



**Labour and  
Workforce Development**

# **Consultation Paper**

Proposed amendments to the  
**Crane Operators Regulations**  
under the *Crane Operators and Power Engineers Act*

to create the new  
**Crane Operators Regulations**  
under the *Technical Safety Act*

**October 2008**

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# I Introduction

## Background

Industry sectors have told us that there is need to address existing technical safety legislation in light of advanced technology, and modern standards and industrial practices. It became clear to the Department that in order to sustain and improve the Province's level of technical safety, while at the same time responding to innovation and modernization, changes had to be made. The Department responded to industry's concerns by committing to a comprehensive review of technical safety legislation in Nova Scotia.

The focus of the review is on a modernized framework and how it may be streamlined to reflect technological change, improve consistency, and meet the needs of a changing economy now and in the future, while ensuring that minimum regulated safety standards are achieved. The intention is to develop a flexible, risk-managed, and results-based legislative framework, which provides for clear responsibilities and accountability.

The Minister's stakeholder Advisory Group on Technical Safety made 19 recommendations to the Minister for a modernized technical safety framework. In particular, the Advisory Group recommended that the following Acts be consolidated into one Act for technical safety: *Amusement Devices Safety Act*; *Crane Operators and Power Engineers Act*; *Electrical Installation and Inspection Act*; *Elevators and Lifts Act*; *Steam Boiler and Pressure Vessel Act*. The creation of the new Act would initially consolidate the *Steam Boiler and Pressure Vessel Act* and the *Crane Operators and Power Engineers Act*: and complement -- but not replace -- the other above-named Acts until future phases of the review. As well, the Advisory Group recommended that the consolidated Act become the enabling legislation for the *Fuel Safety Regulations* (which are currently under the *Fire Safety Act*). The fuel safety discipline, being technical in nature, has a more appropriate fit under the proposed new Act.

The new *Technical Safety Act* was passed during the Spring 2008 session of the House of Assembly and will receive proclamation (take effect) once new regulations for steam boilers and pressure equipment, crane operators, power engineers, and fuel safety, as well as regulations for general matters, fees, and standards, are made under the new Act. This is scheduled to take place in early 2009.

The Technical Safety Review Project is part of the Better Regulation, and Competitiveness and Compliance Initiatives: programs to improve regulatory systems and achieve better compliance. Meaningful consultation with stakeholders will take place throughout the entire regulatory review process. Most of the changes to the regulations are to align with the new Act.

## Current Situation

The *Crane Operators Regulations* were created pursuant to the *Crane Operators and Power Engineers Act*. The Regulation was revised in January 2007 as an accelerated phase of the technical safety review. Most of the changes to the *Crane Operators Regulations* were minor. They were intended to add clarity, reflect advances in technology, and adopt the latest versions of standards or codes. Some definitions were added or amended to achieve greater clarity on the intent of the regulations.

As a result of the introduction of the new *Technical Safety Act*, a re-write of the current regulation is required to complement the pending repeal of the *Crane Operators and Power Engineers Act*. The proposed *Crane Operators Regulations* are a total revamp of the current provisions of the *Crane Operators and Power Engineers Act* and the associated *Crane Operators Regulations*. In addition to the changes that are necessary to reflect the provisions of the *Technical Safety Act*, these changes are intended to reflect the training and experience requirements necessary to safely operate crane equipment through the introduction of initial certification, licencing and additional equipment based endorsements. These changes are also intended to address current industry practice and to more accurately reflect current crane equipment configurations.

The proposed changes to the current regulation that will be reflected in the new Regulations are summarized in Part III of this paper. Draft regulations are provided in Part IV. Part III discusses the significant proposed changes to the new regulations and describes why the changes were needed. Some highlights include:

- Changes to the classification of cranes
- Changes to requirements for mobile cranes
- Changes to requirements for overhead travelling cranes
- Changes to certificates of competency
- Introduction of Classes I to IV Crane Operator
- Introduction of endorsements
- Introduction of Crane Operator licencing
- Elimination of restricted certificates
- Changes to education requirements
- Changes to requirements for trainees
- Changes to responsibility for lift
- Removal of appeal, and examination board provisions, to be replaced by scheme set out in new Act.

These changes and others are described in more detail in the following pages. The proposed changes provide more flexibility without compromising safety, and aim to help improve the labour market situation in the crane operation industry.

The Department is aiming to implement the new *Crane Operators Regulations* by early 2009.

## II Submissions

The purpose of this consultation paper is to invite you to comment on the proposed changes to the current regulation, as outlined in Part III and detailed in Part IV. Your response is valuable to us. Please provide your feedback **in writing** to the Department of Labour and Workforce Development by **4:30 p.m. on December 8th, 2008**.

When providing your feedback on a proposed change to the regulation as listed in Part III, please quote the item number and the title of the item. For example, if providing feedback on crane classification please quote “1.a. – Crane Classification”. When providing feedback on a specific provision of the draft regulations in Part IV, please quote the section number. For example, if providing feedback on the draft definition of “articulating boom” quote “2(c)”.

Please forward your submission by mail, fax, or e-mail:

Mail / Hand-delivery: Crane Operators Regulations  
c/o Lia Thibault  
Department of Labour and Workforce Development  
5151 Terminal Road, 5<sup>th</sup> Floor  
P.O. Box 697  
Halifax, Nova Scotia B3J 2T8

Fax: (902) 424-0575

E-mail: [lwdpolicy@gov.ns.ca](mailto:lwdpolicy@gov.ns.ca) (please include the title of the regulation in the subject line of your e-mail)

Any questions you may have in relation to the proposed changes may be directed to:

Donnie Ehler  
Acting Chief Inspector, Crane Operators  
Public Safety Division  
Department of Labour and Workforce Development  
5151 Terminal Road  
P.O. Box 697  
Halifax, NS B3J 2T8

Phone: (902) 424-8072  
E-mail: [ehlerda@gov.ns.ca](mailto:ehlerda@gov.ns.ca)

### III Proposed Amendments to the Regulations

The proposed changes to the *Crane Operators Regulations*, to create new regulations under the *Technical Safety Act*, aim to achieve the following:

- reflect what is actually practiced in industry
- formalize practices for enforcement
- adopt the latest versions of standards or codes used in the industry
- amend / add definition to achieve greater clarity on the intent of the regulations
- increase flexibility, by reducing or removing unnecessary requirements, or creating alternatives.

