PROVINCE OF BRITISH COLUMBIA

ORDER OF THE WORKERS' COMPENSATION BOARD

Workers Compensation Act

The Workers' Compensation Board orders that, effective September 1, 2027, the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended as set out in the attached Appendix.

DEPOSITED

July 20, 2026

B.C. REG. **137/2026**

July 16, 2026

Date

Chair, Board of Directors

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Workers Compensation Act*, R.S.B.C. 2019, c. 1, ss. 110, 111 and 117

Other:

R10978611

APPENDIX

1 Section 4.9 of the Occupational Health and Safety Regulation, B.C. Reg. 296/97, is amended

(a) in subsection (1) by striking out "a machine or piece of equipment to have an inspection and maintenance record***" and substituting "***that there be inspection and maintenance records for a machine or piece of equipment***",***

(b) in subsection (2) by striking out "and***" at the end of paragraph (b), by adding "***, and***" at the end of paragraph (c) and by adding the following paragraph:***

(d) contain an entry for each certification carried out under section 4.12.3 *[periodic certification as safe for use]* for the equipment. ***, and***

(c) by repealing subsection (3) and substituting the following:

(3) If this Regulation requires that there be inspection and maintenance records for a machine or piece of equipment, then detailed reports of inspections, maintenance, repairs and modifications, as applicable, and the certificates issued under section 4.12.3 (2) (b), must be

(a) kept for the duration of the service life of the machine or equipment, and

(b) reasonably available at the workplace and made available on request to the operator and to anyone else involved in the operation, inspection, testing or maintenance of the machine or equipment.

2 Part 4 is amended by adding the following heading after section 4.12:

Periodic Certification as Safe for Use .

3 The following sections are added after the heading "*Periodic Certification as Safe for Use*":

Definitions

4.12.1 (1) In this section and sections 4.12.2 to 4.12.4:

"documentation" has the meaning given to it in subsections (2) and (3);

"misadventure" has the same meaning as in section 14.16.1 *[certification following misadventure]*;

"reposition" has the same meaning as in section 14.73.1 *[definitions]*;

"tower crane" has the same meaning as in section 14.73.1;

"use" includes to operate.

(2) The documentation for equipment consists of the following documents:

(a) any applicable document that was produced or approved by the manufacturer of the equipment, including but not limited to technical specifications and instructions;

(b) any applicable document, including but not limited to technical specifications and instructions, that was produced or approved by a

professional engineer in accordance with good engineering practice, if the professional engineer had authority to produce or approve the document under a provision of this Regulation.

(3) For certainty, the documentation for a tower crane includes any document respecting the assembly, erection, climbing, repositioning, adjustment, disassembly or dismantling of the tower crane at the site at which it is or was erected, provided that the document meets the requirements under subsection (2) (a) or (b).

Prohibition on using uncertified equipment

4.12.2 (1) An employer must not allow equipment that is required by this Regulation to be periodically certified under section 4.12.3 to be used on a given date unless

(a) a valid certificate under that section for the equipment covers the date, and

(b) a copy of the certificate

(i) accompanies the equipment,

(ii) is immediately available to the equipment operator and to any other person involved with the operation, inspection or maintenance of the equipment, and

(iii) is available, on request, to the joint committee or the worker health and safety representative, as applicable.

(2) Despite subsection (1), an employer may allow equipment that is required by this Regulation to be periodically certified under section 4.12.3 to be used if

(a) the equipment is new and has not previously been used,

(b) the equipment has not previously been certified under section 4.12.3 and the period of time within which the equipment is required by this Regulation to be certified under that section for the first time has not elapsed, and

(c) in the case of a tower crane, the tower crane is self erecting.

(3) For the purposes of subsection (2) (b), the period of time begins on the date the equipment is first sold or leased by the manufacturer or an authorized agent of the manufacturer.

Periodic certification as safe for use

4.12.3 (1) Equipment is certified by a person as safe for use under this section for a period of time if the person certifies, in accordance with subsection (2), that

(a) the person has reviewed the documentation for the equipment and the provisions of this Regulation that relate to the equipment,

(b) the equipment has been

(i) inspected in accordance with section 4.12.4, and

(ii) if repair is necessary to ensure that the equipment conforms to the technical specifications in the documentation for the equipment, repaired in accordance with section 4.3 (2) *[safe machinery and equipment]* and all other applicable requirements of this Regulation, and

(c) the person is of the opinion that the equipment will not pose a risk to workers during the period of time because of defects, wear, fatigue, damage, missing, loose or incompatible parts or other issues that make the equipment less safe than the equipment was designed or is required by this Regulation to be.

(2) Certification under subsection (1) must

(a) be carried out by a professional engineer, unless this Regulation provides for the certification to be done by another person, and

(b) be evidenced by a certificate signed by the person who carried out the certification.

