

**WORKSAFE SERVICES DIVISION
OCCUPATIONAL HEALTH AND SAFETY
LEGISLATION INTERPRETATIONS**



Topic	Confined Space - Rescue Employee	Issued by: V.P., WorkSafe Services
Statute	<i>Regulation 91-191</i>	Date Issued: June 9, 2004
Section	266(1)f)	Date Revised: N/A

266(1) An employer shall ensure that

f) an employee who is trained in the emergency procedures referred to in subsection 263(3) and who is fully informed of the hazards in the confined space is in the immediate vicinity of the confined space to assist in the event of an accident or other emergency.

Question 1

Our practice has been to have the Rescue Employee (referred in Section 266 (1) of 91-191) conducting additional tasks " in the area " either within visual / shouting distance of the Competent Standby Employee OR having radio communication with Competent/Standby Employee with the intention that he/she can respond to the Competent Standby Employee's call for assistance within 2 minutes at the latest. Does this practice meet the requirements of Section 266 (1) (f)?

Response

The WHSCC interprets **immediate vicinity** for emergency purposes as persons being visible (in sight and within shouting distance) of the confined space (where there are no obstructions or barriers to overcome to reach the space) and therefore must not be in another room or in the parking lot, etc where the only way to reach them is by radio communication.

Employees who have been assigned rescue responsibilities (as required by 266 (1) and are located in the immediate vicinity as described above) are allowed to carry out other duties provided the work they perform does not impede their ability to carry out effectively their rescue duties (i.e. able to stop work immediately to carry out the rescue).

Question 2

Can the rescue person referred to in Section 266 (1) (f) be the rescue person for work being carried out in more then one confined space at a time?

Response

The WHSCC believes that the intent of Section 266 (1) (f) was to have one rescue person designated for work being carried out in one confined space only. Work being carried out simultaneously in other confined spaces would require their own dedicated rescue person.

However, employers wishing to have other alternative rescue plans (i.e. one rescue person overseeing rescue operations in more then one confined space) considered by the WHSCC can do so by applying for a deviation as required by Section 3 (3) of the *Occupational Health and Safety Act*.