The proposed changes to the regulations are described in more detail below:

#### 1. Changes to Crane Requirements

##### a. Crane Classification

The classes of cranes have been refined as shown in the table below. These changes are being proposed to allow for new technology, to allow for flexibility in achieving a licence, and to accurately reflect the lifting capacity of cranes that are subject to regulation.

<b>Former crane class and lifting capacity</b>		<b>New crane class and lifting capacity</b>	
Mobile Class A	greater than 50 T	Crane I	greater than 5 T
Mobile Class B	less than 50 T	LB and OTC	
Boom Truck Class A	12 to 19 T	Crane II	5 to less than 100 T
Boom Truck Class B	5 to 12 T	LB and OTC	
Restricted Knuckleboom	less than 19 T	Crane III	5 to less than 20 T
		LB and OTC	
		Crane IV	5 to less than 20 T*
			<i>*articulating boom, no winch</i>
Tower Crane	unlimited lifting capacity	Tower Crane	any lifting capacity
Overhead Travelling Crane	greater than 10 T	Overhead Travelling Crane	greater than 10 T

LB = lattice boom crane

OTC = overhead travelling crane

The capacity rate has been reduced for mobile cranes from 19 ton to 5 ton. This will take in cranes such as petty booms, yard cranes, cherry pickers, wharf or portal gantry cranes. This has been done to reflect current equipment configurations.

The introduction of the Class IV crane (and crane operator) will allow operation of a boom truck with an articulating boom - that does not include a winch for lifting the load - which has a lifting capacity no less than 5 ton and less than 20 ton. As well, there is built in

flexibility for seat time requirements, as discussed below. This new classification, and generous practical experience provision, should allow for greater flexibility in the crane operation industry.

The transition from the former crane classes to the new crane classes is as follows:

Mobile Class A	→	Crane I
Mobile Class B	→	Crane II
Boom Truck Class A	→	Crane III
Boom Truck Class B	→	Crane III
Restricted Knuckleboom	→	Crane IV

A detailed flow chart showing the process for obtaining certificates of competency, endorsements, and licences with respect to the new classes of cranes will be available on the Department's website by early November.

*b. Reduction of Lifting Capacity*

An owner of an overhead travelling crane may apply to the Chief Inspector to have the lifting capacity of the crane reduced. For instance, where an overhead travelling crane that was installed for the purposes of constructing a facility is no longer being used for its original capacity, the owner can apply to have capacity reduced. As well, the owner may apply to have the lifting capacity reinstated.

The de-rating of the crane may be conducted by the manufacturer, or the maintenance provider under the direction of the manufacturer, who would provide a report to the owner on the status of the crane. This report may be required prior to the authorization to de-rate the crane. A directive of the Chief Inspector on minimum requirements for de-rating a crane may include:

- installation of new load chart (to be kept with the crane at all times)
- installation and testing of new devices
- keeping a maintenance checklist.

The option to reduce the lifting capacity of an overhead crane will allow flexibility for operations without compromising safety.

## **2. Crane Operator Certificate of Competency**

*a. Class of Certificate of Competency*

New classes of Certificates of Competency for crane operators have been created to correspond with the new classes of cranes. Existing Certificates of Competency will be honoured until such time that the Certificate is up for renewal. An existing Certificate will be replaced by the appropriate new class of Certificate. The new Certificate will not bear an expiry date. It will remain valid for life - just like a high school or college diploma.

However, a licence to do work in the Province will be required. More information about licensing is discussed in #3 below.

The new classes of Certificates of Competency are as follows:

<b>Crane Operator C of C</b>	<b>Crane to be Operated</b>
Crane I	Crane I Lattice Boom Crane (endorsement) Overhead Travelling Crane (endorsement)
Crane II	Crane II Lattice Boom Crane, less than 100 T (endorsement) Overhead Travelling Crane, less than 100 T (endorsement)
Crane III	Crane III Lattice Boom Crane, less than 20 T (endorsement) Overhead Travelling Crane, less than 20 T (endorsement)
Crane IV	Crane IV only
Tower Crane	Tower Crane
Overhead Travelling Crane	Overhead Travelling Crane

The Provincial and Federal Governments are continuing to work together to reduce or eliminate barriers to skilled trades mobility, but it is going to take some time. The Public Safety Division and the Skills and Learning Branch (Apprenticeship) are working closely to ensure greater mobility of the tradesperson.

*b. Practical experience requirements*

Practical experience (seat time) requirements vary according to the lifting capacity of the corresponding crane.

<b>Class of Crane</b>	<b>Practical Experience</b>
Crane I	4000 hours on Crane I under direct supervision of licensed CO I  OR Hold a CO II Licence for 6 months + 1000 hours seat time on Crane I under direct supervision of licensed CO I
Crane II	3000 hours on Crane II under direct supervision of licensed CO I or II  OR Hold a CO III Licence for 6 months + 1000 hours seat time on Crane II under direct supervision of licensed CO I or II



Crane III	2000 hours on Crane III under direct supervision of licensed CO I, II, or III
Crane IV	500 hours on Crane IV under direct supervision of licensed CO I, II, III, or IV <i>Note: A lift on any given day is equal to 4 hours practical experience, up to 8 hours per day. (Example: 2 lifts or more on one day will equal 8 hours practical experience).</i>
Tower Crane	2000 hours on a tower crane under direct supervision of licensed tower crane operator.
Overhead Travelling Crane	1000 hours on OTC under direct supervision of licensed CO I (with OTC endorsement) or OTC operator.

Once again, the introduction of Crane IV should allow for greater flexibility in the crane operation industry. As noted above, an applicant for Crane IV has the opportunity to meet seat time requirements according to the number of conducted lifts.

Evidence of the practical experience requirements must be shown by written verification from the licensed Crane Operator who was responsible for the direct supervision of the applicant.