(3) Subject to subsection (4), equipment must be recertified under subsection (1) if, after certification of the equipment is carried out under that subsection, one or more of the following occur:

(a) the equipment is

(i) modified,

(ii) configured to use components that are not covered by the certification, or

(iii) used or maintained other than in accordance with this Regulation and the technical specifications set out in the documentation for the equipment;

(b) a major component of the equipment fails;

(c) there is actual or suspected damage to the equipment and a standard the equipment is required to meet specifies that there must be an inspection other than a routine, frequent or periodic inspection in that event;

(d) an order of the Board or a provision of this Regulation requires the equipment to be removed from service, including, without limitation, a requirement under section 13.12 *[removal from service]* that a work platform must be removed from service;

(e) if the equipment is a crane or hoist, the crane or hoist is subject to a misadventure.

(4) The requirement under subsection (3) to recertify equipment that has been certified under subsection (1) does not apply if all of the following conditions are met:

(a) the equipment is capable of more than one permissible configuration, each of which is described in the documentation for the equipment;

(b) one or more components are added to the list of the components covered by the existing certification for the purpose of allowing the equipment to be used in one or more of the permissible configurations referred to in paragraph (a);

(c) each component to be added to the list of components meets the following requirements:

(i) at least one of the following clauses applies to the component:

(A) the component is specifically described in the documentation for the equipment;

(B) the component is approved for use by the manufacturer of the equipment;

(C) the component is approved for use by the professional engineer who carried out the certification under subsection (1);

(D) if the certification was not carried out by a professional engineer, the component is approved for use by a professional engineer;

(ii) subject to paragraph (d), the component is inspected in accordance with section 4.12.4;

(iii) if repairs are necessary to ensure that the component conforms to the technical specifications in the documentation for the equipment, the component is repaired in accordance with section 4.3 (2) and any other applicable requirements in this Regulation;

(d) if the equipment is a tower crane and the component to be added to the list of the components covered by the existing certification is a structural component, the inspection referred to in paragraph (c) (ii) includes an inspection that

(i) uses one or more non-destructive testing methods, and

(ii) is carried out by a person referred to in section 14.77.3 *[persons who may carry out non-destructive testing]*;

(e) the applicable certificate referred to in subsection (2) is amended by the person who signed it, and the amended certificate clearly indicates that one or more components have been added to the list of the components covered by the existing certification for the purpose of allowing the equipment to be used in a permissible configuration.

Inspections for periodic certification

4.12.4 (1) Equipment is inspected for the purposes of any provision of this Regulation that refers to this section if the equipment is inspected in accordance with

(a) the requirements set out in this section, and

(b) any other applicable requirements of this Regulation.

(2) An inspection under subsection (1) must be carried out, in accordance with a plan under subsection (4) and good engineering practice, so as to ensure that any defects, wear, fatigue, damage, missing, loose or incompatible parts or other issues are detected that could, in the applicable period of time, make the equipment less safe than the equipment was designed or is required by this Regulation to be.

(3) Without limiting subsection (2), an inspection under subsection (1) must cover at least the following systems and their components, as applicable:

(a) the structural system;

(b) the mechanical system;

(c) the control system.

(4) For the purposes of subsection (2), a plan for an inspection of equipment must be prepared in writing by or under the direct supervision of the person who is to certify the equipment or amend the applicable certificate under section 4.12.3, having regard to at least the following considerations:

(a) the design of the equipment and the applicable provisions of this Regulation;

(b) the documentation for the equipment;

(c) the age of the equipment;

(d) the history of the use of the equipment, including, without limitation,

(i) the number of hours and intensity of use, and

(ii) the operating environments in which the equipment has been used;

(e) the documented maintenance history of the equipment, including, without limitation,

(i) any inspections, modifications and repairs, and

(ii) the qualifications of the persons who carried out those inspections, modifications and repairs;

(f) information from the manufacturer, including, without limitation, notices and recalls;

(g) any known issues with the design or reliability of the equipment.

(5) A plan for inspection of equipment prepared under subsection (4) must be signed by the person who is to certify the equipment under section 4.12.3.

Transition – periodic certification as safe for use

4.12.5 (1) For the purposes of section 4.12.2 *[prohibition on using uncertified equipment]*, certification of equipment under any of the following provisions, as they read immediately before September 1, 2027, is deemed to be certification under section 4.12.3:

(a) section 13.23;

(b) section 14.71;

(c) section 14.77;

(d) section 20.47;

(e) section 31.34.

(2) This section is repealed on September 1, 2028.

4 Section 13.23 is repealed and the following substituted:

Periodic certification of specified elevating work platforms

13.23 A vehicle-mounted elevating work platform and self-propelled boom-supported elevating work platform must be certified under section 4.12.3 *[periodic certification as safe for use]* at least once every 12 months.

5 Sections 14.71 and 14.72 are repealed and the following substituted:

Periodic certification – mobile cranes and boom trucks

14.71 A mobile crane or boom truck must be certified under section 4.12.3 *[periodic certification as safe for use]* at least once every 12 months.

Periodic certification – crane booms

14.72 (1) A crane boom used with a vibratory hammer for driving piles must be certified under section 4.12.3 *[periodic certification as safe for use]* at least once every 3 months.

(2) A crane boom used with a vibratory pile extractor or drop hammer or used for dynamic compaction must be certified under section 4.12.3 at least once every month.

