Fall Protection – Canadian Legislation



When is fall protection required?

Most jurisdictions require the use of specific fall protection measures before, or in addition to, personal protective equipment (PPE). These measures generally include the use of some of the following:

- fixed barriers (e.g., handrails, guardrails)
- surface opening protection (e.g., covers, guardrails, etc.)
- warning barriers/control zones
- fall or travel restraint systems (i.e., a system to prevent a worker from falling from a work position, or from travelling to an unguarded edge from which the worker could fall)
- fall containment system (e.g., safety nets)
- fall arrest systems (i.e., a system that will stop a worker's fall before the worker hits the surface below)

There may also be specific legal requirements around use of equipment like ladders and scaffolding.

Occupational health and safety laws generally require action when a worker has the potential to fall about 3 metres (10 feet). In most cases, fall protection is required when:

- other means of fall protection are not available or possible, such as guardrails
- working at a height of 3 metres or more (permanent and/or temporary work areas)
- working at a height of less than 3 metres when the surface below could cause a greater injury than just the fall (e.g., machinery; risk of drowning in water or other liquid; open tanks, vats, or pits containing hazardous materials; materials that can shift)
- a worker may fall through an opening in the work surface
- it is determined that fall protection is necessary

What are the sources of legislation regarding fall protection?

Below is a table for guidance purposes that lists the common situations where fall protection is required.

NOTE that other requirements may be listed in other sections, regulations, or Acts that are not listed in this table. For more details, consult the legislation directly.

Always consult the legislation that applies in your situation, and with your jurisdiction for complete information.

Jurisdiction	Act, regulations, etc.	General requirement excerpts (For more details, consult the legislation directly.)
Federal (Canada)	Canada Occupational Safety and Health Regulations, SOR/86-304, Sections 12.01 to 12.09	12.07 (1) Subject to subsection (2), an employer must provide or put in place a fall-protection system if work is to be performed (a) from a structure or on a vehicle at a height of 3 m or more; (b) from a ladder at a height of 3 m or more if, because of the nature of the work, the person performing it is unable to use at least one hand to hold onto the ladder; or (c) at a height of less than 3 m if the surface onto which the person might fall would present a greater risk of injury than a solid, flat surface.
Alberta	Occupational Health and Safety Code, 2009 Part 9, Fall Protection Sections 138 – 161	Section 139 General protection 139. (1) An employer and a supervisor, or a self-employed person, must ensure that a worker is protected from falling if a worker may fall, (a) at a temporary or permanent work area, a vertical distance of 3 metres or more, (b) at a temporary or permanent work area, a vertical distance of less than 3 metres if there is an unusual possibility of injury, (c) at a temporary or permanent work area, into or onto a hazardous substance or object, or through an opening in a work surface, or (d) at a permanent work area, a vertical distance of more than 1.2 metres and less than 3 metres.
British Columbia	Occupational Health and Safety Regulations, B.C. Reg. 296/97 Part 11, Fall Protection, Sections 11.1 to 11.10	Section 11.2 Obligation to use fall protection 11.2 (1) Unless elsewhere provided for in this Regulation, an employer must ensure that a fall protection system is used when work is being done at a place (a) from which a fall of 3 m (10 ft) or more may occur, or (b) where a fall from a height of less than 3 m involves a risk of injury greater than the risk of injury from the impact on a flat surface.
Manitoba	Workplace Safety and Health Regulation, Man. Reg. 217/2006 Part 14, Fall Protection, Sections 14.1 to 14.23	Section 14.1 Application 14.1 (1) This Part applies to every workplace where there is a risk of a worker falling (a) a vertical distance of 3 m or more; (b) a vertical distance of less than 3 m where there is an increased risk of injury due to the surface or item on which the worker might land; (c) into operating machinery or moving parts of the machinery; (d) into water or another liquid; (e) into or onto a hazardous substance or object; (f) through an opening on a work surface; or (g) a vertical distance of more than 1.2 m from an area used as a path for a wheelbarrow or similar equipment.
New Brunswick	General Regulation -N.B. Reg. 91-191 Part VII, Protective Equipment, Sections 49 – 51	Section 49 Fall-protection system 49. (1) The employer shall provide and the employee shall continually use a fall-protection system when an employee works from (a) an unguarded work area that is (i) 3 m or more above water or the nearest permanent safe level, (ii) above any surface or object that could cause injury to the employee upon contact, or (iii) above any open top tank, bin, hopper or vat, (b) a work area that is 3 m or more above a permanent safe level and from which a person may fall if the work area tips or fails, or (c) a work area where an officer has determined that it is necessary for safety reasons to use a fall-protection system.