*c. Endorsement*

The applicant of a Crane I, II, or III certificate of competency is eligible to operate mobile cranes and boom trucks over 5 ton, along with lattice boom cranes and overhead travelling cranes. However, if the applicant has no experience operating lattice boom cranes or overhead travelling cranes they must obtain certain practical experience requirements to obtain a lattice boom crane endorsement or an overhead travelling crane endorsement. See the table below:

<b>Crane Operator I</b>	
Lattice boom endorsement - 300 hours seat time + - 80 hours mobilizing / demobilizing crane	Overhead travelling endorsement - 50 hours practical experience, acceptable to Chief OR - completion of acceptable course
<b>Crane Operator II</b>	

Lattice boom endorsement - 100 hours seat time + - 80 hours mobilizing / demobilizing crane	Overhead travelling endorsement - 50 hours practical experience, acceptable to Chief OR - completion of acceptable course
<b><i>Crane Operator III</i></b>	
Lattice boom endorsement - 100 hours seat time + - 40 hours mobilizing / demobilizing crane	Overhead travelling endorsement - 50 hours practical, acceptable to Chief OR - completion of acceptable course

The additional hours required in mobilizing (setting up) and demobilizing (dismantling) a crane is intended to demonstrate that the operator has an understanding of what is involved in assembly/disassembly of booms, pendants, counterweights, live masts, reeving bails, and so on, that are typically found on conventional-type lattice boom cranes.

Note: If a person is currently a bearer of a Mobile A or Mobile B Certificate of Competency, the endorsements will be automatically granted.

As noted above, a detailed flow chart showing the process for obtaining certificates of competency, endorsements, and licences will be available on the Department's website by early November.

### **3. Crane Operator Licence**

#### *a. Licensing*

The licence will essentially replace the current renewal of Certificate of Competency. While a Certificate of Competency will remain valid for life, a licence to do work in the Province as a crane operator will be required. The licence to be issued will correspond to the crane classification. The holder of a Red Seal Mobile Crane Operator Certificate of Qualification will automatically receive a Crane I licence upon application.

There will be a multi-year licensing scheme for both initial licences and renewals. It should be noted that where a person has not held a licence for over four years, they must undergo an evaluation by the Chief Inspector before they will be issued a new licence.

Endorsements for the operation of lattice boom cranes and overhead travelling cranes will also apply to licences. The bearer of a Crane I, II, or III licence is permitted to operate mobile cranes and boom trucks over 5 Ton, and is eligible to operate lattice boom trucks and overhead travelling cranes. However, if the licence bearer has no experience operating either of those cranes, they must obtain certain practical

experience requirements to obtain endorsements to operate such cranes. See the table in #2.c. above.

*b. Overhead Travelling Crane Exemption*

Where an Overhead Travelling Crane is used as an integral component of a continuous manufacturing process, the owner may make application to the Chief Inspector to be exempted from the requirement for a licenced crane operator. This new provision will accommodate those operations where the owner has provided an adequate training program for the operation of the overhead travelling crane as part of the functions of that employee's production duties.

#### **4. Restricted Certificates**

Restricted certificates of competency have been removed from the regulation. Under the *Technical Safety Act* the Chief Inspector has the authority to issue licences subject to terms and conditions. Such licences will replace the restricted certificate. For instance, where a person has training and experience operating tower cranes, but does not have training or experience with such cranes using remote or pendant control, the licence may limit the type of equipment that may be operated as a term and condition of the licence.

As well, the introduction of Class IV and its reduction on required seat time (i.e. a lift constitutes 4 hours of practical experience, up to 8 hours on one given day), allows for more flexibility in the industry.

Existing restricted certificates will be converted to the most appropriate crane class. The intent is to ensure that operations are not inhibited and safety is not compromised.

#### **5. Change to Education Requirements**

The regulation now requires the completion of Grade 10 math, or a prior learning assessment, or an acceptable crane operator course. This will allow for greater flexibility in obtaining a certificate of competency.

#### **6. Trainees**

An owner of a regulated crane must ensure that a trainee, who is not registered under the NS Apprenticeship Program, registers with the Chief Inspector before beginning training as a trainee. As well, the owner must submit the training program for the trainee for approval by the Chief Inspector. These requirements do not prevent the owner / employer from evaluating the potential of an individual before registering them as a trainee and entering them into a training program. As well, since the trainee is not an apprentice under the Apprenticeship Program, requirements for "ratio" will not be imposed.

## 7. Responsibility for Lift

Under the current regulation, the crane operator is responsible for all aspects of a lift, including the rigging of the load. However, we understand through speaking with industry, that in practice, the crane operator is responsible for all aspects of the lift down to the point of the hook; and the person responsible for the load is also responsible for rigging the load.

In recent years, we have discussed with industry various options for addressing the practice of rigging and lifting. It is proposed that the crane operator is responsible for all aspects of the lift, except for rigging where there is a documented “rigging management plan” in effect. Such a plan would address the management of rigging where the lifts are not readily visible to the crane operator, or cannot be readily accessed by the crane operator. The plan would include assigned duties and responsibilities for all personnel involved in the lifts. This condition would only apply in instances where the crane operator

- does not have direct access to the lift to inspect the rigging, (ie. Tower Crane Operators), or
- does not have a clear view of the load or where the load is out of sight of the crane operator.

Despite such a plan being in effect at a property, the crane operator may reserve the right to refuse to lift a load where he / she believes the load has not been properly rigged.

## 8. Other Changes

### *a. Codes and standards will be adopted by a separate regulation.*

The adoption of codes and standards will appear as a separate regulation and will be made mandatory through Ministerial Regulation. In other words, under the new *Technical Safety Act*, the Minister has the power to make regulations by adopting codes and standards.

### *b. Appeal process replaced*

The *Technical Safety Act* establishes a new and efficient appeal process. A review by the Administrator may be requested, or an appeal may be made to the Appeal Board. The Act names the Utility and Review Board (UARB) as the Appeal Board. However, if it is later decided that a body other than the UARB should have the authority to hear appeals under the new Act, regulations may be made to create a new Appeal Board.

### *c. Examination committee to continue*

Provisions creating and governing the Committee have been replaced by the creation of a Technical Safety Advisory Board under the new Act. The Advisory Board has the power to create sub-committees for the purposes of providing advice on specific technical matters. As such the Committee will continue as a sub-committee of the new Advisory Board.

*d. Fees*

Fees imposed will appear as a separate regulation. There will be no changes to fees until a full evaluation is conducted at a later date.

## **Part IV - Draft Crane Operators Regulations**

This Part is a draft regulation for your review. The draft regulation is for discussion purposes only, and does not represent the final policy direction of the Department.

To provide feedback to the Department on the proposed changes to the *Crane Operators Regulation*, please see **Part II – Submissions**, on page 5.

Thank you for taking the time to provide us with your feedback.

