

LEGISLATIVE INTERPRETATIONS

Topic: Seatbelts on powered mobile equipment	Issued by: V.P., WorkSafe Services
Statute: Regulation 91-191	Date Issued: September 11, 2007
Section: 221(1)(b)	Date Revised:

220(1) An employer shall ensure that powered mobile equipment manufactured on or after January 1, 1974 is equipped with a rollover protective structure that meets the minimum safety requirements of CSA standard B352-M1980, "Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines".

220(2) An employer shall ensure that powered mobile equipment manufactured before January 1, 1974 is equipped with a rollover protective structure that meets the requirements of subsection (1) or the following criteria:

(a) the rollover protective structure and supporting attachments are designed, fabricated and installed in such a manner to support not less than twice the weight of the equipment, based on the ultimate strength of the metal and integrated loading of supporting members with the resultant load applied at the point of impact;

(b) there is a vertical clearance of 1320 mm between the deck and the rollover protective structure at the access openings; and

(c) the rollover protective structure and supporting attachments referred to in paragraph (a) are certified as meeting the requirements of paragraph (a) by the manufacturer of the rollover protective structure, the installing agency or an engineer.

220(3) Notwithstanding subsections (1) and (2), the Chief Compliance Officer may give permission in writing for a deviation, under such terms and conditions as he considers advisable, for powered mobile equipment to be used without a rollover protective structure if there is no significant chance of upset and

(a) the equipment has a frame that is not capable of supporting the stresses introduced by a rollover protective structure during upset,

(b) the equipment has a low centre of gravity that makes upset unlikely, or

(c) the installation of a rollover protective structure constitutes an operating hazard in the circumstances in which the equipment is operating.

221(1) An employer shall ensure that powered mobile equipment that has been fitted with a rollover protective structure is provided with

(a) seat belts for the operator and passengers that comply with or exceed whichever of the following Society of Automotive Engineers' Recommended Practices is appropriate:

- (i) SAE J386 NOV97, "Operator Restraint Systems for Off-Road Work Machines";
- (ii) SAE J117 JAN 1970, "Dynamic Test Procedure - Type 1 and Type 2 Seat Belt Assemblies"; or
- (iii) SAE J800 APR 86, "Motor Vehicle Seat Belt Assembly Installations"; or

(b) where the wearing of seat belts is impracticable, restraining devices such as shoulder belts, bars, gates, screens or other similar devices designed to prevent the operator and passengers from being thrown outside the rollover protective structure.

221(2) An operator of and passengers on powered mobile equipment shall use the seat belts or restraining devices referred to in subsection (1) while the equipment is in motion.

Question:

I have employees who operate skidders and loaders that are fitted with ROPS to perform work in both forestry and construction operations. They have raised issues that it is not always practical to wear seatbelts at all times while the equipment is in motion. Does the legislation allow for this to occur and, if yes, under what circumstances?

Answer:

Section 221(2) requires powered mobile equipment operators (including skidders and loaders equipped with ROPS) to wear seatbelts whenever the equipment is in motion. While all powered mobile equipment fitted with ROPS must be equipped with seatbelts, if it is impractical to wear seatbelts when the equipment is in motion, Section 221(1)(b) allows for the use of restraining devices such as shoulder belts, bars, gates, screens or other similar devices designed to prevent the operator and passengers from being thrown outside the rollover protective structure.

Examples of situations where it may impractical to wear seatbelts include:

1. Whenever the operator is required to frequently mount and dismount the equipment to carry out tasks (for example, when cable skidder operators are required to frequently step in and out of the equipment to build up their twitch).
2. Whenever the wearing of seatbelts impedes the operator's visibility from the work being carried out (for example, a grader operator who is required to continually raise himself from his seat to watch for possible obstruction during the operation).