



Elevating and Amusement Devices Safety Division	Ref. No.:	Rev. No.:
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DIRECTOR'S GUIDELINE	Date:	Date:
	January 6, 2010	

Subject: Guideline for the reporting of
 1) incidents
 2) equipment exposed to harmful events affecting safe operation and
 3) equipment found in a hazardous state (by a mechanic or owner)

Applicable to: All Elevating Device Contractors, Consultants, Owners and Certificate Holders

1. Introduction

Ontario Regulation 209/01 (Elevating Devices) as amended by O.Reg 252/08, which came into effect on January 1, 2009, contains updated requirements related to the reporting of incidents.

2. Purpose of this Guideline

This guideline is intended to aid in compliance with section 36 of Ontario Regulation 209/01 (Elevating Devices) titled **Reporting of Incidents**. Section 36 requires that any incident involving an elevating device be reported to the Director. The specifics of this requirement vary depending on the nature of the incident.

The **Reporting of Incidents** section of the regulation addresses issues related to;

- types of incident(s),
- harmful events which may impact the safety of a device,
- devices found in a hazardous condition,
- who should report, method of reporting and reporting timelines,
- requirements related to preserving the scene,
- returning a device back into operation, and
- thorough investigation of incidents.

A copy of section 36 is attached as Appendix 'A'.

3. Intent

The intent of section 36 is to ensure that the Director is informed of all incidents related to elevating devices. Section 36 deals with not only actual incidents but also hazardous conditions where no injury or property damage has yet occurred. The reporting of incidents or hazardous conditions can be an effective trigger for safety enhancements and it is vital to 'risk-informed decisions making' in order to manage public safety related to elevating devices. Legislated requirements for incident reporting allow the Director to make use of information obtained beyond that which is gained only from inspection activities.

4. Effective Date

The amended incident reporting section came into effect on January 1, 2009.

5. Incident Notification and Reporting Q&A's:

a) What is an incident?

The regulation defines an incident as follows:

“Incident” means an occurrence involving an elevator system, an elevating device or a component of an elevating device resulting in an adverse consequence to persons or property.

Note:

- Subsections 36.(1) and 36.(2) of the regulation specifically deal with “incidents”.
- Subsections 36.(3) through 36.(5) do not deal with “incidents” but rather with “conditions”.

b) Are reporting requirements connected to the severity of the “incident”?

Yes.

Subsection 36.(1) details notification and reporting requirements for two categories of incident: “death”, or “injury to a person that requires the services of a medical practitioner”.

Subsection 36.(2) has notification and reporting requirements for other incidents which are not covered in ss. 36.(1). A minor incident would be a personal injury where no medical practitioner was required or where there was property damage. Remember that a consequence to person or property = an incident.

c) What is meant by “services of a medical practitioner”?

The regulation defines medical practitioner as follows:

“medical practitioner” means a physician, nurse, dentist, chiropractor or physiotherapist legally qualified to practice their profession in Ontario, and a paramedic as defined under the Ambulance Act.

If a medical practitioner provided services as a result of the personal injury, then the notification and reporting requirements as described in ss. 36.(1) apply.

Note: If, for example, a paramedic responds to a call and provides medical services in connection with an elevating device incident, the owner and contractor must both comply with the reporting requirements of ss. 36.(1) in relation to a death or serious injury.

If an incident occurs in connection with an elevating device where the services of a medical practitioner are not provided, the owner and contractor must both comply with the reporting requirements of ss. 36.(2) in relation to a minor injury.

d) Do I need to report a personal injury which did not require the services of a medical practitioner (i.e. a minor injury type)?

Yes.

Subsection 36.(2) of the regulation requires reporting incidents other than those described in ss. 36.(1). A personal injury that does not require the services of a medical practitioner would fall into this category.

e) Aside from the “incidents” described as

- i) death: in ss.36.(1),**
 - ii) injuries: serious injuries in ss36.(1) and minor injuries in s36.(2), or**
 - iii) property damage: in ss.36.(2)**
- are there any other reportable events?**

Yes.

Any time an elevating device is found to be in a condition where the safe operation of the equipment is affected [see ss. 36.(3)] or where there is an immediate hazard to the safety of persons or property [see ss. 36.(4) and ss. 36.(5)] the Director must be notified and a written report must be submitted.

f) When are the conditions of subsection 36.(3), that detail fire, flood or other significant water exposure, vandalism, impact or lightning strike, reportable?

Any time an elevating device has been negatively impacted to the extent that safe operation is questionable as a result of exposure to the conditions listed above, the owner and contractor must both notify the Director and submit a written report of the incident to the Director.

g) What’s the difference between subsections 36.(4) and 36.(5)?

Both of these provisions relate to the finding of the device in a condition which constitutes an immediate hazard. The difference depends on who finds or becomes aware of the hazard. Subsection 36.(4) applies if a mechanic finds the device in a hazardous state whereas subsection 36.(5) applies to licence holders.

h) What is meant by a “condition which constitutes an immediate hazard”?