***The following version of the Crane Operators Regulations is unofficial. It has been prepared for discussion purposes only, and is subject to change.***

### ***Crane Operators Regulations***

#### **Citation**

1 These regulations may be cited as the *Crane Operators Regulations*.

#### **Interpretation**

2 In these regulations,

- (a) "Act" means the *Technical Safety Act*;
- (b) "apprentice" means an apprentice registered pursuant to the *Apprenticeship and Trades Qualifications Act* and enrolled in a program under that Act to qualify to perform the regulated work of a crane operator;
- (c) "articulating boom" means a boom that

- (i) is typically constructed of hollow structural steel sections with each section of a smaller cross section are housed inside the next larger section,
  - (ii) is supported and is raised or lowered by a hydraulic cylinder attached to the boom and crane superstructure,
  - (iii) may be increased or diminished in length by telescoping each section of boom through hydraulic actuation,
  - (iv) is capable of articulating or pivoting, at multiple points along the boom, in the vertical plane using hydraulic actuation, and
  - (v) may include a winch for lifting a load;
- (d) "boom" means a structural arm for supporting, lifting, moving or guiding loads by means of ropes, cables, blocks, hooks or other types of rigging hardware;
- (e) "boom truck" means a lifting device that
- (i) is mounted on and power by either
    - (A) a commercial truck chassis with a carrying deck designed to carry a payload, or
    - (B) a semi tractor trailer truck,
  - (ii) has a rated lifting capacity of more than 4.5 tonnes (5 tons), and
  - (iii) includes either a telescoping or articulating boom;

- (f) "CO Advisory Subcommittee" means the Crane Operators Advisory Subcommittee established in the *Technical Safety General Regulations*;
- (g) "CO Certificate of Competency" means a Crane Operator Certificate of Competency granted by the CO Chief Inspector to an individual in recognition of the individual's qualifications to perform the regulated work covered under the Certificate of Competency;
- (h) "CO Chief Inspector" means an individual appointed as the Crane Operator Chief Inspector for the purposes of these regulations and is a chief inspector for the purposes of the Act;
- (i) "CO Fee" means the fee for a crane operator section service provided by the Province as set by the Minister under the *Technical Safety Fees Regulations*;
- (j) "CO Inspector" means an individual appointed as a crane operator inspector for the purposes of these regulations, and includes the CO Chief Inspector and is an inspector for the purposes of the Act;
- (k) "CO License" means a crane operator license granted by the CO Chief Inspector to an individual to authorize the license holder to perform the type of regulated work covered in the class of the license and specified in the terms and conditions of the license.
- (l) "CO Standard" means a standard for crane operators adopted in the Province by the Minister under the *Technical Safety Standards Regulations*;
- (m) "crane log" means a bound book with numbered pages or a record kept in electronic format approved by the CO Chief Inspector used for keeping a record of the inspection, testing, and maintenance performed on each regulated crane;

- (n) "crane operator" means an individual with a class of CO License and as applicable the type and level of endorsements pursuant to these regulations required to perform the type of regulated work covered in the license, endorsements and specified in the terms and conditions of the license;
- (o) "direct supervision" means in relation to a trainee, that the person who is supervising the trainee is physically at the property, has control over the trainee's activities, instructs and directs the trainee and is in direct communication with the trainee whenever they are performing the duties of a crane operator;
- (p) "endorsement" means an authorization granted by the CO Chief Inspector to an individual in conjunction with either a CO Certificate of Competency or a CO License in recognition of the individual's qualifications to perform or authorization to perform the specified regulated work;
- (q) "lattice boom" means a boom that
  - (i) is typically constructed of tubular or structural steel chords with steel lacings which interconnect to form a rigid frame,
  - (ii) is supported by a gantry or mast,
  - (iii) is raised or lowered by a series of wire ropes and sheaves attached to the gantry or mast and to the lifting device's superstructure, and
  - (iv) may be increased or diminished in length by manually adding or removing sections;
- (r) "lattice boom crane" means a mobile crane that is equipped with a lattice boom;



- (s) "mobile crane" means a lifting device that
  - (i) is equipped with either a lattice or telescoping boom,
  - (ii) is mounted on a chassis or structure designed specifically to carry or transport the lifting device,
  - (iii) is mounted on a turret or turntable designed to rotate the lifting device in the horizontal plane, and
  - (iv) has a manufacturer's rated lifting capacity of more than 4.5 tonnes (5 tons);
  
- (t) "overhead travelling crane" means a lifting device incorporating a power-driven drum, bridge and cable or rope that
  - (i) is of the overhead travelling type,
  - (ii) utilizes a bridge and trolley, or monorail and trolley, and a winch, for moving a load in the vertical and horizontal planes,
  - (iii) is used for raising, lowering, transporting or moving material, and
  - (iv) has a rated lifting capacity of more than 9.1 tonnes (10 tons);
  
- (u) "rated lifting capacity" means the rated lifting capacity specified by the manufacturer of a boom truck or a mobile crane and further defined as the maximum load lifting capacity at the highest lifting angle that can be attained by the crane at the minimum load lifting radius;
  
- (v) "regulated crane " means a crane, including a boom truck, lattice boom crane, mobile crane, overhead travelling crane,

or tower crane or any part of these devices or structures within the scope of these regulations;

- (w) "rigging" means the determination and installation of wire rope, slings, chains, hooks, shackles, and other lifting hardware between the crane's point of lift and an object;
- (x) "rigging management plan" means a documented plan for the management of rigging intended to ensure safety in the lifts;
- (y) "supervision" means supervision by an individual who is able to be immediately contacted by the individual requiring supervision;
- (z) "telescoping boom" means a boom that
  - (i) is typically constructed of hollow structural steel sections with each section of a smaller cross section are housed inside the next larger section,
  - (ii) is supported and is raised or lowered by a hydraulic cylinders attached to the boom and lifting device's superstructure and,
  - (iii) the length, of which, may be increased or diminished by telescoping each section of boom through hydraulic actuation;
- (aa) "trainee" means an individual in a training program and actively pursuing a CO Certificate of Competency, certificate of competency or certificate of qualification to perform the regulated work of a crane operator, and includes an apprentice;
- (ab) "tower crane" means a lifting device that

- (i) incorporates a power-driven drum with a cable or rope and a vertical mast or tower,
- (ii) has either a stationary boom with a trolley or a luffing boom or jib,
- (iii) is of the travelling, fixed, articulating, telescoping or climbing type,
- (iv) is used exclusively for raising, lowering, transporting or moving material,
- (v) is designed such that it can be assembled and disassembled for use at various sites, and
- (vi) is not a mobile crane outfitted as a tower crane.

