

LEGISLATIVE INTERPRETATIONS

Topic: Hoisting Apparatus – Competent Person for Annual Inspection & Certification	Issued by: Director, Compliance and Regulatory review
Statute: General Regulation 91-191	Date Issued: August 9, 2001
Section: 210.01(1)	Date Revised: June 23, 2017

Question

How do I know if a person is competent to inspect and certify my hoisting apparatus?

Response

General Regulation 91-191 defines competent as:

- (a) qualified, because of such factors as knowledge, training and experience, to do assigned work in a manner that will ensure the health and safety of persons,*
- (b) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and*
- (c) knowledgeable about potential or actual danger to health or safety connected with the assigned work;*

Competency requirements vary with each type of hoisting apparatus. Section 207(2) of Regulation 91-191 cites the following standards.

- CSA B167-96, “Safety Standard for Maintenance and Inspection of Overhead Cranes, Gantry Cranes, Monorails, Hoists and Trolleys”
- CSA C22.2 No. 33-M1984, “Construction and Test of Electric Cranes and Hoists”,
- CSA Z248-1975, “Code for Tower Cranes”
- CSA Z150-98, “Safety Code on Mobile Cranes” (*See note below*)

Employers must ensure that the inspector certifying the hoisting equipment meets the requirements of the applicable standard. When conducting an inspection or investigation of a workplace with hoisting apparatus, WorkSafeNB references these same standards when determining compliance with the Regulation.

Other standards, such as ANSI and ASME, or requirements provided by the manufacturer that cover types of hoisting apparatus not covered by CSA may also help determine competency requirements.

We recommend that employers responsible for appointing competent inspectors also use these standards to help ensure appropriate appointments of competent persons.

Employers must ask the right questions and, if necessary, obtain copies of training certificates to ensure that the inspector/certifier is competent to inspect the hoisting apparatus based on their knowledge, training and experience. In addition, the inspector/certifier must be fully knowledgeable of New Brunswick's regulatory hoisting apparatus requirements and of the risk to health and safety in case the hoisting apparatus fails.

Note: The annual inspection requirements for mobile cranes are different than other hoisting apparatuses. They must be inspected by an engineer or a competent person supervised by an engineer.

Referenced Legislation

210.01(1) An employer shall ensure that a hoisting apparatus is inspected every twelve months by a competent person to ensure that the apparatus meets the manufacturer's specifications.

213.21(1) An employer shall ensure that a mobile crane is inspected every twelve months by an engineer or a competent person who is supervised by an engineer.