1 will apply:

> *"Qualified" means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof.*

As such, there are no specific requirements for determining qualifications, certification, training or job experience. We believe this information must be placed in the regulation to give clear directions to employers when they are considering who the QP will be, and to provide assurance to workers and the public that inspections conducted on self-erecting tower cranes each time they are erected are adequate to ensure safe operation.

And there is an example to follow in the OSHR, Part 9, Section 9.11, Confined spaces,

9.11 Qualifications

> *(1) The hazard assessment and written confined space entry procedures must be prepared*
>
> > *(a) by a qualified person who has adequate training and experience in the recognition, evaluation and control of confined space hazards, and*
> >
> > *(b) in consultation with the person assigned overall responsibility for administration of the confined space entry program and with the joint committee or the worker health and safety representative, as applicable.*
>
> *(2) For the purposes of subsection (1)(a) qualifications which are acceptable as evidence of adequate training and experience include*
>
> > *(a) certified industrial hygienist (CIH), registered occupational hygienist (ROH), certified safety professional (CSP), Canadian registered safety professional (CRSP) or professional engineer (P. Eng.), provided that the holders of these qualifications have experience in the recognition, evaluation and control of confined space hazards, or*
> >
> > *(b) Repealed. [B.C. Reg. 243/2006, effective January 1, 2007.]*
> >
> > *(c) other combination of education, training and experience acceptable to the Board.*

Clearer, more prescriptive language is needed to ensure that the requirements for inspection and certification for self-erecting tower cranes in this section align with the improved requirements for all other tower cranes and provide better direction to employers and workers.

Recommendation

The BCFED recommends that Section 14.77(2)(a) be further amended to:

- Define the scope and acceptable methods for a credible, effective inspection of a self-erecting tower crane each time it is erected;
- Require deficiencies identified in the inspection to be remedied before the crane is used;
- Add a new section defining who is a QP, modeling the language of Part 9, Confined space, Section 9.11, Qualifications; and
- Explicitly require that each inspection be documented in writing.

The BCFED believes this will provide clarity to employers, workers and prevention officers and ensure there are specific and mandatory requirements for inspections of self-erecting tower cranes.

Section 14.77.3 Persons who may carry out non-destructive testing

The Board proposes to add new language specifying the qualifications for people carrying out non-destructive testing for structural components of a tower crane or a climbing system. In contrast to the previous section on self-erecting tower cranes, the proposed amendments in Section 14.77.3 offer specific direction about the certification needed, and that the certification must be valid at the time of testing. The BCFED strongly supports the proposed requirements in this section.

However, non-destructive testing may be employed in the process of inspecting structural components and certifying equipment other than tower cranes. For example, the most current National Fire Protection Association (“NFPA”) standard for the inspection of aerial firefighting devices requires non-destructive testing. The standard (NFPA 1911, *Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles*) requires inspection

personnel conducting non-destructive testing to be certified according to another standard – The American Standard for Nondestructive Testing Certification Procedure 189, (“ASNT CP-189”) *Standard for Qualification and Certification of Nondestructive Testing Personnel*.

Rather than having key requirements for certification identified in a standard within a standard, the requirements for certification for persons conducting non-destructive testing should be included in the regulation. The proposed requirements in Section 14.77.3 should be included in Section 4.12.4, Inspections for periodic certification, as part of a section detailing necessary certifications for persons conducting non-destructive testing for all the relevant equipment.

Recommendation

The BCFED recommends that certification requirements be added to Section 4.12.4 for persons who may carry out non-destructive testing relevant to each type of equipment that is required to be periodically certified as safe for use.

Section 14.79 Documents that must be kept at the workplace

According to the explanatory notes, the Board proposes revisions to this section to “update documentation requirements” in relation to tower cranes. The revised Section 14.79 (a) says that the employer must ensure that “evidence respecting each past and current certification required under this Part” is kept at the workplace. The BCFED is concerned that the term “evidence” does not clearly say what documents or type of documents are required.

Section 14.79 (b) requires additional documents be kept at the workplace:

> *(b) each document that contains information respecting the assembly, erection, operation, inspection, testing, repair, maintenance, climbing repositioning, adjustment, modification, disassembly or dismantling of the tower crane.*

The term “documentation” is defined in Part 4, including specific wording related to tower cranes which emphasizes site-specific documents that need to be reviewed in the process of certification. Section 4.12.1(3) says:

> *(3) For certainty, the documentation for a tower crane includes any document respecting the assembly, erection, climbing, repositioning, adjustment, disassembly or dismantling of the tower crane at the site at which it is or was erected, provided that the document meets the requirements under subsection (2) (a) or (b).*

The required documents related to tower cranes in these two proposed Sections (14.79(b) and 4.12.1(3)) are different, as Section 4.12.1(3) does not include documents respecting the operation, inspection, testing, repair or modification of a tower crane.

It is not clear why some important documents related to a tower crane are specifically identified and required to be kept at the workplace but are not included in the defined “documentation” that must be reviewed in order to certify a tower crane as safe for use. In our view, a more comprehensive and straightforward approach is to align these two sections by incorporating the more fulsome list of documents from Section 14.79(b) into Section 4.12.1(3).

