

The Confined Space Regulation – Ignore It at Your Peril

Stop! Answer two questions before you assume this article doesn't apply to your workplace, or this topic is too technical to interest you:

1. Does your workplace have any of the following: elevators, sewers, electrical or communication vaults, tunnels, walk-in freezers, culverts, manholes, vessels or tanks?
2. Do you have a complete inventory of these spaces, including an assessment of the hazards or potential hazards of each compiled by a competent person?

Every year in Ontario, workers die in confined spaces. Beyond that, 60% of all confined space fatalities occur among rescuers. And every year, some employers find themselves in court and the focus of media attention because these fatalities happened in their workplace.

The recent changes in legislation on this topic are aimed at changing these statistics. Good programs – and trained workers – can save lives, and they can save lives in your workplace.

Most workplaces have several of the confined spaces on the list above. If that includes you, you

need an inventory and a hazard assessment for each one. It's the law in Ontario. If you're the CEO or a member of the Board of Directors for an institution with confined spaces, you are responsible for ensuring that a program is in place.

The legislation that directs employers regarding entry into any of these confined spaces has been "harmonized" in Ontario, making it the same across many workplace sectors. For the Education sector, the focus is on section 119.1 to 119.20 of the Regulation for Industrial Establishments 851/90.

The complete requirements of Section 119 are complex and far



beyond the scope of this article. Briefly, however, requirements demand that workplace parties have a program which includes a complete Hazard Assessment for each confined space (repeated before each entry), training of confined space workers by a competent person, a Confined Space Entry Permit system in place, rescue procedures developed, and work procedures documented.

Your confined space program from ten years ago is no longer adequate, and if you're still relying on it, you're endangering your workers. Here are five simple steps CEOs and Directors can take to make sure they're being diligent in this area:

1. Ask your Safety Officer for a report showing how your current program meets the new standards.

According to regulation 119A, a confined space program must have the following elements:

- A method to identify confined spaces in the workplace;
- A method for assessing the hazards that may be present;
- A method for developing a plan or plans;
- A method for general training of workers;
- An entry permit system.

In other words, you're either in compliance or you are not, and it's fairly easy to tell if the elements exist.

The program must be developed in consultation with the Joint Health and Safety Committee or the Health and Safety Representative. When complete, it must be shared with the Committee or Representative.

2. Ask to see the Hazard Assessment Manual

A qualified person must conduct a hazard assessment of every confined space in your workplace. This calls

for a permanent record of both the assessments and the qualifications of the person doing the assessment.

Again, it will be obvious if this is in place.

3. Ask for some examples of Written Plans.

A Plan is a specific set of measures and procedures designed to control hazards identified by the assessment for a specific confined space. These will allow workers to enter and work in that space safely. The Plan must address on-site rescue procedures and equipment, communication, as well as personal protective equipment and ventilation requirements, etc. Thus, the Plan documents everything that must be done to ensure the safety of the worker in that specific space.

4. Ask to see the Training Records for your Confined Space workers.

Include hands-on, practical training, in accordance with the Plan, for every worker who enters a confined space. Section 119.7 includes a number of duties assigned specifically to the "employer" regarding training, training records and the person providing the training. If you're a person in authority over a workplace, make sure your



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responsibilities have been met in this area.

5. Ask to see the last Entry Permits for three spaces selected from the Inventory.

This regulation specifically requires an Entry Permit system for confined spaces that outlines specific and detailed information. The system must be in place, and it must be used in all cases of confined space entry.

Even if your organization passes these five questions with flying colours, you may still not be in complete compliance. However, if the answers to the questions above are less than complete, or lacking altogether, you're in serious danger.

Workplaces with confined spaces must also address other requirements which are more exhaustive than can be reviewed in this article. For a complete discussion of the requirements and how they apply to your workplace, contact either the Ministry of Labour or your Safe Workplace Association. They can help you get your program into compliance.

Every year Ontario workers die in confined spaces, and additional workers die trying to rescue them. A Confined Space Entry Program – it's the law in Ontario.

