CHAPTER 81
The Construction Safety Act

1. In this Act,

(a) "chief officer" means the officer of the Department of Labour designated by the Deputy Minister as chief officer for the purposes of this Act;

(b) "constructor" means a person who contracts with the owner of a project for the work thereon, and includes an owner who,
   (i) contracts with more than one person for the work on a project, or
   (ii) undertakes the work on a project or any part thereof;

(c) "Deputy Minister" means the Deputy Minister of Labour;

(d) "inspector" means a person appointed by the Lieutenant Governor in Council or by the council of a municipality for the purposes of this Act;

(e) "local municipality" means a city, town, village, township or improvement district;

(f) "municipality" means a county, city, town, village, township or improvement district;

(g) "owner" means the person for whose direct benefit a project exists upon its completion;

(h) "prescribed" means prescribed by the regulations;

(i) "project" means,
   (i) a building or other structure that is being constructed, altered, repaired, demolished or moved,
   (ii) a trench as defined in The Trench Excavators' Protection Act that is being excavated, altered, repaired or back-filled,
   (iii) a street or highway that is being built, altered, repaired, demolished or moved,
   (iv) a well, other than an oil or gas well, that is being dug, drilled, altered, repaired or back-filled,
and includes all appurtenances thereof, but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 11 of The Department of Labour Act, as amended or remade from time to time, applies;

(j) “regulations” means the regulations made under this Act;

(k) “safety” means freedom from bodily injury or freedom from damage to health;

(l) “subcontractor” means a person who contracts with a constructor for the work on part of a project, and includes a person who contracts with a subcontractor for work on a part of the project. 1961-62, c. 18, s. 1; 1962-63, c. 22, s. 2; 1965, c. 19, s. 1.

2. Subject to section 3, this Act and the regulations apply to every project, including any project of the Crown or of any agency of the Crown or of any municipality as defined in The Department of Municipal Affairs Act. 1961-62, c. 18, s. 2.

3.—(1) This Act and the regulations do not apply to a project,

(a) while the work is being done solely by the owner in person;

(b) to which The Mining Act applies; or

(c) that is situate on a farm and that is to be used or is used only for farming purposes and, notwithstanding clause a, the work is being done solely by the owner in person with or without the assistance of his farm help. 1961-62, c. 18, s. 3; 1965, c. 19, s. 2.

(2) The Lieutenant Governor in Council may exempt any class of projects or any part of a project in any such class from this Act or the regulations or any provision of either of them. 1962-63, c. 22, s. 3.

4. The Lieutenant Governor in Council shall appoint one or more persons as inspectors who shall,

(a) when requested, advise and assist municipal officials in the selection of suitable persons for appointment as municipal inspectors;

(b) instruct, advise and assist municipal inspectors in the carrying out of their duties under this Act; and

(c) enforce this Act and the regulations,

(i) in territory without municipal organization, and
(ii) in every municipality that is in a territorial district and that has a population of 5,000 or less according to the last municipal census. 1961-62, c. 18, s. 4; 1962-63, c. 22, s. 4.

5.—(1) The council,

(a) of every local municipality that has a population of more than 50,000 according to the last municipal census;

(b) of every city, separated town and separated township;

(c) of every municipality that is in a territorial district and that has a population of more than 5,000 according to the last municipal census and that is not within clause a or b; and

(d) of every area municipality in The Municipality of Metropolitan Toronto,

shall appoint one or more persons as inspectors who shall enforce this Act and the regulations in the municipality. 1961-62, c. 18, s. 5 (1); 1962-63, c. 22, s. 5.

(2) Every local municipality to which subsection 1 applies that is within a county for municipal purposes shall, for the purposes of this Act, cease to form part of the county for municipal purposes. 1961-62, c. 18, s. 5 (2).

6. The council of every county shall appoint one or more inspectors who shall enforce this Act and the regulations in the local municipalities that, for the purposes of this Act, form part of the county for municipal purposes. 1961-62, c. 18, s. 6.