A condition which constitutes an immediate hazard would be something that, if left unattended, would imminently cause death or serious injury to a person, also if the condition has the potential to cause property damage it likely also exhibits the potential for serious injury. If a device is in a condition that constitutes an immediate hazard, it must be immediately removed from service.

i) What if the immediate hazard is something that can be fixed quickly through general maintenance or repair. Do I still need to report?

Yes.

If there was a potential for harm to persons or property the Director must be notified of the event or condition and a written report must be submitted.

j) If I comply with my notification and reporting requirements, can the device be returned to service?

Not if the incident or condition is of a type referred to in ss. 36.(1), ss. 36.(3), ss. 36.(4) or ss. 36.(5). No person shall disturb the scene except for making the site safe or to facilitate rescue. Nothing is permitted to be done to the scene until an inspector gives permission to do so. No person is permitted to return the device to service until:

1. The cause of the incident or condition is identified;
2. The safety of the device is restored; and
3. The inspector has authorized the return to service.

k) If an incident [ss. 36.(1) or ss. 36.(2)] occurs or a condition as specified in 36.(3), (4) or (5) is identified, can the device operate?

NOTE: owner” includes the owner of the building in which an elevating device is located, the person who holds the licence for the device, and any agent or lessee acting for the building owner or licence holder, but does not include an attendant or operator of the device;

Requirements for Device Operation			
Reg ref.	Occurrence or Event	Operation of Equipment	Requirements before restoring operation
36.(1)	Death	Shut Down. Cannot interfere with anything connected with the elevating device except for purposes of making the site safe or rescue of injured persons until an inspector gives permission	Operation only after: 1. cause is identified & 2. device safety is restored & 3. inspector gives permission
	Injury requiring services of a medical practitioner		
36.(2)	Injury other than 36.(1) or property damage	No shut down requirements	Safety of the device is restored
36.(3)	Equipment exposure to harmful events impacting safe operation	Shut Down. Cannot interfere with anything connected with the elevating device except for purposes of making the site safe or rescue of injured persons until an inspector gives permission	Operation only after: 1. cause is identified & 2. device safety is restored & 3. inspector gives permission
36.(4)	Mechanic finds equipment in a condition that constitutes an immediate hazard		
36.(5)	Licence holder finds or becomes aware of equipment in a condition that constitutes an immediate hazard		

l) Who is responsible to report? What are the reporting timelines and documentation requirements?

Summary of Reporting Requirements			
Reg ref.	Occurrence or Event	Notification	Written Reports
36.(1)	Death	Owner must notify the Director immediately	The contractor shall submit a written report to the Director within 24 hours of becoming aware of the incident
	Injury requiring services of a medical practitioner		
36.(2)	Injury other than 36.(1) or property damage	Owner and Contractor must notify the Director within 24 hours of becoming aware	The Owner and the Contractor shall submit a written reports to the Director within 7 days of becoming aware
36.(3)	Equipment exposure to harmful events impacting safe operation		
36.(4)	Mechanic finds equipment in a condition that constitutes an immediate hazard	The mechanic must notify the Owner or Contractor immediately	The licence holder shall submit a written report to the Director within 7 days of the finding
36.(5)	Licence holder finds or becomes aware of equipment in a condition that constitutes an immediate hazard	The licence holder must notify the Director within 24 hours of the finding	The licence holder shall submit a written report to the Director within 7 days of the finding

m) What information must be included in the report to the Director?

TSSA has a reporting form available on the www.tssa.org web site which must be used to capture the necessary information when reporting an incident. The regulation requires that full particulars of the incident / event are provided.

Subsection 36.(6) provides as follows:

“The written report shall contain the results of an investigation carried out by the contractor following the incident or finding that the elevating device was in a condition that constituted an immediate hazard.”

A copy of the reporting form is attached to this guideline.

n) Is it a requirement to use TSSA’s reporting form?

Yes.

A written report must be submitted to the Director in the form provided by the Technical Standards and Safety Authority. A copy of this form is attached to this guideline.

o) Does the licence holder need to report the results of the investigation under ss. 36.(6)?

Yes.

It will be necessary for the licence holder to work with their maintenance contractor to complete the reporting form details. Subsection 36.(6) requires that contractors carry out an investigation following an incident or the finding of a hazardous condition. This information must be included in the licence holder’s report to the Director.

While gathering information for the incident report, licence holders and contractors must be aware that during the investigation process, subsection 36.(7) requires that no person shall disturb, destroy, carry away or alter anything at the scene of or connected with the incident until an inspector gives permission to do so.

p) What are some examples of a condition that constitutes an immediate hazard (imminent potential for death or serious injury) as outlined by ss. 36.(4) and ss. 36.(5)?

While there are many possible conditions that could constitute an immediate hazard it is difficult to provide an exhaustive list. An immediate hazard is a condition that could result in death or serious injury to persons if the elevating device is not immediately removed from service or rectified.

