

# LEGISLATIVE INTERPRETATIONS

Topic: Electrical work – Qualified person definition	Issued by: Director, Compliance and Regulatory Review
Statute: Regulation 91-191	Date Issued: August 9, 2001
Section: 287(1) & 287.1(2)	Date Revised: March 16, 2017

**Question:**

Does the regulation require that a "qualified person" be a certified electrician only?

**Answer:**

In General Regulation 91-191 "qualified person" means:

(a) when applied to work on electrical equipment, a person who meets the requirements of section 11 or 24 of New Brunswick Regulation 84-165 under the *Electrical Installation and Inspection Act*,

Regarding Section 287(1), based on the requirements of Section 11 and 24 of the New Brunswick Regulation 84-165 under the *Electrical Installation and Inspections Act*, and the definition of qualified person under the same regulation (see sections below), an employee who does work on energized electrical equipment does not have to be a licensed electrician if:

1. The work being done includes minor repairs to or replacements of electrical equipment only.
2. That the employee doing the work is familiar with the construction and operation of the equipment he is using and the hazards associated with that work.
3. The employee does not change or modify the circuits, and the work meets the requirements of the (Electrical) Code and the New Brunswick Regulation 84-165.

Regarding Section 287.1(2), employees who must enter a room or other enclosure containing exposed parts of energized electrical equipment with potential of greater than 30 volts do not have to be licensed electricians if they are provided with safe working procedures and training to ensure their health and safety when they enter that room to perform work.

Employees can apply to the chief electrical inspector for approval to work as a qualified person by contacting the [Technical Inspections Branch at the Province of New Brunswick](#). Email: [DPS-MSP.Information@gnb.ca](mailto:DPS-MSP.Information@gnb.ca).

## Referenced Legislation

### General Regulation 91-191

**287(1)** An employer shall ensure that an employee does not work on energized electrical equipment unless the employee is a qualified person described in paragraph (a) of the definition "qualified person" in section 286.

**287.1(2)** An employer shall ensure that no person other than a qualified person enters or is permitted to enter a room or other enclosure containing exposed parts of energized electrical equipment with potential of greater than 30 volts.

### New Brunswick Regulation 84-165 under the *Electrical Installation and Inspection Act*.

**11(1)** No person shall make, repair or maintain an electrical installation unless he is authorized by

- (a) a valid Electricians Licence Class 3 issued or renewed under this Regulation,
- (b) a valid Electricians Licence Class 2 renewed under this Regulation, or
- (c) a valid Industrial Electricians Licence issued or renewed under this Regulation.

**11(1.1)** Notwithstanding subsection (1), a person may

- (a) perform sign installation work if he or she is the holder of a valid Sign Installers Licence issued or renewed under this Regulation, or
- (b) work as a helper on sign installation work if he or she is the holder of a valid Sign Installer Helpers Identification Card issued or renewed under this Regulation and he or she works under the direct supervision of a holder of a valid Electricians Licence issued or renewed under this Regulation or a valid Sign Installers Licence issued or renewed under this Regulation.

**11(2)** No person, firm, corporation, company or partnership shall employ any person to make, repair or maintain an electrical installation unless that person is authorized by

- (a) a valid Electricians Licence Class 3 issued or renewed under this Regulation,
- (b) a valid Electricians Licence Class 2 renewed under this Regulation, or
- (c) a valid Industrial Electricians Licence issued or renewed under this Regulation.

**11 (2.1)** Notwithstanding subsection (2), a person, firm, corporation, company or partnership may employ a person to perform sign installation work if he or she is the holder of a valid Sign Installers Licence issued or renewed under this Regulation.

**11(3)** Notwithstanding subsections (1) and (2),

- (a) an apprentice, holder of a permit issued under section 18 of the *Apprenticeship and Occupational Certification Act*, improver or a person holding a valid certificate of qualification in the construction electrician occupation issued by another province in Canada may make, repair or maintain an electrical installation if the person is registered with the Apprenticeship and Occupational Certification Branch of the Department of Training and Employment or holds an identification card issued by the Chief Electrical Inspector under subsection (6) and the person works as a helper under the direct

supervision of the holder of a valid Electricians Licence Class 3 issued or renewed under this Regulation, and

(b) the holder of a valid Industrial Electricians Licence issued or renewed under this Regulation may make, repair or maintain electrical installations in public buildings and establishments where electricians are permanently employed.

**11(4)** An Electricians Licence Class 3 may be issued to

(a) the holder of a certificate of qualification in the construction electrician occupation under the *Apprenticeship and Occupational Certificate Act*, or

(b) the holder of a diploma of apprenticeship in the construction electrician occupation under the *Apprenticeship and Occupational Certification Act*. 3

**11(5)** An Industrial Electricians Licence may be issued to

(a) the holder of a certificate of qualification in the industrial electrician occupation under the *Apprenticeship and Occupational Certification Act*, or

(b) the holder of a diploma of apprenticeship in the industrial electrician occupation under the *Apprenticeship and Occupational Certification Act*.

**11(5.1)** A Sign Installers Licence may be issued to a person who

(a) has completed, to the satisfaction of the Chief Electrical Inspector, a training course acceptable to the Chief Electrical Inspector,

(b) has at least two thousand documented hours of sign installation work experience, and

(c) has completed, to the satisfaction of the Chief Electrical Inspector, a competency test acceptable to the Chief Electrical Inspector.

**11(6)** The Chief Electrical Inspector may issue an identification card to any person holding a valid certificate of qualification in the electrical construction trade issued by another province in Canada.

**11(6.1)** The Chief Electrical Inspector may

(a) issue a Sign Installer Helpers Identification Card to a person who is employed by an Electrical Contractor or a Sign Installer Contractor, and

(b) renew a Sign Installer Helpers Identification Card.

**11(7)** An identification card, including a Sign Installer Helpers Identification Card, shall be valid for a period of up to six months.

**11(8)** The holder of an identification card, including a Sign Installer Helpers Identification Card, shall be entitled to work only for the employer with whom the holder was employed at the time the identification card was issued.

**24** Notwithstanding anything in this Regulation, a qualified person may make minor repairs to or replacements of electrical installations if he does not make any changes or modifications to

The New Brunswick Regulation 84-165 under the *Electrical Installation and Inspection Act* defines "qualified person" as a person familiar with the construction and operation of the apparatus and the hazards involved.