- 3**
- (1)** A boom truck, lattice boom crane, mobile crane, overhead travelling crane, or tower crane are prescribed as a crane for the purposes of the Act and these regulations.
  - (2)** A regulated crane or any part of a regulated crane referred to in these regulations and included in the definition of regulated product for the purposes of the Act and these regulations.
  - (3)** Work as or duties of a crane operator are prescribed as activities included in the definition of regulated work for the purposes of the Act and these regulations.
  - (4)** Notwithstanding subsections (1) to (3), the following are exempt from the scope of the Act and these regulations
    - (a) a lifting device that is used exclusively for raising, lowering or towing motor vehicles;
    - (b) a machine that has been converted or adapted for a use that is not considered to be that of a lifting device including a

power shovel, an excavator, a dragline, a concrete pump, a conveyor, an auger, a drill and an amusement ride;

- (c) an individual engaged in installing, setting up or testing of a regulated crane while that individual is under the supervision of the crane operator in charge of the regulated crane;
- (d) railways operating under an enactment of the Government of Canada;
- (e) any kind of lifting device on a vessel floating on navigable water, not permanently attached to a land based structure, to which the *Canada Shipping Act* applies;
- (f) a worker's hoist or material hoist within the meaning of the regulations made pursuant to the *Occupational Health and Safety Act* ; or
- (g) an elevating device within the meaning of the *Technical Safety Act*.

## **REGULATED PRODUCTS**

### **Crane Classes**

- 4**     **(1)**     The CO Chief Inspector must classify a regulated crane.
- (2)**     The classes for regulated cranes are:
- (a)     a Crane I class for a boom truck or a mobile crane with any rated lifting;
  - (b)     a Crane II class for a boom truck or a mobile crane with a rated lifting capacity of less than 91 tonnes (100 tons);
  - (c)     a Crane III class for a boom truck or a mobile crane with a rated lifting capacity of less than 18 tonnes (20 tons);

- (d) a Crane IV class for a boom truck, with an articulating boom that does not include a winch for lifting the load, with a rated lifting capacity of less than 18 tonnes (20 tons);
  - (e) a Tower Crane class for a tower crane with any rated lifting capacity; and
  - (f) an Overhead Travelling Crane class for an overhead travelling crane with any rated lifting capacity.
- (3) In order to be included under Crane I, Crane II, Crane III or Crane IV classes, a crane must meet all the following additional requirements
- (a) be a power operated machine with a boom,
  - (b) include a hoisting mechanism that is an integral part of the machine,
  - (c) not be a tower crane,
  - (d) not be an overhead travelling crane.
- (4) A regulated crane that does not fit any of the descriptions for a class set out in subsection (2) will be placed into a class by the CO Chief Inspector.
- (5) In subsection (2) the CO Chief Inspector will consider all of the following
- (1) the class which most closely describes the regulated crane,
  - (2) the class with rated lifting capacity restrictions are met by the regulated crane.

### **Minor Variance**

- 5 (1) An owner of an Overhead Travelling Crane class crane may apply to the CO Chief Inspector for a minor variance to have the lifting capacity of the crane reduced.
- (2) The owner of a crane where the capacity of the crane has been reduced in subsection (1) may apply to the crane operator chief inspector for a return to the rated capacity.
- (3) An owner may apply to the CO Chief Inspector for a minor variance from the requirement for a crane operator where the operation of the regulated crane is an integral component of a continuous manufacturing process.

## **REGULATED WORK**

### **CO Certificates of Competency and endorsement**

#### **Application for CO Certificate of Competency and endorsement**

- 6 (1) An individual may apply to the CO Chief Inspector for the granting of a specified class of CO Certificate of Competency with or without an endorsement.
- (2) An applicant in subsection (1) must include all of the following
- (a) complete application form;
  - (b) proof of the identify of the applicant;
  - (c) specify the class of CO Certificate of Competency sought;
  - (d) evidence of the practical experience requirements for the class of CO Certificate of Competency sought;
  - (e) evidence of successful completion of all examinations required for the class of CO Certificate of Competency sought;

- (f) evidence of successfully passing practical test for the class of CO Certificate of Competency sought;
  - (g) as applicable, specify the type and level of endorsement sought and the evidence of the practical experience and educational requirements for the type and level of endorsement sought;
  - (h) payment of any applicable CO Fees.
- (3) For purposes of clauses (2)(d) and (g), an applicant must provide verification of their practical experience from the licensed crane operator who was responsible for their direct supervision.
- (4) An individual may apply to upgrade a CO Certificate of Competency to add a new type or level of endorsement to the CO Certificate of Competency when the requirements in clause (2)(g) are met.

**Classes for CO Certificates of Competency and types and levels of endorsements**

- 7 (1) The classes for CO Certificates of Competency are as follows:
- (a) Crane Operator I;
  - (b) Crane Operator II;
  - (c) Crane Operator III;
  - (d) Crane Operator IV;
  - (e) Tower Crane Operator;
  - (f) Overhead Travelling Crane Operator.

- (2) The types and levels of endorsements are as follows:
- (a) a lattice boom crane endorsement is available in the following
    - (i) Crane Operator I level,
    - (ii) Crane Operator II level,
    - (iii) Crane Operator III level.
  - (b) an overhead travelling crane endorsement is available in the following:
    - (i) Crane Operator I level,
    - (ii) Crane Operator II level,
    - (iii) Crane Operator III level.

### **Practical Experience Required for CO Certificate of Competency and endorsement**

#### **Crane Operator I Practical Experience**

- 8 (1) An applicant for a CO Certificate of Competency (Crane Operator I class) must have one of the following for practical experience
- (a) 4000 hours of practical experience on a Crane I class regulated crane under the direct supervision of a crane operator with a CO License (Crane Operator I class); or
  - (b) hold a CO License (Crane Operator II class) for a period of not less than 6 months and have 1000 hours of practical experience on a Crane I class regulated crane under the direct supervision of a crane operator with a CO License



(Crane Operator I class).

