

## **Training Requirements on Construction Projects**

### **What are the Ministry of Labour's requirements for working at heights training?**

The [Occupational Health and Safety Awareness and Training Regulation](#) (O. Reg. 297/13) requires employers to ensure that workers on construction projects successfully complete a working at heights training program if they may use specified methods of fall protection.

The program must be approved by the Chief Prevention Officer (CPO) and must be delivered by a training provider approved by the CPO.

The working at heights training requirements apply to the employers of workers on construction projects who are required by O. Reg. 213/91 ([Construction Projects Regulation](#)) to use any of the following methods of fall protection:

- travel restraint system
- fall restricting system
- fall arrest system
- safety net
- work belt  
OR
- safety belt

This training requirement is in addition to existing training requirements for workers who use fall protection systems on construction projects, as set out in the [Construction Projects Regulation](#) (O. Reg. 213/91).

### **What are the transition provisions?**

The working at heights training requirements set out in O. Reg. 297/13 ([Occupational Health and Safety Awareness and Training](#)) came into force on April 1, 2015.

In specific circumstances, some employers will have until October 1, 2017 to ensure their workers have complete approved working at heights training.

In order to receive the extension, the worker(s) in question must have completed fall protection training that met the requirements of subsection 26.2(1) of O. Reg. 213/91(Construction Projects) before April 1, 2015, and the worker must be enrolled in a working at heights training program that is scheduled to be completed before October 1, 2017.

The employer must have written proof of enrollment, which must be made available to an inspector upon request.

### **What is written proof of enrollment?**

The written proof of enrollment must include the:

- Name of the worker
- Name of the approved training provider
- Date on which the approved training is scheduled to be completed
- Name of the approved training program

There is no set format for the written proof of enrollment. For example, it could be a copy of an emailed enrollment confirmation from a training provider, or it could be a list of attendees for a dedicated workplace training session that has been scheduled.

### **When does a worker eligible for the extended transition period need to be enrolled in an approved working at heights training program before working at heights?**

The employer of a worker eligible for this extended transition must have written proof of the worker's enrollment prior to that worker performing work that would otherwise require successful completion of an approved working at heights training program.

### **Are there other training requirements that apply to workers on construction projects who use fall protection systems?**

Section 26.2(1) of the Construction Projects Regulation requires employers on construction projects to ensure workers are adequately trained on the use of a fall protection system if they may use the system on the job. These workers must be given adequate oral and written instructions by a competent person.

Requirements for training and instruction under subsection 26.2(1) of the Construction Projects Regulation must be completed, in addition to an approved working at heights training program. It covers aspects specific to each work site or construction project.

Employers also have a general duty under clause 25(2)(a) of the OHSA to provide information, instruction and supervision to a worker to protect the health and safety of the worker.

## **Training Requirements in Other Workplaces**

### **What about workers who work at heights and use fall protection systems at workplaces not covered by the Construction Projects Regulation? Do they have to complete this training?**

Workers do not have to complete CPO-approved working at heights training if they work at workplaces that are not covered by the Construction Projects Regulation.

Further stakeholder consultations and proposals for regulatory amendments would be required if the Ministry of Labour were to extend the new mandatory working at heights training to other sectors beyond construction.

### **Are workers who perform maintenance work required to complete this training?**

Working at heights training requirements apply only to workers who are required by the Construction Projects Regulation to use specified methods of fall protection.

Whether a particular activity is considered to be maintenance or construction will continue to be determined on a case-by-case basis, subject to specific workplace conditions and an initial assessment of the situation.

## **Validity and Refresher Training**

## **How long is the working at heights training valid?**

The training is valid for three years from the date of successful completion of an approved program.

## **What happens at the end of the three years?**

A worker's training would be valid for three years from the date of successful completion of the training. After the three year period, refresher training must be taken by a worker on a construction project using one of the listed fall protection methods. Workers will be able to renew the validity of the working at heights training by successfully completing a CPO-approved half-day "refresher" training program, delivered by a CPO approved training provider.

## **Proof of Completion and Record-keeping**

### **Do workers have to retake an approved working at heights training program if they change employers?**

No, the training is portable. The worker does not need to complete another CPO-approved working at heights training program when changing employers, as long as the earlier training is still within the three-year validity period.

Each employer must ensure new workers meet the requirements in subsection 26.2(1) of the Construction Projects Regulation and has valid working at heights training. Therefore a worker would still need to be adequately trained on the use of a specific fall protection system used at a specific workplace. He or she would also still require adequate oral and written instructions by a competent person.

### **How can a worker show that they have completed working at heights training?**

A worker can provide the CPO-issued proof of completion card to a new employer to prove that their working at heights training is valid. Alternatively, a worker and a current or potential employer, with the worker's written consent, could confirm whether a worker has successfully completed an approved working at heights training program and whether

the training is still valid by calling the Ministry of Labour Contact Centre at 1-877-202-0008 in order to be connected to the administration team.

A worker could also provide the proof of completion issued by a CPO approved training provider. In this case, the employer should check the [Ministry of Labour website](#) to verify that the working at heights training was completed after the date that the training provider was approved by the CPO.

