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IMPORTANT INFORMATION

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Safety Standards Act

SAFETY STANDARDS GENERAL REGULATION

[includes amendments up to B.C. Reg. 134/2009, April 1, 2009]

Contents

1 Definitions

Part 1 — Certificates of Qualification and Contractors' Licences

Division 1 — Certificates of Qualification

2 Requirements for certificate of qualification

2.1 Applicants with credentials from elsewhere in Canada

3 Re-examination after failure to pass an examination

4 No regulated work beyond scope of individual's qualifications

5 Regulated work done under supervision

Division 2 — Contractor's Licence

6 Requirements for contractor's licence

7 Licence restricted to scope of field safety representative's qualifications

8 Issue of contractor's licence for up to 5 year period

9 Reporting obligations under contractor's licence

10 Bonding

11 Surety may be required to rectify non-compliance

Part 2 — Permits

12 Permit required unless exempted or in an emergency

13 Permit application procedure

14 Amendment of permit for additional or other work at site

15 Types of permits

16 Limit on scope of regulated work under permit

17 Installation permits

18 Operating permits

19 Responsibilities of operating permit holder

19.1 Regulated work under a permit

Part 3 — Inspections by Safety Officers

20 Certificate of inspection

21 Cost of inspection not already charged for in permit fee

Part 4 — Prototypes
22 Notification and testing of prototype
Part 5 — Field Safety Representatives
23 Field safety representative
24 Restrictions on field safety representatives
25 Continuing education requirements for field safety representatives
26 Duties of a field safety representative
Part 6 — Safety Officers
27 Safety officer must hold appropriate certificate of qualification
28 Safety officer certificate of qualification
29 Temporary safety officer's certificates of qualification
30 Expiry of safety officer's certificates of qualification
Part 7 — Documents
31 Permission not transferable
32 Documents issued by mistake
33 Issue of duplicate certificate, licence, permit or other document
Part 8 — Incident Reporting
34 Duty to report incidents to the appropriate safety manager

Definitions

1 In this regulation:

"Act" means the *Safety Standards Act*;

"declaration" means a statement made in writing by an individual that a regulated product has been installed or regulated work has been performed in compliance with the Act;

"documentation" includes permits, certificates, licences, reports and records;

"field safety representative" means an individual who holds a certificate of qualification issued under section 23;

"homeowner"

(a) in respect of electrical equipment has the meaning in the Electrical Safety Regulation, and

(b) in respect of gas equipment has the meaning in the Gas Safety Regulation;

"installation permit" means a permit issued under section 17;

"permit" includes all types of permits issued under the Act;

"prototype" means a regulated product that is under development and has not been approved for use;

"regulatory authority" means the ministry or local government that provides an inspection service under the Act and has the authority to require inspection of regulated work in an area of British Columbia.

Part 1 — Certificates of Qualification and Contractors' Licences

Division 1 — Certificates of Qualification

Requirements for certificate of qualification

2 An applicant for a certificate of qualification must pay any required fees and, subject to the regulations respecting the particular discipline,

(a) provide proof, acceptable to a provincial safety manager, of the applicant's relevant training and work experience, and

(b) pass any required examination for that certificate.

Applicants with credentials from elsewhere in Canada

2.1 (1) In this section,

"credential" means an official recognition, issued in another jurisdiction in Canada, authorizing the holder of the credential to perform in the other jurisdiction work that is equivalent to regulated work that under the Act may be performed only by a holder of a certificate of qualification;

"safety regulation" means the Electrical Safety Regulation, Elevating Devices Safety Regulation, Gas Safety Regulation, and Power Engineers, Boiler, Pressure Vessel and Refrigeration Safety Regulation.

(2) Despite any provision of a safety regulation, a person who holds a credential may apply for a corresponding certificate of qualification if a provincial safety manager is satisfied that the credential is in good standing in the jurisdiction where it was issued.

(3) A provincial safety manager may set terms and conditions on a certificate of qualification issued to a person referred to in subsection (2) if the provincial safety manager is satisfied that the terms and conditions are necessary to ensure that the regulated work the person is entitled to

perform in British Columbia is equivalent to the work the person is entitled to perform in the jurisdiction where the person's credential was issued.

(4) Terms and conditions set under subsection (3) apply despite any provision of a safety regulation.

[en. B.C. Reg. 134/2009, s. 1.]