- (2) In addition to the other requirements in this section, if the applicant is also wanting to obtain a lattice boom crane type endorsement at a Crane Operator I level to operate a lattice boom crane in the Crane I class, the applicant must have both the following additional practical experience
- (a) at least 300 hours of the practical experience required in subsection (1) must be spent in actual seat time in a lattice boom crane in the Crane I class; and
  - (b) an additional 80 hours of practical experience spent contributing to mobilizing and demobilizing the crane.
- (3) In addition to the other requirements in this section, if the applicant is also wanting to obtain an overhead travelling crane endorsement at a Crane Operator I level to operate an overhead travelling crane in the Crane I class, the applicant must have one of the following
- (a) at least 50 hours of the practical experience acceptable to the CO Chief Inspector; or
  - (b) completion of a course in overhead travelling cranes approved by the CO Chief Inspector.

### **Crane Operator II Practical Experience**

- 9 (1) An applicant for a CO Certificate of Competency (Crane Operator II class) must have one of the following for practical experience
- (a) 3000 hours of practical experience on a Crane II class regulated crane under the direct supervision of a crane operator with a CO License (Crane Operator I class or Crane Operator II class); or
  - (b) hold a CO License (Crane Operator III class) for a period of not less than 6 months and have 1000 hours of practical experience on a Crane II class regulated crane under the direct supervision of a crane operator with a CO License

(Crane Operator I class or Crane Operator II class).

- (2) In addition to the other requirements in this section, if the applicant is also wanting to obtain a lattice boom crane type endorsement at a Crane Operator II level to operate a lattice boom crane in the Crane II class, the applicant must have both the following additional practical experience
- (a) at least 100 hours of the practical experience required in subsection (1) must be spent in actual seat time in a lattice boom crane in the Crane II class; and
  - (b) an additional 80 hours of practical experience spent contributing to mobilizing and demobilizing the crane.
- (3) In addition to the other requirements in this section, if the applicant is also wanting to obtain an an overhead travelling crane endorsement at a Crane Operator II level to operate an overhead travelling crane in the Crane II class the applicant must have one of the following
- (a) at least 50 hours of the practical experience acceptable to the CO Chief Inspector; or
  - (b) completion of a course in overhead travelling cranes approved by the CO Chief Inspector.

### **Crane Operator III Practical Experience**

- 10 (1) An applicant for a CO Certificate of Competency (Crane Operator III class) must have 2000 hours of practical experience on a Crane III class regulated crane under the direct supervision of a crane operator with a CO License (Crane Operator I class, Crane Operator II class, or Crane Operator III class).
- (2) In addition to the other requirements in this Section, if the applicant is also wanting to obtain a lattice boom crane type endorsement at a Crane Operator III level to operate a lattice boom crane in the Crane III class, the applicant must have both the following

additional practical experience

- (a) at least 100 hours of the practical experience required in subsection (1) must be spent in actual seat time in a lattice boom crane in the Crane III class; and
  - (b) an additional 40 hours of practical experience spent contributing to mobilizing and demobilizing the crane.
- (3) In addition to the other requirements in this Section, if the applicant is also wanting to obtain an overhead travelling crane endorsement at a Crane Operator III level to operate an overhead travelling crane in the Crane III class the applicant must have one of the following
- (a) at least 50 hours of the practical experience acceptable to the CO Chief Inspector; or
  - (b) completion of a course in overhead travelling cranes approved by the CO Chief Inspector.

#### **Crane Operator IV Practical Experience**

- 11 (1) An applicant for a CO Certificate of Competency (Crane Operator IV class) must have 500 hours of practical experience on a Crane IV class regulated crane under the direct supervision of a crane operator with a CO License (Crane Operator I class, Crane Operator II class, Crane Operator III class, or Crane Operator IV class).
- (2) Despite (1) a lift on any given day constitutes 4 hours of practical experience but under no circumstance shall more than 8 hours of practical experience be obtained on one calendar day.

#### **Tower Crane Operator Practical Experience**

- 12 An applicant for a CO Certificate of Competency (Tower Crane Operator class) must have 2000 hours of practical experience on a Tower Crane class regulated crane under the direct supervision of a crane operator with a CO License (Tower Crane Operator class).

### **Overhead Travelling Crane Operator Practical Experience**

- 13** (1) An applicant for a CO Certificate of Competency (Overhead Travelling Crane Operator class) must have 1000 hours of practical experience on an overhead travelling crane class regulated crane under the direct supervision of a crane operator with a CO License (Overhead Travelling Crane Operator or Crane Operator I class).
- (2) A crane operator in subsection (1) with a CO License (Crane Operator I class) must also have an overhead travelling crane endorsement at the Crane Operator I level.

### **Composition of practical experience requirement**

- 14** (1) Subject to subsection (2), the practical experience requirement for every class of CO Certificate of Competency shall consist of a minimum 50% actual operating experience and the remainder of the practical experience requirement shall include rigging, pre-lift planning, assembling and disassembling the crane, inspection and maintenance and site preparation.
- (2) The practical experience requirement for a CO Certificate of Competency for tower cranes and overhead travelling cranes that do not have an operator's seat shall be the total of the time required to control the lift and experience in rigging, pre-lift planning and inspection and maintenance.

### **Training program equivalency**

- 15** (1) The CO Chief Inspector may approve a crane operator training program leading to a CO Certification of Competency or endorsement.
- (2) Successful completion of an approved crane operator training program may be considered equivalent to up to 1500 hours of practical experience.

### **Practical test**

- 16** (1) An applicant for a CO Certificate of Competency under these regulations must successfully pass a practical test to demonstrate

the safe operation of the crane for the class of CO Certificate of Competency for which they are applying.

- (2) Despite subsection (1), an applicant who successfully passes a practical test to demonstrate the safe operation of the crane for a higher class of CO Certificate of Competency is deemed to have passed a practical test for a lower class of CO Certificate of Competency.

## **Examinations**

### **Application and eligibility for examination**

- 17 (1) An applicant for examination leading to a class of CO Certificate of Competency under the regulations may apply to the CO Chief Inspector to write the examination.
- (2) An applicant in subsection (1) must include all of the following
- (a) complete application form;
  - (b) proof of the identity of the applicant;
  - (c) specify the particulars of the examination requested including class of CO Certificate Competency the examination is leading towards;
  - (d) evidence verifying the educational qualifications required; and
  - (e) evidence of the practical experience requirements for the class of CO Certificate of Competency the examination is leading towards;
  - (f) payment of any applicable CO Fees.
- (3) For the purposes of clause (2)(e), an applicant must provide verification of their practical experience from the licensed crane

operator who was responsible for their direct supervision.