### **What will a learner get when he or she successfully completes an approved working at heights training program?**

An approved training provider must provide a learner with proof of training as soon as he or she successfully completes an approved working at heights training program. A worker may use this proof of completion immediately to show a current or future employer that they have completed the required training.

### **Does the Ministry of Labour issue proof of completion?**

An approved training provider must notify the CPO when a learner has successfully completed an approved working at heights training program. Upon receipt of these records, the CPO will issue a standardized wallet-sized proof of training card to the learner.

Workers can use this card to show their current and future employers that they have successfully completed an approved working at heights training program. Workers are not required to carry this card at work.

Should learners not receive the CPO issued card, they can call the Ministry of Labour Contact Centre at 1-877-202-0008 in order to be connected to the administration team and inquire about the status.

### **Will the Ministry of Labour keep a record of who has completed an approved working at heights training program?**

The successful learner's information will be uploaded into a secure centralized Ministry of Labour database. Workers and current or potential employers, with the worker's written consent, will be able to confirm whether a worker has successfully completed an approved working at heights training program and whether the training is still valid.

## **How can workers access their working at heights training record on the MOL database?**

Workers can access their working at heights training record by calling the Ministry of Labour Contact Centre at 1-877-202-0008 in order to be connected to the administration team.

## **How can lost proof of training cards be replaced?**

Learners who have lost their CPO issued proof of training card can request a replacement card by calling the Ministry of Labour Contact Centre at 1-877-202-0008.

## **Will employers need to keep records of completion of approved training?**

Employers are required by O. Reg. 297/13 ([Occupational Health and Safety Awareness and Training](#)) to maintain a record of a worker's approved working at heights training. The training record must include the:

- worker's name
- approved training provider's name
- date on which the training was successfully completed and
- name of the approved training program

The employer must make a training record available to an inspector on request.

Keeping a copy of a worker's CPO-issued proof of completion is one way for an employer to fulfill the requirement to maintain a training record. The employer may choose to use another record-keeping method that includes the required elements listed above.

## **Enforcement**

### **How will inspectors verify whether employers have ensured their workers are trained?**

Employers are required by O. Reg. 297/13 ([Occupational Health and Safety Awareness and Training](#)) to make a training record available to an inspector on request.

An inspector may ask an employer for copies of his or her training records related to working at heights training of his or her workers. This may include an employer's own method of record keeping or copies of each worker's CPO issued proof of completion.

### **What can a ministry inspector do if an employer has not complied with working at heights training requirements?**

Inspectors will take enforcement action, as necessary, in response to any violations of the OHS Act and its regulations, taking into account the particular circumstances they encounter on the project.

Enforcement may include issuing orders requiring the employer to comply. An order could require compliance within a certain time period. If the hazard was imminent, a stop work order could be issued.

A non-compliant employer could also be prosecuted, where appropriate, under the [Provincial Offences Act](#).

## **Approved Working at Heights Training Provider**

### **How can an employer or worker find an approved working at heights training provider?**

The Ministry of Labour website lists [CPO-approved working at heights providers](#) and the dates they were approved.

## **Training Standards**

### **What are the Working at Heights Training Program and Provider Standards?**

The Chief Prevention Officer (CPO) has established two working at heights training standards – one for training programs and the other for training providers:

- The [Working at Heights Training Program Standard](#) outlines the minimum content required for a program to be approved by the CPO. It includes learning outcomes and specifies a minimum duration.
- The [Working at Heights Training Provider Standard](#) outlines the minimum criteria for training providers to meet in order to be approved by the CPO to deliver approved working at heights training programs. It includes instructor qualifications and other considerations for quality training delivery.

These standards were developed in consultation with labour and employer representatives from a variety of sectors, including the construction sector.

### **What training topics and information will be included in an approved working at heights training program?**

The Working at Heights Training Program Standard sets out the topics and information that must be included in an approved working at heights training program. There are two modules:

- Module 1 (Basic Theory) is knowledge and awareness based and is a minimum of three hours long. It includes foundational elements on how to work safely at heights and covers topics such as:
  - knowing rights and responsibilities related to working at heights
  - identifying hazards of working at heights (focus on safety culture)
  - understanding the hierarchy of controls and limitations of personal protective equipment (PPE)
  - warning methods and physical barriers
  - ladder safety
  - basic introduction to PPE theory
- Module 2 (Practical) contains more advanced information on fall protection systems and includes hands-on demonstration of equipment and procedures. It is a minimum of three and a half hours long and includes a practical demonstration of the proper use of fall protection equipment. This module also covers topics such as:
  - barriers and other fixed equipment
  - fall PPE (travel restraint, fall restricting, fall arrest systems)
  - anchor points

- work access equipment and platforms
- rescue planning

## **Becoming an Approved Working at Heights Training Provider**

### **Is the CPO approving working at heights training programs and providers?**

Yes, the Ministry of Labour website lists CPO-approved working at heights providers and the dates they were approved.

[Application forms and guidance materials](#) for prospective training providers are available on the Ministry of Labour website.

The CPO is currently accepting applications from those seeking CPO approval to be providers of working at heights training programs as well as CPO approval of those programs.