Re-examination after failure to pass an examination

3 (1) If an individual, on their initial attempt, fails to pass any required examination for a certificate of qualification, the individual may not take the examination again until 30 days after the previous examination.

(2) If an individual fails to pass an examination for a certificate of qualification on the second or any subsequent attempt, a provincial safety manager may stipulate terms or conditions in respect of the length of time that must elapse before the individual may take the examination again.

No regulated work beyond scope of individual's qualifications

4 An individual must not perform regulated work unless it is within the scope of the individual's certificate of qualification or other training credential recognized by a provincial safety manager.

Regulated work done under supervision

5 (1) Despite section 4, an individual may do regulated work for which specific qualifications would be required under the Act if the individual is supervised by a person who

(a) is specifically authorized under the Act to perform that type of work, and

(b) supervises the individual on site and provides guidance and assistance to the individual as the regulated work is performed.

(2) A person who supervises the work of an individual under subsection (1) must not do any of the following:

(a) allow that individual to perform regulated work outside of the scope of the supervisor's qualifications;

(b) supervise a number of individuals in excess of any ratios of supervision established under the regulations.

Division 2 — Contractor's Licence

Requirements for contractor's licence

6 An applicant for a contractor's licence must provide all of the following:

(a) unless exempted by the regulations for a specific discipline, the name, certificate of qualification number and class of certificate of qualification of a field safety representative;

(b) evidence of the bond required by the provincial safety manager unless exempted by the regulations;

(c) the required fee.

Licence restricted to scope of field safety representative's qualifications

7 (1) A licensed contractor must not do regulated work beyond the qualifications of the contractor's field safety representative named on a licence issued under section 6.

(2) Except under section 5 (1), a licensed contractor must not allow an individual to perform regulated work for which the contractor is responsible unless the individual is qualified to perform the regulated work.

Issue of contractor's licence for up to 5 year period

8 A contractor's licence may be issued for a period of up to 5 years.

Reporting obligations under contractor's licence

9 (1) A licensed contractor must immediately notify a provincial safety manager

(a) when the field safety representative named on the contractor's licence under section 6 ceases to be employed by the licensed contractor, and

(b) when another individual is employed by the licensed contractor to replace the field safety representative named on the contractor's licence.

(2) A notice under subsection (1) (b) must include the name and certificate of qualification number of the individual.

Bonding

10 (1) A bond as required under section 6 (b) may be provided only by a bond of a surety authorized under the *Insurance Act*.

(2) A licensed contractor must report to a provincial safety manager any changes in the status of any bond required under section 6 (b) including, but not limited to, renewals.

(3) A bond provided for the purposes of section 6 (b) must contain a provision requiring the insurer to inform a provincial safety manager of any change of status to that bond.

(4) The licence of a contractor who holds a bond under section 6 (b) is suspended if the bond lapses.

(5) A suspension under subsection (4) is reversed only if the licensed contractor provides evidence, acceptable to a provincial safety manager, that the bond has been reinstated.

Surety may be required to rectify non-compliance

11 If a licensed contractor, in the opinion of a provincial safety manager, has failed to comply with the Act, and neglects or refuses to rectify the non-compliance, a provincial safety manager may require the surety to cause work to be done to rectify the non-compliance up to the maximum amount of the bond.

Part 2 — Permits

Permit required unless exempted or in an emergency

12 (1) A person must obtain the appropriate permit from the regulatory authority before performing regulated work or using a regulated product unless exempted from doing so under the Act.

(2) In an emergency or if required to perform regulated work when the permit issuing office is closed, a person is not required to obtain a permit before performing regulated work if the person

(a) is authorized under the Act to perform the regulated work, and

(b) applies for a permit from the regulatory authority on the first business day following the emergency or the next day that the permit issuing office is open.

Permit application procedure

13 An application for a permit must be accompanied by any required fee and must include the following:

(a) a description of the regulated work to be performed;

(b) the address of the place where the regulated work is to be performed;

(c) the name and address of the person for whom the regulated work under the permit is to be performed;

(d) if the regulated work is to be performed by a licensed contractor, the licensed contractor's name, address and registration number;

(e) if the regulated work is to be performed by a homeowner, the name of each person who will be assisting with the regulated work other than members of the homeowner's immediate family.

