

## **Engineering References in *Workplace Health and Safety Regulations* under the Nova Scotia *Occupational Health and Safety Act***

The *Workplace Health and Safety Regulations* make specific reference to engineers or engineering in the sections listed in the table below. Readers should consult the full regulations to determine the precise requirements.

Under the regulations, “engineer“ means a person who is registered as a member or licensed to practise under the *Engineering Profession Act* and is competent to do the work being performed (definition provided in section 1.2).

<b>Section</b>	<b>Description</b>
<b>Part 1: Interpretation and Application</b>	<b>Requirements for an Engineer to certify and Engineering Principles can be used to provide an exception</b>
1.6 (1) (b)	An exception to the requirement that an object conforms to the regulated standard includes provision for conformance to generally accepted engineering principles for an object, that prevailed at the object’s date of manufacture
1.6 (2) (b)	An exception to the requirement that an activity in relation to an object conforms to the regulated standard includes provision for compliance with generally accepted engineering principles for an object, which prevailed at the object’s date of manufacture
1.11 (1)	Certify that the use of equipment, components of equipment or components of a system provides an adequate level of safety to all individuals at or near the workplace in certain circumstances
1.11 (2) (a)	Ensure that the use of the equipment, components of equipment or components of a system as intended by the employer is in accordance with generally accepted engineering practices
1.11 (2) (b)	Identify, as part of the written certification, any measures to be taken to provide an adequate level of safety
1.11 (3)	Sign any written certification they prepare under Section 1.11
1.12 (3) (b)	Re-certify used equipment if an engineer’s certification was obtained under Section 1.11.
1.14 (3) (b)	Re-certify if certification by the manufacturer is not possible or reasonably practicable for equipment to return to service after being taken out of service
<b>Part 21: Fall Protection</b>	<b>Anchors must be engineered</b>
21.15	All anchorages used as components of a fall-protection system are capable of withstanding 2 times the maximum arresting force anticipated, for an engineered anchorage
<b>Part 22: Work Requiring Rope Access</b>	<b>Anchors must be engineered</b>

22.14	All anchorages used as a component of a rope access system are capable of withstanding 2 times the maximum arresting force anticipated, for an engineered anchorage
<b>Part 23: Scaffolds and Other Elevated Work-platforms</b>	<b>Requirements for an Engineer to certify and inspect</b>
23.2	Certify the design and installation of a scaffold used in a workplace
23.9 (1)	An employer must ensure that a scaffold used at a workplace is inspected daily by a competent person or engineer
<b>Part 31: Administrative Penalties</b>	<b>Engineers may receive monetary penalties</b>
31.5 (1)	Administrative penalty may be imposed on a non-compliant engineer

## Notes:

- (1) The term “adequate” is defined in the regulations as “sufficient to protect a person from injury or damage to health”
- (2) “certified” means meeting the requirements of a standard as attested to by a certification organization accredited by the Standards Council of Canada or an engineer; as per Section 1.2; note also that the term “certify” is also used in the regulations where the context would not deal with the requirements of a specific standard – in these circumstances the plain meaning and contextual requirements of the certification would prevail
- (3) In some cases, engineered work is an alternative to other regulatory options; for example, 1.6(1)(b) no version of the standard existed at the object’s date of manufacture, but the object conforms to generally accepted engineering principles prevailing at the object’s date of manufacture.
- (4) The term competent is defined in the regulations where “competent person means a person who is (i) qualified because of their knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and (ii) knowledgeable about the provisions of the Act and regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work”; as per Section 1.2
- (5) Note that the regulations incorporate many standards by reference. Where incorporated, the standard, or parts of it, become a regulatory requirement. Some incorporated standards prescribe that work be done by an engineer. Where this is the case, the engineering requirements within the standard are also incorporated, regardless of whether *an engineer* or *engineering* is explicitly noted in the text of the regulation.