### **What is the approval process for working at heights training programs and providers?**

Organizations or individuals seeking CPO approval to deliver a working at heights training program will be assessed on the content and quality of their training program and whether it meets the requirements of the Working at Heights Training Program Standard. An assessment of program delivery will also take place.

Prospective training providers must complete a detailed application package that is available on the Ministry of Labour website.

The application requires the training provider to demonstrate how the submitted training program will achieve the learning outcomes and technical elements required in the Working at Heights Training Program Standard. All program materials will need to be submitted for review. This stage in the process is known as the “desk” (paperwork) assessment.

As set out in the guidance materials, if deficiencies in the application are found by the Ministry, the training provider applicant will be notified in writing and will need to correct all identified deficiencies prior to the proceeding with further assessment. If the application successfully clears the desk assessment, a field assessment at the learning site will be scheduled by the ministry. During the visit, the quality of delivery will be

assessed to determine whether it meets the requirements of the Working at Heights Training Provider Standard. At the same time, the content of the program delivered by the instructor(s) will be verified.

Once both the desk and field assessments have been completed, a recommendation will be made to the CPO. After the CPO reviews and considers the recommendation, the application may be approved or rejected.

The Ministry of Labour may contact the prospective training provider for revisions or clarifications to a program at any time during the approvals process.

### **How long does it take to become a CPO-approved working at heights training provider?**

Applications are assessed on a first-come, first-served basis. The length of time it takes to complete a full assessment of a WAH training program depends on the quality of both completed application form and associated training materials, and the number of existing applications currently in the review process at the Ministry of Labour.

### **How much does it cost to become an approved working at heights training provider?**

There is no fee to apply to become a CPO-approved provider of working at heights training programs.

### **Will instructors or evaluators also need to be approved by the Ministry of Labour?**

No. A CPO-approved training provider is responsible for ensuring their instructors and evaluators meet the criteria of the Working at Heights Training Provider Standard.

The qualifications and/or performance of instructors and evaluators may be reviewed by the CPO as part of either the approval process or after approval has been given. Any deficiencies would need to be addressed by the training provider.

### **Is it possible to get CPO approval to deliver someone else's approved program?**

A CPO approved working at heights training program can only be delivered by instructors under the oversight of a CPO approved training provider.

An individual could arrange to become an instructor for an approved training provider, using that provider's approved program. That provider would then have responsibility for the oversight of that instructor, including the qualifications of the instructor and the quality of training delivery.

If an individual or organization wishes to become a CPO approved training provider themselves, using an existing approved training provider's approved training program, they would need to follow the standard application process, including submitting a working at heights training program, and all other supporting materials. This could only be done with permission from the owner of the approved program.

All of the requirements in both the Working at Heights Training Program Standard and the Working at Heights Training Provider Standard must be met in order for a training provider to be considered for CPO approval. For further information, call the Ministry of Labour Contact Centre at 1-877-202-0008.

### **Can an instructor, working for an approved training provider, subcontract the work?**

No. Individual instructors must only operate under the oversight of the approved training provider. An instructor therefore cannot delegate training delivery to other parties without the approved training provider's authorization and direct oversight.

The Ministry of Labour would not intervene in the contractual relationships between approved training providers and their respective instructors. However the ministry would require the approved training provider to meet its expectations for oversight of instructors.

## **Other**

### **Can the instructor and evaluator be the same person?**

Yes. An instructor and evaluator may be the same person. The training provider is responsible for ensuring that instructors and evaluators meet the relevant requirements in the Working at Heights Training Provider Standard.

## **Do employers have to hire private training providers to deliver this training?**

No. However, to meet the new regulatory requirements, the training must be delivered by a CPO-approved training provider.

A training provider could be an individual, sole proprietor, corporation or non-profit organization, or an employer wishing to deliver “in-house” training to its workers.

## **How do the Working at Heights Training Provider and Program Standards address language and literacy issues?**

Approved training providers must deliver training programs that meet the criteria set out in the Working at Heights Training Program Standard. This includes meeting the target audience’s language, literacy and accommodation needs.

Training providers have flexibility to use appropriate alternative methods to evaluate learners. In all cases, the evaluator must verify the learner understands the key concepts and that they have satisfactorily achieved the performance-based learning outcomes.

## **How do I know if my existing training program meets the Working at Heights Training Program Standard?**

All prospective training providers seeking CPO approval must complete and submit a detailed application.

The applications will be assessed to verify the program’s content and quality and whether it meets the criteria set out in the Working at Heights Training Program and Provider Standards. Each element of the standards must be met to receive CPO approval.

## **Do employers require CPO approval for all in-house occupational health and safety training?**

No. The CPO only has the authority to approve training programs and providers for which the CPO has established corresponding training program and provider standards, and where there is a legislative or regulatory requirement for the training program.

At this time, the CPO has only established training program and provider standards for Working at Heights and Joint Health and Safety Committee certification.

**Why will approved training providers be required to submit an annual report?**

Approved training providers must submit a report annually to the CPO to enable the CPO to assess the overall effectiveness and reach of the new working at heights training requirements.