### **Education Requirement**

- 18** Every applicant for an examination under these regulations shall:
- (1) have successfully completed grade 10 math from a Nova Scotia high school or the equivalent or
  - (2) have successfully completed a prior learning assessment acceptable to the CO Chief Inspector or
  - (3) have successfully completed a crane operator training course acceptable to the CO Chief Inspector.

### **CO Advisory Subcommittee**

- 19** (1) The CO Advisory Subcommittee may make recommendations on
- (a) questions or examinations for a class of CO Certificate of Competency;
  - (b) criteria for a training program;
  - (c) requirements in a practical test for a class of CO Certificate of Competency;
  - (d) qualifications for a class of CO Certificate of Competency;
  - (e) requirements in a practical test for a type and level of endorsement;
  - (f) qualifications for a type and level of endorsement.
- (2) The CO Advisory Subcommittee may make recommendations on equivalences.

## **Examination Process**

- 20** (1) The passing grade for every examination shall be 65%.
- (2) Except as provided in subsection(3), an individual who fails an examination may, 60 days after the date of their examination, apply in writing to the CO Chief Inspector for a re-examination.
- (3) An applicant under subsection (2) must pay the applicable CO Fee.
- (4) A person who fails an examination 3 consecutive times cannot retake the exam for at least 6 months from the date they last took the last exam.

## **CO LICENSE AND ENDORSEMENT**

### **CO License and endorsement**

- 21** (1) No person is permitted to perform the duties of a crane operator unless that person holds a class of CO License with terms and conditions, and as applicable the type and level of endorsement, that authorize the license holder to perform that type of regulated work.
- (2) A person performing the duties of a crane operator must produce their CO License and as applicable their type and level of endorsement when requested by a CO Inspector.
- (3) If a person fails to produce a CO License or endorsements under subsection (2), the failure is *prima facie* evidence that the person is not a CO License or endorsement holder.

### **Application for a CO License and endorsement**

- 22** (1) An individual may apply to the CO Chief Inspector for the granting of a specified class of CO License with or without an endorsement.
- (2) An applicant in subsection (1) must include all of the following
- (a) complete application form;

- (b) proof of the identify of the applicant;
  - (c) specify the class of CO License sought;
  - (d) evidence of holding the class of CO Certificate of Competency, or an equivalent certificate of qualification granted through the Nova Scotia Apprenticeship Program, required for the class of CO License sought;
  - (e) information about the person's training, experience and other qualifications;
  - (f) as applicable, specify the type and level of endorsement sought and the evidence of the practical experience and educational requirements for the type and level of endorsement sought;
  - (g) payment of any applicable CO Fees.
- (3) An applicant may be requested to provide written verification of their practical experience from a supervising crane operator where they obtained their practical experience.
- (4) An individual may apply to upgrade a CO License to add a new type or level of endorsement to the CO License when the requirements in clause (2)(f) are met.

### **Expiry, Renewal and Reinstatement**

- 23** (1) A CO License and as applicable an endorsement is valid until the expiry date provided upon the CO License and endorsement unless suspended or revoked earlier by the CO Chief Inspector.
- (2) Subject to subsection (3) if a CO License and as applicable an endorsement has expired, in order to apply for reinstatement, an individual may reapply under Section 22.
- (3) If a CO License and as applicable an endorsement expired more



than 4 years ago, in order to apply for reinstatement, an individual, in addition to the requirements in Section 22, may also be required by the CO Chief Inspector to be evaluated as approved by the CO Chief Inspector.

### **Classes of CO Licenses and types and levels of endorsements**

**24** (1) The classes of CO Licenses are as follows:

- (a) Crane Operator I;
- (b) Crane Operator II;
- (c) Crane Operator III;
- (d) Crane Operator IV;
- (e) Tower Crane Operator; and
- (f) Overhead Travelling Crane Operator.

(2) The types and levels of endorsements are as follows:

- (a) a lattice boom crane endorsement is available in the following:
  - (i) Crane Operator I level,
  - (ii) Crane Operator II level,
  - (iii) Crane Operator III level.
- (b) an overhead travelling crane endorsement is available in the following:

- (i) Crane Operator I level,
- (ii) Crane Operator II level,
- (iii) Crane Operator III level.

**Type of Regulated Work for classes of CO License and types and levels of endorsements**

- 25 (1)** An individual with a CO License (Crane Operator I class) may operate
- (a) any regulated crane within the Crane I class except a lattice boom crane,
  - (b) if the individual also holds a lattice boom crane endorsement at the Crane Operator I level, any regulated crane within the Crane I class, and
  - (c) if the individual also holds an overhead travelling crane endorsement at the Crane Operator I level, any Overhead Travelling Crane.
- (2)** An individual with a CO License (Crane Operator II class) may operate
- (a) any regulated crane within the Crane II class, except a lattice boom crane,
  - (b) if the individual also holds a lattice boom crane endorsement at the Crane Operator II level, any regulated crane within the Crane II class, and
  - (c) if the individual also holds an overhead travelling crane endorsement at the Crane Operator II level, any overhead travelling crane with a rated lifting capacity of less than 91 tonnes (100 tons).

- (3) An individual with a CO License (Crane Operator III class) may operate
  - (a) any regulated crane within the Crane III class, except a lattice boom crane,
  - (b) if the individual also holds a lattice boom crane endorsement at the Crane Operator III level, any regulated crane within the Crane III class, and
  - (c) if the individual also holds an overhead travelling crane endorsement at the Crane Operator III level, any overhead travelling crane with a rated lifting capacity of less than 18 tonnes (20 tons).
- (4) An individual with a CO License (Crane Operator IV class) may operate a regulated crane within the Crane IV class.
- (5) An individual with a CO License (Tower Crane Operator class) may operate a regulated crane within the Tower Crane class.
- (6) An individual with an CO License (Overhead Travelling Crane Operator class) may operate a regulated crane within the Overhead Travelling Crane class.
- (7) Despite subsection (1) to (6) the CO Chief Inspector will determine the license requirement that is most appropriate to the configuration of a regulated crane in subsection 4(3).