(3) A crane used in conjunction with a crane boom described in subsection (1) or (2) must not be returned to lifting service unless a professional engineer inspects the crane and certifies that it is safe for use in the lifting service.

6 Section 14.75 is amended

(a) by repealing subsection (2), and

(b) in subsection (5) (a) (ii) by striking out **"**subsections (2) and**" and substituting "**subsection**".**

7 Sections 14.76 and 14.77 are repealed and the following substituted:

Identification numbers for interchangeable structural components

14.76 (1) Each interchangeable structural component of a tower crane must bear a unique identification number.

(2) The identification number applicable to an interchangeable structural component must be used in any report, certificate or other document referred to in Part 4 or this Part if the report, certificate or other document refers to

(a) the interchangeable structural component, or

(b) a tower crane of which the interchangeable structural component is a part.

Structural components

14.77 (1) Before a tower crane is erected at a workplace, each structural component of the tower crane must

(a) subject to subsection (2), be inspected using one or more non-destructive testing methods,

(b) if repairs are necessary, be repaired, and

(c) be certified by a professional engineer as safe for use.

(2) If a tower crane is self erecting, the inspection referred to in subsection (1) (a) need not be carried out.

8 The following sections are added:

Periodic certification

14.77.1 (1) A tower crane erected at a workplace, other than a tower crane that is self erecting, must be certified under section 4.12.3 *[periodic certification as safe for use]*

(a) after the tower crane is erected at the workplace and before it is put into service, and

(b) at least once every 12 months after the date of the certification under paragraph (a).

(2) A tower crane that is self erecting must

(a) be inspected visually by a qualified person each time it is erected, and

(b) be certified under section 4.12.3 at least once every 12 months after it is first put into service.

(3) An inspection carried out under section 4.12.4 *[inspections for periodic certification]* in relation to a certification required by subsection (1) (b) or (2) (b) of this section must include an inspection of the structural components of the tower crane using one or more non-destructive testing methods.

Climbing systems

14.77.2 If a climbing system is removed from a tower crane that has been certified as safe for use under section 4.12.3 *[periodic certification as safe for use]*, the climbing system must not be reinstalled on the tower crane unless the structural components of the climbing system are

(a) inspected using one or more non-destructive testing methods,

(b) if repairs are necessary, repaired, and

(c) certified by a professional engineer as safe for use.

Persons who may carry out non-destructive testing

14.77.3 Non-destructive testing that is carried out for the purposes of any provision of this Regulation that refers to a tower crane, a structural component of a tower crane or a climbing system must be carried out by a person who satisfies the following conditions:

(a) the person is certified at an appropriate certification level and in relation to an appropriate sector by

(i) Natural Resources Canada,

(ii) CWB Group – Industry Services, or

(iii) a certification body accredited by the Standards Council of Canada as meeting *ISO/IEC 17024:2012 Conformity assessment – General requirements for bodies operating certification of persons*;

(b) the person's certification authorizes the person to carry out the non-destructive testing using a method that is appropriate in the circumstances.

9 Section 14.79 is repealed and the following substituted:

Documents that must be kept at workplace

14.79 If a tower crane has been or will be erected at a workplace, the employer must ensure that the following documents respecting the tower crane are kept at the workplace:

(a) evidence respecting each past and current certification required under this Part;

(b) each document that contains information respecting the assembly, erection, operation, inspection, testing, repair, maintenance, climbing, repositioning, adjustment, modification, disassembly or dismantling of the tower crane.

10 Section 20.47 is repealed and the following substituted:

Periodic certification – specified equipment

20.47 The following must be certified under section 4.12.3 *[periodic certification as safe for use]* at least once every 12 months:

(a) a placing boom;

(b) a mast;

(c) a truck-mounted concrete pump with integral placing boom.

11 Section 28.47 is repealed and the following substituted:

Mobile work platforms used in orchard – how certification requirement may be met

28.47 Despite subsection 13.12, if a mobile elevating work platform is used exclusively in an orchard and has a maximum operational height of 3.6 m, the requirement for certification under that section is satisfied if a qualified person carries out an inspection of the mobile elevating work platform and determines that it is safe for use.

12 The following section is added:

Vehicle-mounted and self-propelled elevating work platforms – who may carry out certification

28.47.1 Despite section 13.23, if a vehicle-mounted elevating work platform or self-propelled boom-supported elevating work platform is used exclusively in an orchard and has a maximum operational height of 3.6 m, the requirement for certification of the equipment under section 4.12.3 (1) may be carried out by a qualified person who is not a professional engineer, unless the certification is a recertification required by section 4.12.3 (3).

13 Section 31.34 is repealed and the following substituted:

Periodic certification – aerial devices

31.34 (1) A fire department aerial device must be certified under section 4.12.3 *[periodic certification as safe for use]* at least once every 12 months.

(2) An inspection under section 4.12.4 *[inspections for periodic certification]* for the purpose of a certification required by subsection (1) of this section must be carried out in accordance with the requirements of *NFPA 1914, Testing Fire Department Aerial Devices, 1991 Edition*.