Newfoundland and Labrador	Occupational Health and Safety Regulations, 2012, N.L.R. 5/12 Part X, Fall Protection, Sections 138 to 146	Section 141 General requirements 141. Where a worker is exposed to the hazard of falling from a work area that is (a) 3 metres or more above the nearest safe surface or water; (b) above a surface or thing that could cause injury to the worker if the worker were to fall on the surface or thing; or (c) above an open tank, pit or vat containing hazardous material,
Northwest Territories	Occupational Health and Safety Regulations, R-039-2015 Part 7, Personal Protective Equipment, Sections 103 to 109 and Part 9 Safeguards, storage, warning signs and signals, Sections 118 to 124	Section 119 Protection against falling 119. (1) An employer shall ensure that workers use a fall protection system at a work site if (a) a worker could fall 3 m or more; or (b) there is a risk of injury if a worker falls less than 3 m.
Nova Scotia	Workplace Health and Safety Regulations, N.S. Reg. 52/2013 Part 21, Fall Protection, Sections 21.1 to 21.4	Section 21.2 Fall protection required 21.2 (1) Except as provided in subsections (3) to (5), fall protection is required if a person is at risk of falling from a work area where the fall distance is (a) 3 m or more above the nearest safe surface or water; (b) less than 3 m and the work area is above 1 of the following: (i) a surface or thing that could cause injury to the person on contact that is worse than an injury from landing on a solid, flat surface, (ii) exposed hazardous material, such as in an open tank, pit or vat.
Nunavut	General Safety Regulations, R.R.N.W.T. 1990, c. S-1, Part 7 Sections 104 to 109, and Part 9, Sections 118 to 122	Section 119 Protection against falling 119. (1) An employer shall ensure that workers use a fall protection system at a work site if (a) a worker could fall 3 m or more; or (b) there is a risk of injury if a worker falls less than 3 m.
Ontario	Construction Projects, O. Reg. 213/91 Sections 26 – 26.9 And Industrial Establishments, R.R.O. 1990, Reg. 851 Section 85	Construction Regulations: Section 26 26. Sections 26.1 to 26.9 apply where a worker may be exposed to any of the following hazards: 1. Falling more than 3 metres. 2. Falling more than 1.2 metres, if the work area is used as a path for a wheelbarrow or similar equipment. 3. Falling into operating machinery. 4. Falling into water or another liquid. 5. Falling into or onto a hazardous substance or object. 6. Falling through an opening on a work surface. Industrial Regulations Section 85 85. Where a worker is exposed to the hazard of falling and the surface to which he or she might fall is more than three metres below the position where he is situated
Prince Edward Island	Fall Protection Regulations, EC2004-633	Section 2 Employer required to provide means of fall protection 2. (1) Where a worker is exposed to the hazard of falling from a work area that is (a) 3 m or more above the nearest safe surface or water; (b) above a surface or thing that could cause injury to the worker if the worker were to fall on the surface or thing; or (c) above an open tank, pit or vat containing hazardous material,
Quebec	Regulation respecting occupational health and safety, O.C. 885-2001 Division XXX, Means and Equipment for Individual and Group Protection Sections 347 – 349.1 And Safety Code for the construction industry R.R.Q. 1981, c. S-2.1, r. 6 Division II, General Provisions Sections 2.9.1 to 2.9.3, Safety measures	Safety Code for the construction industry Section 2.9.1 Safety measures 2.9.1. Workers shall be protected against falls in the following cases: (1) if they are at risk of falling more than 3 metres from the place where he is working; (2) if they are at risk of falling: (a) into a dangerous liquid or substance; (b) on a moving component; (c) on equipment or material that constitute a danger; (d) from a height of 1.2 metres or more where they use a wheelbarrow or a vehicle.

Saskatchewan	**Occupational Health and Safety Regulations, 1996, R.R.S., C. O-1.1, R. 1 Sections 102 to 107, and Sections 116 to 116.3**	**Section 116 Protection against falling 116. (2) An employer or contractor shall ensure that workers use a fall protection system at a temporary or permanent work area where: (a) a worker may fall three metres or more; or (b) there is a possibility of injury if a worker falls less than three metres.**
Yukon	**Occupational Health and Safety Regulation, O.I.C. 2006/178 Protective Equipment and Clothing – Fall Arrest Sections 1.37 to 1.43**	**Section 1.37 Provision and use 1.37 Where it is not practical to protect a worker by guards, guardrails, safety nets or other devices, the worker shall be provided with and required to use the appropriate fall arrest protection (a) when working at a place from which a fall of i. 3 m (10 ft.) or more may occur, or ii. less than 3 m (10 ft.), if it involves an unusual risk of injury, (b) where there is a possibility of falling into a pit, shaft, machinery, water or bulk material that could shift, (c) when climbing or descending from utility poles, communication and transmission towers or single point suspension equipment, (d) when working on a swing stage or thrust out scaffold, elevating work platform or basket or suspended platform or cage, (e) when barring or scaling loose material from a wall in an open pit or an earth work, or (f) when working on a roof i. having a slope of 2 vertical to 3 horizontal or steeper, or ii. where the surface is slippery.**

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