Amendment of permit for additional or other work at site

14 On payment of any required fee, a safety officer may amend a permit to allow additional regulated work to be performed under the permit.

Types of permits

15 A safety officer may issue the following types of permit under the Act:

(a) installation permits;

(b) operating permits.

Limit on scope of regulated work under permit

16 A permit holder must not perform regulated work beyond the qualifications of the permit holder's field safety representative named on a permit issued under this Part.

Installation permits

17 (1) An installation permit is required to install or alter a regulated product.

(2) An installation permit may be issued to any of the following:

(a) a licensed contractor;

(b) a person who holds an operating permit;

(c) an owner of a regulated product;

(d) a homeowner who performs regulated work as permitted under the regulations.

(3) Unless exempted by the regulations, an application for an installation permit must contain the name, certificate of qualification number and class of certificate of qualification of the field safety representative.

(4) To issue an installation permit a safety officer may require a bond.

Operating permits

18 (1) A person must have an operating permit to do any of the following:

(a) operate a regulated product;

(b) maintain a regulated product.

(2) An operating permit may be issued to any of the following:

(a) an owner of a regulated product;

(b) the owner of a building or other premises where regulated work is to be performed.

(3) An operating permit may be issued for the use of one or more regulated products listed in section 2 (1) (b) of the Act.

(4) Unless specified in the regulations, an application for an operating permit is not required to contain the name, certificate of qualification number and class of certificate of qualification of the field safety representative.

(5) To issue an operating permit a safety officer may require a bond.

Responsibilities of operating permit holder

19 The holder of an operating permit must do all of the following:

(a) if required under the permit, maintain a log of work performed under the permit;

(b) in the case of a multi-year operating permit, pay any required installments of the permit fee;

(c) submit any required declaration confirming compliance with the Act;

(d) if a field safety representative is named in the permit, immediately notify the regulatory authority if the field safety representative ceases to be contracted or employed by the permit holder.

Regulated work under a permit

19.1 (1) This section applies to a person who holds a permit, other than a homeowner.

(2) For the purposes of section 23 (1) (a) of the Act, a person who holds a permit is authorized to manage or direct individuals doing regulated work under the permit.

(3) For the purposes of section 23 (1) (b) of the Act, a person who is authorized under the Act to do regulated work may do the regulated work for a person who holds a permit.

[en. B.C. Reg. 474/2004.]

Part 3 — Inspections by Safety Officers

Certificate of inspection

20 (1) This section applies to an inspection performed by a safety officer.

(2) On completion of an inspection by a safety officer of regulated work or a regulated product, the safety officer must issue a certificate of inspection to the permit holder.

(3) If the certificate under subsection (2) identifies any non-compliances with respect to the regulated work or regulated product, the permit holder must correct the non-compliances and notify the safety officer that the corrections have been completed.

(4) Issuance of a certificate of inspection does not prevent a safety officer from re-inspecting regulated work.

Cost of inspection not already charged for in permit fee

21 If a safety officer performs an inspection for which a fee has not already been charged as part of the permit fee, the permit holder must pay a separate fee.

Part 4 — Prototypes

Notification and testing of prototype

22 (1) A person who develops or possesses a prototype must not use the product except for product demonstration or product testing.

(2) A person must not use a prototype in a manner that may cause harm to any person or damage to property.

(3) On application by a person who develops or possesses a prototype, a provincial safety manager may provide an approval under section 10 (2) of the Act.

(4) A person must not use a regulated product approved under subsection (3) unless the person obtains any required permit for the use of the regulated product.

Part 5 — Field Safety Representatives

Field safety representative

23 (1) An individual may obtain a certificate of qualification as a field safety representative for the particular qualifications set out in the certificate if the individual

(a) has training or experience that is recognized by the provincial safety manager,

(b) is a professional engineer in good standing with the association under the *Engineers and Geoscientists Act*, or

(c) is a technologist in good standing with the association under the *Applied Science Technologists and Technicians Act*.

(2) In addition to the requirements under subsection (1), a provincial safety manager may require the individual to take an appropriate examination or complete any additional training.

Restrictions on field safety representatives

24 (1) A certificate of qualification as a field safety representative entitles the individual, on behalf of their employer, to make declarations that regulated work complies with the Act and regulations.

(2) A field safety representative must not make a declaration about regulated work other than regulated work within the scope of field safety representative's class of certificate of qualification.