7. The councils of two or more municipalities that are required by this Act to appoint one or more persons as inspectors may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. 1961-62, c. 18, s. 7 (1); 1965, c. 19, s. 3 (1).

8. When a municipal inspector is appointed or his appointment is terminated, the clerk of the municipality shall, within seven days thereafter, notify the Deputy Minister of the name and address of the inspector and the date of his appointment or the date of the termination of his appointment, as the case may be. 1961-62, c. 18, s. 10.

9.—(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be.
(2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested. 1961-62, c. 18, s. 11.

10.—(1) An inspector may enter any land or premises at any reasonable time for the purpose of carrying out any of his duties under this Act. 1961-62, c. 18, s. 12.

(2) An inspector, in the carrying out of his duties under this Act, may be accompanied by any person who has special or expert knowledge of any matter in question. 1962-63, c. 22, s. 6.

11.—(1) An inspector for the purpose of carrying out his duties under this Act may require the production of the drawings and specifications of a project or any part thereof, and may inspect them and may require information from any person concerning any matter related to a project. 1961-62, c. 18, s. 13 (1); 1965, c. 19, s. 5 (1).

(2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. 1961-62, c. 18, s. 13 (2); 1965, c. 19, s. 5 (2).


13. Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act. 1961-62, c. 18, s. 15; 1962-63, c. 22, s. 7.

14.—(1) The official of a municipality who issues a building permit for a project shall, within seven days of the issue thereof, notify in writing the inspector appointed to enforce this Act in that municipality,

(a) of the name and address of the person to whom the permit was given;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project.

(2) Where no municipal building permit for a project is required, the constructor of a project shall, before commencing work on the project, notify in writing the inspector appointed to enforce this Act in the locality in which the project is located,

(a) of his name and address;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project. 1965, c. 19, s. 6.
15.—(1) Every municipal inspector or, where there is more than one, the senior in appointment, shall prepare and submit to his council, or, where an agreement under section 7 is in effect, to the councils of the municipalities who are parties to the agreement, a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain,

(a) the number of inspectors employed by the municipality;
(b) the number of inspections made;
(c) the number of informations laid for offences under this Act;
(d) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
(e) the number of persons fatally injured on projects and the causes of such fatalities;
(f) the number of orders made under section 16 and the number of work stoppages ordered; and
(g) such other matters as are prescribed. 1961-62, c. 18, s. 16.

(2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the Deputy Minister. 1962-63, c. 22, s. 9.

(3) Every municipal inspector or, where there is more than one, the senior in appointment shall, immediately upon the disposition of each charge alleging a breach of this Act or the regulations in the municipality, submit to the Deputy Minister a report in the prescribed form of the disposition of the charge. 1965, c. 19, s. 7.

16.—(1) Where an inspector is of opinion that any provision of this Act or the regulations is being contravened, he may give to the person whom he believes to be the contravener such order in writing as he considers necessary to ensure compliance with this Act and the regulations, and such order shall specify that it shall be carried out forthwith or before the expiry of such period as is specified therein, and,

(a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector; or
(b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof
specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector. 1961-62, c. 18, s. 17 (1); 1965, c. 19, s. 8 (1, 2).

(2) Where an inspector gives an order under subsection 1, he may affix a copy thereof to the project or any part thereof, and no person, except the inspector, shall remove such copy unless authorized by the inspector. 1961-62, c. 18, s. 17 (2).

Every person to whom an order under this Act is given shall comply with it in accordance with its terms. 1965, c. 19, s. 8 (3).

(1) Where a person is charged with failure to comply with the order of an inspector given under section 16, a judge or local judge of the Supreme Court may, upon the application of the inspector who gave the order and upon two clear days notice to the accused person, grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge, other than such work as is necessary to carry out the inspector's order.

(2) A restraining order may be made under subsection 1 ex parte for a period not exceeding five days.

(3) A restraining order under this section may be entered and enforced in the same manner as an order or judgment of the Supreme Court. 1965, c. 19, s. 9.

