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c 80 Construction Hoists Act

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CHAPTER 80

The Construction Hoists Act

1. In this Act,

(a) “chief inspector” means the chief inspector appointed for the purposes of this Act;

(b) “construction hoist” means a mechanism for use in connection with the construction, alteration, maintenance or demolition of a building, structure or other work,

(i) for hoisting and lowering materials or workmen or both, and

(ii) equipped with a car that moves in guides during its vertical movement,

and includes its hoistway and hoistway enclosure;

(c) “Department” means the Department of Labour;

(d) “elevator” means a mechanism as defined in The Elevators and Lifts Act;

(e) “engineer” means a professional engineer as defined in The Professional Engineers Act;

(f) “inspector” means an inspector appointed for the purposes of this Act, and includes the chief inspector;

(g) “licence” means a licence granted under this Act;

(h) “maximum capacity” means the maximum number of persons or maximum weight that a hoist is designed and constructed to carry safely as determined by the regulations;

(i) “Minister” means the Minister of Labour;

(j) “municipal inspector” means a person appointed by a municipality to make inspections concerning the safety of persons, buildings, structures or other works;

(k) “operator” means a person who is stationed at the driving unit of a construction hoist and has direct control of any movement of the car of the hoist as the whole or a part of his duties;

(l) “regulations” means the regulations made under this Act;
(m) "user" means the person in charge of a construction hoist as owner, lessee or otherwise, but does not include an operator or attendant as such. 1960-61, c. 11, s. 1.

2. This Act does not apply to,

(a) an elevator or lift within the meaning of The Elevators and Lifts Act;

(b) a hoist within the meaning of The Mining Act;

(c) a feeding machine, a bucket conveyor, a belt, chain, scoop, roller or any similar type of material-handling device other than a skip hoist;

(d) a hoist in or adjacent to a barn used exclusively for agricultural purposes;

(e) any class of construction hoist excluded by the regulations. 1960-61, c. 11, s. 2.

3.—(1) The Lieutenant Governor in Council may appoint one or more inspectors to administer and enforce this Act and the regulations.

(2) The Minister may authorize the chief inspector to engage the services of any person who holds a certificate of qualification under The Elevators and Lifts Act to inspect a construction hoist, and for such purpose such person shall be deemed to be an inspector and shall report forthwith to the chief inspector with respect thereto. 1960-61, c. 11, s. 3.

4. No person shall be appointed or act as an inspector who has any direct or indirect interest in the manufacture, sale, rental, installation, repair or maintenance of construction hoists or parts thereof. 1960-61, c. 11, s. 4.

5.—(1) An inspector may inspect any construction hoist at any time.

(2) An inspector may investigate any matter relating to a construction hoist at any time. 1960-61, c. 11, s. 5.

6. For the purpose of an inspection or an investigation under this Act, the chief inspector may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to such inspection or investigation. 1960-61, c. 11, s. 6; 1961-62, c. 17, s. 1.
7. An inspector, upon production of his certificate of appointment, may enter any premises where he has reason to believe that a construction hoist is or is being installed or operated. 1960-61, c. 11, s. 7.

8. An inspector may by notice in writing direct a user,
   (a) to prepare his construction hoist, or any part of it, for inspection;
   (b) to do or to refrain from doing anything that the inspector considers necessary during an inspection;
   (c) to do or to refrain from doing, within the time specified in the notice, such things as the notice specifies to ensure compliance with this Act and the regulations;
   (d) to ensure that no person uses, enters or approaches a construction hoist, any part of which, in the opinion of the inspector, is in an unsafe condition, except for the purpose of making necessary repairs. 1960-61, c. 11, s. 8.

9. In the absence of an inspector, a municipal inspector,
   (a) may, upon production of his certificate of appointment from the municipal council, enter any place where he has reason to believe that a construction hoist is or is being installed or operated;
   (b) may inspect any construction hoist at any time;
   (c) may by notice in writing direct a user to do or to refrain from doing, within the time specified in the notice, such things as the notice specifies to ensure compliance with this Act and the regulations;
   (d) may by notice in writing direct a user to ensure that no person uses, enters or approaches a construction hoist, any part of which, in the opinion of the municipal inspector, is in an unsafe condition, except for the purpose of making necessary repairs;
   (e) shall, upon giving a notice under clause c or d, forthwith send a copy thereof to the chief inspector;
   (f) shall, upon determining that his direction has been satisfactorily complied with by the user, notify the chief inspector forthwith in writing. 1960-61, c. 11, s. 9.