(3) Repealed. [B.C. Reg. 217/2006.]

[am. B.C. Reg. 217/2006.]

Continuing education requirements for field safety representatives

25 (1) A provincial safety manager may require a field safety representative to demonstrate up to date knowledge relevant to that individual's class of certificate of qualification.

(2) For the purposes of subsection (1), a provincial safety manager may require an individual to do one or both of the following:

(a) attend courses of instruction;

(b) successfully complete an examination.

Duties of a field safety representative

26 (1) An individual who holds a certificate of qualification as a field safety representative must do all of the following in respect of regulated work performed under a permit:

(a) ensure that the regulated work complies with all requirements under the Act;

(b) request any inspections required under the Act or on the permit from the regulatory authority;

(c) if permitted to do so by the regulatory authority following a request under paragraph (b), sign a declaration that the work has complied with all of the requirements under the Act;

(d) ensure that the persons performing regulated work under a permit have the qualifications that are appropriate for that type of work.

(2) A field safety representative who makes a declaration about a regulated product or regulated work must disclose to a safety officer any regulated product or regulated work that creates a risk of personal injury or damage to property.

(3) A field safety representative named on an application for an operating permit or contractor's licence must, in addition to the duties of a field safety representative under subsections (1) and (2), represent the operating permit holder or licensed contractor in code, technical and worker qualification matters that are within the scope of the field safety representative's certificate of qualification.

Part 6 — Safety Officers

Safety officer must hold appropriate certificate of qualification

27 An individual must not exercise any of the powers of a safety officer unless

(a) that individual holds an appropriate certificate of qualification issued by a provincial safety manager, and

(b) is appointed as a safety officer under section 11 of the Act.

Safety officer certificate of qualification

28 (1) An individual may apply under section 2 for a certificate of qualification as a safety officer.

(2) A certificate of qualification issued under subsection (1) may restrict the areas of British Columbia to which the certificate of qualification applies.

(3) A provincial safety manager may require an applicant to take an examination for a safety officer's certificate of qualification, and, if so, the examination must

(a) be set by a provincial safety manager,

(b) be held at a place and time selected by a provincial safety manager, and

(c) be held only after written notification to the applicant of the time and place of the examination.

(4) A safety officer who holds a safety officer's certificate of qualification under this section, while employed by a regulatory authority, must not perform for anyone other than their employer inspections of regulated work or regulated products in the discipline for which the certificate of qualification is issued.

Temporary safety officer's certificates of qualification

29 (1) A provincial safety manager may issue a temporary safety officer's certificate of qualification to any individual if satisfied that the individual has sufficient knowledge and experience for that certificate.

(2) A temporary safety officer's certificate of qualification issued under subsection (1) may contain limitations on the powers of the person to conduct inspections.

Expiry of safety officer's certificates of qualification

30 (1) A certificate of qualification of a safety officer issued under section 28 expires on the earlier of

(a) the expiry date specified in the certificate, or

(b) the date the individual ceases to be a safety officer.

(2) If a safety officer ceases to hold that office and within 2 years is again appointed as a safety officer, the individual's certificate of qualification must be considered to have been maintained.

Part 7 — Documents

Permission not transferable

31 A permission issued under the Act cannot be transferred without the prior approval of the regulatory authority.

Documents issued by mistake

32 (1) A person's licence or other permissions may be revoked or suspended by a provincial safety manager if the licence or other permission was issued in error.

(2) A revocation or suspension under subsection (1) cannot be the subject matter of an appeal to the appeal board.

Issue of duplicate certificate, licence, permit or other document

33 On payment of any required fee and if satisfied that a certificate, licence, permit or other document issued to a person under the Act has been lost, stolen or destroyed, a provincial safety manager or other person who issued the document must issue a duplicate of the document to the person.

Part 8 — Incident Reporting

Duty to report incidents to the appropriate safety manager

34 (1) If any of the following persons attend an incident the person has a duty to report it to the appropriate safety manager:

(a) a holder of a permit to perform regulated work;

(b) a person who is authorized to perform or performs regulated work;

(c) a person who is authorized to operate or operates a regulated product or system;

(d) an officer or employee of a utility.

(2) The owner of a plant must report an incident to the appropriate safety manager.

[Provisions of the *Safety Standards Act*, S.B.C. 2003, c. 39, relevant to the enactment of this regulation: section 88]

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