(1) A constructor shall ensure that the equipment, materials and safeguards prescribed by the regulations are provided on the project.

(2) A constructor shall ensure that such equipment, materials and safeguards as are provided by him are maintained in good condition and used as prescribed.

(3) In addition to compliance with subsections 1 and 2, a constructor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the project.

(4) Every subcontractor shall ensure that such equipment, materials and safeguards as are provided by him are maintained in good condition and used as prescribed.

(5) In addition to compliance with subsection 4, a subcontractor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the part or parts of the project under his direct control. 1965, c. 19, s. 10.
19.—(1) No person under the age of sixteen years shall work Minimum age on a project.

(2) No person shall employ a person under the age of sixteen Idem years on a project.

(3) Notwithstanding subsections 1 and 2, a person who has Idem attained the age of fifteen years may be employed in such parts of a project as are designated by the regulations. 1965, c. 19, s. 11.

20. Every person on a project who, Offences

(a) by his conduct endangers his safety or that of other persons; or

(b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than $500. 1961-62, c. 18, s. 19; 1965, c. 19, s. 12.

21. No person shall provide any machine, vehicle, tool or Rent~ equipment, or any part thereof, for use by a person on a project under any rental, leasing or other arrangement if such machine, vehicle, tool, equipment or part is in an unsafe condition. 1962-63, c. 22, s. 10.

22.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person on a project whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under Bodily injury section 23, a notice in writing of the occurrence shall be given to the chief officer by the person’s employer stating,

(a) the person’s name, age and address; and

(b) the location, time, nature and cause of the occurrence.

(2) Such notice shall be given within four days after the Notice occurrence.

(3) A true copy of the notice required to be given by an Idem employer to the Workmen’s Compensation Board by section 115 R.S.O. 1970, 1965 of The Workmen’s Compensation Act may be delivered or mailed to the chief officer as sufficient notice under subsection 1. c. 19, s. 13.

23.—(1) Where a workman on a project is killed or is critically Fatal injured, his employer shall immediately notify an inspector by accidents telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence. 1961-62, c. 18, s. 20 (1); 1962-63, c. 22, s. 11 (1).
(2) An inspector who receives a notice under subsection 1 shall,

(a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;

(b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and

(c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality. 1965, c. 19, s. 14.

(3) Where a person on a project is killed or is critically injured, no person shall, except for the purpose of,

(a) saving life or relieving human suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. 1962-63, c. 22, s. 11 (3).

24. Nothing in this Act affects any authority that a municipality has to pass by-laws relating to matters mentioned in this Act or the regulations or affects any such by-law in so far as the by-law imposes additional or more stringent requirements than those imposed by this Act or the regulations, and, in the event of conflict between any of the provisions of a by-law and any of the provisions of this Act and the regulations, this Act and the regulations prevail. 1961-62, c. 18, s. 21.

25.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act and on summary conviction, where a penalty for such offence is not otherwise provided, is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than twelve months, or to both. 1961-62, c. 18, s. 22.

(2) Every person to whom an order is given under section 16 who fails to comply with it in accordance with its terms is guilty of an offence and on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than $100 per day for every day upon which the offence continued after such order was given.
(3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is $5,000 and not as provided therein. 1965, c. 19, s. 15.

26.—(1) The Lieutenant Governor in Council may make such regulations as are considered necessary or advisable to ensure the safety of workmen on projects. 1961-62, c. 18, s. 24 (1).

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

(a) defining any expression used in this Act or the regulations;

(b) prescribing standards of qualifications of inspectors;

(c) prescribing matters, in addition to those set out in section 15, that shall be included in the annual reports of municipal inspectors;

(d) designating parts of projects for the purpose of section 19;

(e) requiring and prescribing the notices in one or more languages that shall be posted on projects by the owners thereof or the employers of workmen thereon;

(f) prescribing the records that shall be kept by employers;

(g) prescribing forms and providing for their use. 1961-62, c. 18, s. 24 (2); 1965, c. 19, s. 16.