Here are a few examples of hazardous conditions*;

- A jumper is left on a safety circuit
- A safety related component is circumvented
- Missing or failed safety components
- A crack is discovered in an important weldment
- A single failure of a component which has created an immediate hazard condition
 - car running with open door
 - oil line or hydraulic cylinder failure
 - parted suspension rope
 - brake failure

* to be considered an immediate hazard, the natures of these conditions have a high probability to cause death or serious injury.

- q) **If a device is in a condition that does NOT constitute an immediate hazard [per Q&A (h) or (p)], but the condition poses an “elevated exposure to risk” to the public, can I voluntarily report the condition even though this is not covered by the regulation, and if so, how?**

Yes. Voluntary reporting of conditions which pose an “elevated exposure to risk” to the public are welcomed and can aid in better risk informed decision making by the Director, the elevating devices safety program and TSSA’s industry councils. The regulation defines the minimum requirements for reporting. The incident reporting form includes checkboxes used to specify the “occurrence type”. To report a condition which poses an elevated exposure to risk select the occurrence type; “**voluntary reporting of an instance of elevated exposure to risk**”.

Examples of elevated risk might include:

- Elevators consistently off level by more than their normal tolerance for leveling accuracy
- Door reopening devices that are not functioning
- Doors closing at speeds and forces in excess of those permitted by code.

- r) **What should I do if I am uncertain about my notification and reporting obligations?**

If you are in doubt as to whether reporting is required, you are encouraged to report the finding, or contact TSSA’s customer contact centre at 1 (877) 682-8772 for further clarification.

- s) **How do I Report?**

An incident reporting form (specific to elevating devices) is available online at www.tssa.org
Incidents may be reported via:

- Telephone Notification - TSSA’s customer contact centre at 1 (877) 682-8772
- Written Notification - email to ed-incident@tssa.org

Where the regulation requires immediate reporting, see table “Summary of Reporting Requirements”, reporting must be done by telephone.

Roland Hadaller, P.Eng.,
Director, Ontario Regulation 209/01(Elevating Devices) appointed under the *Technical Standards and Safety Act, 2000*.

This Guideline has been developed in consultation with the Elevating Devices Advisory Council.

Appendix 'A'

From Ontario Regulation 209/01

INCIDENTS

Reporting of incidents

36. (1) Where an incident occurs in connection with an elevating device that results in the death of a person or injury to a person that requires the services of a medical practitioner,
- (a) the owner of the device shall notify the director by telephone immediately; and
 - (b) the contractor maintaining the device shall submit to the director, in the form provided by the designated administrative authority, a written report giving full particulars within 24 hours of first becoming aware of the incident. O. Reg. 252/08, s. 21.
- (2) Where an incident occurs in connection with an elevating device, other than an incident described in subsection (1), the owner and the contractor maintaining the device shall,
- (a) notify the director by telephone or other means within 24 hours of first becoming aware of the incident;
 - (b) each submit to the director in the form provided by the designated administrative authority a written report giving full particulars within seven days of first becoming aware of the incident. O. Reg. 252/08, s. 21.
- (3) Where there has been a fire, flood or other significant exposure to water, vandalism, impact or lightning strike that may adversely affect the safe operation of an elevating device, the owner and the contractor maintaining the device shall,
- (a) notify the director by telephone or other means within 24 hours of first becoming aware of the condition that may adversely affect the safe operation of the device;
 - (b) each submit to the director, in the form provided by the designated administrative authority, a written report giving full particulars within seven days of first becoming aware of the condition. O. Reg. 252/08, s. 21.
- (4) Where a mechanic finds that an elevating device is in a condition that constitutes an immediate hazard to the safety of a person or property, he or she shall immediately remove the device from service and notify the owner or contractor maintaining the device. O. Reg. 252/08, s. 21.
- (5) Where a licence holder for an elevating device finds or becomes aware that the device is in a condition that constitutes an immediate hazard to the safety of a person or property, the licence holder shall,
- (a) immediately remove the device from service;
 - (b) notify the director by telephone or other means within 24 hours of making the finding; and
 - (c) within seven days of making the finding, submit to the director in the form provided by the designated administrative authority a written report giving full particulars. O. Reg. 252/08, s. 21.
- (6) The written report shall contain the results of an investigation carried out by the contractor following the incident or finding that the elevating device was in a condition that constituted an immediate hazard. O. Reg. 252/08, s. 21.
- (7) Where an incident or condition of a type referred to in subsection (1), (3), (4) or (5) occurs, no person shall, except for the purpose of making the site safe or rescuing a person injured in the incident, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the incident until an inspector gives permission to do so. O. Reg. 252/08, s. 21.
- (8) No person shall return an elevating device referred to in subsection (1), (3), (4) or (5) to service until the cause of the incident or condition is identified, the safety of the device restored and an inspector gives permission to return the device to service. O. Reg. 252/08, s. 21.
- (9) An investigation under this section shall be conducted in such manner as the director considers necessary in the circumstances. O. Reg. 252/08, s. 21.