10. An inspector, following an inspection of a construction hoist by a municipal inspector under section 9, may,
   (a) direct a user in writing as set forth in section 8; and
   (b) modify or cancel, as he considers advisable, a direction made by a municipal inspector under section 9. 1960-61, c. 11, s. 10.
**Installation or main hoists**

11. — (1) No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering workmen until the drawings and specifications thereof have been approved in writing by an engineer of the Department. 1960-61, c. 11, s. 11 (1); 1961-62, c. 17, s. 2.

(2) Subject to subsection 3, all drawings and specifications shall be submitted in triplicate to an engineer of the Department and shall furnish full information as to the size, composition and arrangement of the proposed installation or major alteration and the location of the construction hoist on the site on which it is to be operated.

**Subsequent installations**

(3) Before the second or any subsequent installation of a construction hoist, an engineer of the Department may approve the drawings and specifications thereof without the resubmission of all drawings and specifications thereof.

(4) If the proposed installation or major alteration as shown and described in the drawings and specifications complies with this Act and the regulations, the drawings and specifications shall be approved in writing by an engineer of the Department and one set returned to the person who submitted them and thereupon the installation or major alteration may be proceeded with, but only in accordance with the drawings and specifications as approved. 1960-61, c. 11, s. 11 (2-4).

**Effect of approval**

12. No person shall commence an installation or major alteration of a construction hoist for hoisting or lowering materials until he has obtained permission in writing from the chief inspector. 1961-62, c. 17, s. 3.

13. — (1) No construction hoist for hoisting or lowering workmen shall be put into operation after installation or major alteration until it has been inspected by an inspector.

(2) No construction hoist for hoisting or lowering materials shall be put into operation after installation or major alteration,

(a) until it has been inspected by an inspector; or

(b) unless the chief inspector,

(i) having received at least twenty-four hours advance notice of the time when and the place where the construction hoist is to be ready for inspection, and

(ii) is satisfied that the hoist has been installed or altered under the supervision of a competent person so that it will operate safely,

gives permission to temporarily operate the construction hoist until it is inspected by an inspector. 1961-62, c. 17, s. 4.
(3) No construction hoist shall be kept in operation for more than six months unless before the expiration of the six months it has been inspected by an inspector. 1960-61, c. 11, s. 12 (2).

14.—(1) The chief inspector may grant or renew a licence for a construction hoist at a specified location and site and may suspend, cancel or transfer any such licence.

(2) The licence is valid only for the twelve months next following the date on which it was granted or renewed, unless sooner suspended or cancelled or the location of the construction hoist is changed.

(3) The licence shall be kept by the user in a conspicuous position on the construction hoist for which it is granted or, with the approval of an inspector, in a nearby position.

(4) Where a licence for a construction hoist is suspended or cancelled or has not been granted, the inspector may cause such things to be done as he considers necessary to ensure that the hoist will not be operated while the licence is suspended or cancelled or until it is granted. 1960-61, c. 11, s. 13.

15.—(1) Any person who considers himself aggrieved by,

(a) a direction of an inspector or a municipal inspector; or

(b) the suspension of, the cancellation of or the refusal to grant or renew a licence by the chief inspector,

may, within ten days after the receipt of the notice containing the direction or the receipt of the notice of suspension, cancellation or refusal to grant or renew, as the case may be, appeal in writing to the Minister who shall, upon notice to all persons interested, hear the appeal and make such order as appears to him to be proper in the circumstances.

(2) Where a licence has been suspended or cancelled, the making of an appeal does not affect the suspension or cancellation pending the disposition of the appeal. 1960-61, c. 11, s. 14.

16.—(1) Where a construction hoist falls freely or where an accident occurs that causes injury to any person, the user shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

(2) Where an accident occurs in connection with a construction hoist that results in the death of any person or in injuries that may result in the death of any person, the user shall give notice thereof immediately after the accident by telephone or telegraph to the chief inspector, and no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the
scene of or connected with the accident until permission so to do is given by an inspector.