## **Trainees**

- 26** (1) A trainee is not required to hold the applicable class of CO License and as applicable the type and level of endorsement while performing regulated work provided that
- (i) the trainee is under the direct supervision of a crane operator who has charge of the crane at all times,

- (ii) any regulated work performed by the trainee is within the scope of the class of CO License and as applicable the type and level of endorsement held by the supervising licensed individual, and
  - (iii) the trainee complies with all the other requirements of the Act and these regulations.
- (2) An owner of a regulated crane must ensure that a trainee, who is not registered under the Nova Scotia Apprenticeship Program, registers with the CO Chief Inspector before beginning training as a crane operator.
  - (3) An owner of a regulated crane must ensure that a trainee is under the direct supervision of a crane operator who holds a valid Co License for the class of CO Certificate of Competency and as applicable the type and level of endorsement that the trainee is being trained for, or a higher class.
  - (4) An owner of a regulated crane must ensure that the extent of the direct supervision by a crane operator over the trainee is appropriate for the risk associated with the task the trainee is performing.
  - (5) An owner of a regulated crane must submit the training program for the trainee for approval by the CO Chief Inspector if the trainee is not an apprentice in the Nova Scotia Apprenticeship Program.
  - (6) The examination and training requirements for a class of CO Certificate of Competency or CO License and payment of the applicable CO Fees apply to a trainee.

### **Duties and responsibilities**

#### **Responsibility for Lift**

- 27 (1) Subject to subsection (2) the crane operator is responsible for all aspects of a lift.
- (2) If there is a rigging management plan in effect on the property

where the regulated crane is operated and the plan is being followed, the crane operator is not responsible for the rigging if

- (i) the lifts are not in the immediate view of the crane operator, or
- (ii) the lifts can not be readily accessed by the crane operator.

**(3)** A rigging management plan in subsection (2) must

- (a) be documented in writing,
- (b) include assigned duties and responsibilities for every person involved in a lift,
- (c) specify the regulated crane and other equipment to be used,
- (d) specify the property or properties where the regulated crane is to be operated,
- (e) be approved by the person responsible for the property or properties where the regulated crane is to be operated,
- (f) be approved by a crane operator qualified to operate the class of regulated crane to be operated, and
- (g) specify a rigging configuration in such a way that an object lifted by the crane will be moved in a safe manner.

**(4)** Despite subsection (2), the crane operator responsible for a lift may refuse to lift the load if the crane operator believes the load has not been properly rigged.

### **Crane Log**

**28 (1)** An owner must provide a crane log for every regulated crane

operated.

- (2) An owner must ensure that a crane log required under subsection (1) is kept with that crane or within easy access by the crane operator or a CO Inspector.
- (3) An owner must ensure that the crane log is used to record information on the crane or comments by the crane operator on the safe operation, maintenance or servicing of the crane.

### **Load Chart**

- 29 (1) An owner must provide a load chart for every regulated crane that is specific to that crane where required by the manufacturer.
- (2) An owner must ensure that a load chart required under subsection (1) is kept with that crane.
- (3) An owner must immediately replace a load chart that has become damaged or the information on the chart is not clearly legible to a crane operator.

### **Crane Manual**

- 30 An owner must ensure that the crane operator has access to the crane manual for any regulated crane operated by the crane operator.

## **Reporting, Standards and Compliance Audits**

### **Requirement to report**

- 31 If an incident under Section 13 of the Act, involving any regulated products or regulated work within the scope of these regulations occurs that endangers the health or safety of a person, the owner or crane operator must report the incident to the CO Chief Inspector either by telephone, fax or e-mail within 24 hours of the incident occurring, and when requested must provide the CO Chief Inspector with a written report.

### **CO Standards**

- 32 (1) An owner of a regulated crane or any person performing the duties of a crane operator must ensure that any regulated work performed

is in compliance with the applicable CO Standards.

- (2) An owner of or any person working with or on a regulated crane must ensure that its installation, inspection, maintenance, repairs and alterations, and operation is in conformance with the applicable CO Standards.
- (3) An owner must ensure that the crane operator has access to all of the applicable CO Standards.

### **Auditing requirements**

- 33** Without limiting the general compliance audit powers of the CO Inspector under the Act, the owner must provide or make available for the conduction of a compliance audit as requested by a CO Inspector
- (a) any information that pertains to the operation of the regulated crane,
  - (b) evidence or records of a current maintenance contract or any other information that pertains to the maintenance of a regulated crane, or
  - (c) evidence or records of CO Certificate of Competency, CO License or endorsements.

### **Transition Provisions**

#### **Recognition of other Jurisdictions and Organizations**

- 34** (1) Subject to subsection (2), on application from an individual who holds a license, certificate of qualification or certificate of competency from another jurisdiction or organization, the CO Chief Inspector may grant an equivalent CO License and as applicable the type and level of endorsement to an individual who
- (a) provides evidence of a holding a qualification that is sufficiently equivalent to the requirements for the CO Certificate of Competency and as applicable the type and level of endorsement set out in these regulations;

- (b) provides evidence that their experience and qualifications are sufficiently equivalent to the requirements for the CO License and as applicable the type and level of endorsement for which they are applying;
  - (c) provides evidence as to their identity; and
  - (d) pays the applicable CO Fees.
- (2) If the applicant is from a jurisdiction where crane operators are not grant a certificate of qualification, certificate of competency, license or endorsements, the CO Chief Inspector may require a prior learning assessment to establish that the applicant's experience and qualifications are sufficiently equivalent to the requirements for the CO License and as applicable the type and level of endorsement for which they are applying.
- (3) If an applicant in subsection (1) holds an inter-provincial certificate of qualification with an expiry date, the applicant is also eligible for the associated type and class of CO Certificate of Competency and as applicable the associated type and level of endorsement.
- (4) An individual who holds a certificate of qualification issued under the *Crane Operators and Power Engineers Act* which qualified the holder to perform regulated work at the date when these regulations came into effect is deemed to hold a equivalent class of CO Certificate of Competency and as applicable the associated type and level of endorsement.
- (5) An individual in subsection (4) is also deemed to hold an equivalent class of CO License and as applicable the associated type and level of endorsement to authorize the same regulated work until the expiry date on the previously issued certificate of qualification.
- (6) An individual in subsection (5) must apply for a renewal of a CO License and as applicable the type and level of endorsement under Section 23 in order to continue to be authorized to perform that same regulated work after the expiry date on the certificate of qualification.