Recommendation

The BCFED recommends that Section 14.79(a) be amended to provide greater clarity about what specific documents related to current and past certifications are required to be kept at the workplace.

The BCFED recommends that Section 4.12.1(3) be amended to include documents respecting the operation, inspection, testing, repair and modification of a tower crane.

Part 31: Firefighting, Section 31.34 Periodic certification – aerial devices

The Board proposes to revise this section to include reference to Section 4.12.3 and remove reference to the manufacturer or the manufacturer’s agent being able to provide period certification of

aerial devices. The BCFED generally supports these changes.

However, this section also says that inspections for the purpose of certification must be carried out in accordance with the requirements of *NFPA 1914, Testing Fire Department Aerial Devices, 1991 Edition*.

This standard is more than 30 years out of date. It was withdrawn by the NFPA almost two decades ago (2006) and incorporated into NFPA 1911, *Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles.* NFPA 1911 is referenced in WCB Guideline 31.34, Inspection and Testing as an acceptable standard.

Within the NFPA standard, inspection and testing is required annually, and also after major repairs, when the device could be exposed to unusual operating conditions of stress or load, and following use that may have exceeded the manufacturer's recommended operating procedures. These requirements are important and should be included within the regulation.

Recommendation

The BCFED recommends that in making amendments to Section 31.34, the Board also update the required standard for inspections.

Further, the BCFED recommends that Section 31.34 be further amended to include the conditions when additional inspections must be conducted.

Part 28: Agriculture, Section 28.47 Annual inspection and certification exemption

Overall, the proposed amendments regarding certifying equipment as safe for use serve to strengthen the OHSR and offer a higher level of protection for workers.

However, no improvement is proposed for regulating the safety of mobile elevating work platforms used in orchards. Rather, the amendments maintain an existing exemption from the requirement

under Section 13.23 to inspect and certify this equipment annually in accordance with good engineering practice.

Under both the existing and proposed regulatory language, equipment used by farmworkers can be inspected according to a vague and presumably much lower standard than similar equipment used by workers in other sectors. An undefined “person qualified to do so” may “make the inspection and determination of safety for continued use of a mobile elevating work platform used in orchards.” Essentially, in orchards mobile work platforms could be used indefinitely and not ever be inspected and certified by a professional engineer. In this instance, the OHSR codifies a lower standard of safety for farmworkers.

Since this exemption was enacted in 2005, there has been one fatality and at least one serious injury involving mobile work platforms in orchards.[5]

Recognizing the seriousness of these incidents, the high risk to workers in using this equipment, and the need to protect farmworkers equally going forward, we urge the Board to end this exemption and require mobile work platforms used in orchards to be periodically certified according to the proposed requirements in Part 4.

Recommendation

The BCFED strongly recommends that Section 28.47 be repealed, ensuring the proposed requirements in Section 13.23, regarding periodic certification of vehicle-mounted elevating work platforms, apply to mobile work platforms used in orchards.

Conclusion

We generally support the new requirements and appreciate the efforts of the WCB’s Policy, Regulation and Research Department.

However, the BCFED urges the WCB Board of Directors to seriously consider our proposed amendments.

We encourage the WCB to develop an effective implementation strategy ensuring that all workers and employers are properly informed and supported to effectively practice these new requirements. Outreach to workplaces – including connecting with both employers and workers - will be critical.

In addition, the implementation strategy must be designed to take into consideration the diversity of the community of workers.

We urge the WCB Board of Directors to provide the necessary resources to ensure effective implementation, ongoing inspections and enforcement.

[1] WorkSafeBC Incident Investigation Summary, “Two workers people fatally injured when concrete pump boom failed,” https://www.worksafebc.com/en/resources/health-safety/incident-investigation-report-summaries/two-people-fatally-injured-when-concrete-pump-boom-failed?lang=en

[2] WorkSafeBC, March 5, 2024 “WorkSafeBC bringing industry and labour stakeholders together to discuss crane safety,” https://www.worksafebc.com/en/about-us/news-events/news-releases/2024/March/worksafebc-bringing-industry-labour-stakeholders-together-discuss-crane-safety%5C

[3] March 2024 incident described in WorkSafeBC incident summaries, https://www.worksafebc.com/en/health-safety/create-manage/incident-investigations/reporting-incidents-worksafebc/recent-incidents/search-for-incidents. Also see Courtney Dickson, March 5, 2024 “WorkSafeBC investigates another crane incident in Metro Vancouver”, CBC News https://www.cbc.ca/news/canada/british-columbia/crane-incident-vancouver-2600-block-victoria-1.7134234.

[4] Vertikal.net, July 21, 2025, “Fatal tower crane incident”. https://vertikal.net/en/news/story/46591/fatal-tower-crane-incident.

[5] See WorkSafeBC, Recent Incidents, https://www.worksafebc.com/en/health-safety/create-manage/incident-investigations/reporting-incidents-worksafebc/recent-incidents. Specifically, July

2023 fatality where a worker fell from a girette, and October 2017 incident where platform tipped over and a worker’s leg was fractured.