(3) On receipt of a notice under subsection 1 or 2, the chief inspector shall forthwith cause such investigation to be made as he considers necessary to determine the cause of the occurrence or accident. 1960-61, c. 11, s. 15.

17. No person shall hinder or obstruct an inspector or a municipal inspector in the performance of his duties. 1960-61, c. 11, s. 16.

18. No person shall make any false or misleading statement in any communication, whether in writing or otherwise, to the Minister, an inspector or a municipal inspector concerning any matter under this Act or the regulations. 1960-61, c. 11, s. 17.

19. No user of a construction hoist shall operate it or cause or permit it to be operated unless it complies with this Act and the regulations. 1960-61, c. 11, s. 18.

20. No user of a construction hoist shall operate it or cause or permit it to be operated unless it is licensed. 1960-61, c. 11, s. 19.

21.—(1) No person shall operate a construction hoist or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition.

(2) No person shall operate a construction hoist or cause or permit it to be operated in an unsafe manner. 1960-61, c. 11, s. 20.

(3) No person shall provide a construction hoist or any part thereof for use by another person under any rental, leasing or other arrangement if such hoist or part is in an unsafe condition. 1962-63, c. 21, s. 1.

22. No person shall operate a construction hoist or cause or permit it to be operated with a load in excess of its maximum capacity as designated in its licence. 1960-61, c. 11, s. 21.

23. The prohibitions contained in sections 19, 20, 21 and 22 do not apply to an inspector or a municipal inspector or a person authorized by the chief inspector. 1960-61, c. 11, s. 22.

24. Where a construction hoist has a driving unit that is not directly controlled by a device installed in the car or at each landing of the hoistway and the hoist is used to raise or lower persons, every operator of the hoist shall possess a certificate of qualification to operate a hoisting plant under The Operating Engineers Act. 1960-61, c. 11, s. 23.
25.—(1) A person who contravenes any of the provisions of this Act or the regulations or any direction or order made thereunder is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000.

(2) Where a person contravenes any of the provisions of this Act or the regulations or any direction or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. 1960-61, c. 11, s. 24.

26. All fees collected under this Act and the regulations and all fines recovered for offences under this Act or the regulations shall be paid to the Treasurer of Ontario and form part of the Consolidated Revenue Fund. 1960-61, c. 11, s. 25.

27.—(1) The Lieutenant Governor in Council may make regulations,

(a) classifying construction hoists for the purposes of this Act and the regulations;
(b) defining an installation and a major alteration for the purposes of this Act and the regulations;
(c) prescribing qualifications for persons who may be appointed as inspectors or who may make inspections under this Act and prescribing their duties;
(d) providing for hoist attendants and prescribing their qualifications and duties;
(e) prescribing requirements as to the form and substance of the drawings and specifications to be submitted under this Act and the qualifications of persons by whom such drawings and specifications are to be prepared and certified;
(f) requiring the payment of fees and prescribing the amounts thereof;
(g) prescribing the circumstances under which expenses or special fees, or both, are to be paid, and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;
(h) prescribing the form of licences and the conditions under which licences or any class thereof may be granted, renewed, suspended, cancelled or transferred or prohibiting the transfer of licences or any class thereof;
(i) regulating the use, location, design, construction, installation, operation, maintenance, ventilation, drainage, lighting, heating, alteration, repair, testing and inspection of construction hoists and any equipment used in connection therewith;
(j) designating the sections of the Safety Code for Elevators, Dumbwaiters and Escalators of the Canadian Standards Association as approved by the Association in 1960 that shall be used by the engineers of the Department and the inspectors in carrying out their duties;

(k) requiring and prescribing the form and location of notices and markings that owners shall keep in or about construction hoists;

(l) prescribing methods of determining maximum capacity for the purpose of this Act and the regulations;

(m) governing the conduct of persons in or about construction hoists;

(n) excluding from this Act any class of construction hoist;

(o) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

(2) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations.

(3) A regulation may be limited as to time or place of application, or otherwise.

(4) A regulation may be made with respect to any one of more classes of construction hoist. 1960-61, c. 11, s. 26.