



# Bulletin

## **ONTARIO SEWER AND WATERMAIN CONSTRUCTION ASSOCIATION**

### ***Attention OSWCA Members*** **Legislation Amendments – Accuracy of Locates**

For many years, the OSWCA has been advocating the clarification of wording in the *Occupational Health and Safety Act and Regulations for Construction Projects* to address the responsibility of accurate locating and marking, in a timely fashion, by Utility and Facility owners. The following amendment, by the Ministry of Labour, to Section 228 of the OH&SA implemented as of January 2010, does just that, and is a step in the right direction.

Please notice paragraph (b), whereby the worker and employer providing the locate must provide an accurate locate.

Please review the amended section below, and take note of other sections which have also recently been modified:

#### PRECAUTIONS CONCERNING SERVICES

228. (1) Before an excavation is begun,

- (a) the employer excavating shall ensure that all gas, electrical and other services in and near the area to be excavated are located and marked;
  - (b) the employer and worker locating and marking the services described in clause (a) shall ensure that they are accurately located and marked; and
  - (c) if a service may pose a hazard, the service shall be shut off and disconnected.
- (2) If a service may pose a hazard and it cannot be shut off or disconnected, the owner of the service shall be requested to supervise the uncovering of the service during the excavation.
  - (3) Pipes, conduits and cables for gas, electrical and other services in an excavation shall be supported to prevent their failure or breakage.

**7. Subsection 236 (8) of the Regulation is revoked.**

**8. Subsection 280 (4) of the Regulation is revoked.**

**9. This Regulation comes into force on the later of January 1, 2010 and the day this Regulation is filed.**

This is a position that your association has been actively trying to achieve for the excavation community for many years; and, although at this time the OH&SA does not provide wording to reflect a positive time line for providing such an accurate locate, the OSWCA applauds the Ministry of Labour's efforts to acknowledge the gaps in our "Green Book".

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