

Temporary Stairs Regulatory Amendment Proposal

Summary of the Proposal

The Ministry of Labour (the ministry) is proposing to clarify existing requirements for temporary stairs as set out in the Construction Projects regulation ([O. Reg. 213/91](#)) under the [Occupational Health and Safety Act](#) (OHSA). O. Reg. 213/91 sets out requirements that protect the health and safety of Ontarians who work in the construction sector.

On residential construction sites, temporary stairs are often put in place to facilitate access and egress to parts of a construction project before permanent stairs can be built. When these stairs are not installed, improperly installed or poorly designed, it can be hazardous for workers, inspectors, and other authorized visitors to the site.

Falls from height contribute to a significant proportion of injuries and fatalities experienced in Ontario workplaces. Between 2009 and 2016 there were 92 fatal falls from heights. Where the height of the fall was available, 64% of the fall fatalities were due to falls from heights of 6 meters or less, which correspond to heights of one to two storeys.

Data also shows that a fall from a ladder of three metres or less (the standard one-storey floor height) is common and can result in death depending on what part of the body is affected. Falls from ladders are also a big factor in serious injuries. Of the 92 fatal falls, “unsafe ladder use” (i.e., ladder used inappropriately) was a contributing factor in 16 of the 92 fatalities (17%). The majority (56%) of the fatalities which occurred due to unsafe ladder use took place on construction sites.

These are the types of injuries or fatalities that could occur due to faulty or missing temporary stairs, or the improper use of ladders as a means of access and egress for an underground basement when temporary stairs would be a safer alternative.

This proposal would amend current temporary stairs provisions by:

- Clarifying where temporary stairs should start and end (i.e. requiring temporary stairs in underground levels).
- Identifying specific situations where the installation of temporary stairs may not be possible.
- Revising width dimensions to accommodate for movement of large equipment.

The ministry is seeking your feedback on these proposed changes and the assessment of the impact of the changes outlined in the Regulatory Impact Analysis. Your feedback will be considered during the development of possible amendments.

Proposal

1. Where Stairs are Required

This proposal would amend section 75 to clarify that temporary stairs must be installed from the lowest level of a construction project, including underground levels such as a basement.

This amendment would address concerns that have been raised that the existing provisions have caused confusion as to whether stairs must be installed where the first storey of a construction project is below-ground (i.e. as in a basement), and whether the basement level should be considered to be the first storey of a construction project.

This proposal serves to clarify that underground levels of a construction project are to be included in the calculation of the height of the project, and that that stairs must be erected leading to and from an underground level. This amendment would provide clarity to employers, enable clear and consistent enforcement of these requirements, and improve health and safety for workers.

1. Where Stairs are not Required

Section 75 would also be amended to add an additional scenario where stairs would not be required. Under section 75 stairs are not are not required in parts of a building where there are only structural steel beams or columns erected; or where there is a permanent ladder attached to a structure before it is raised into position.

The proposed amendment would provide that stairs would not be required where formwork or falsework is erected to a suspended slab. This allowance would be made to account for the lack of space to install temporary stairs when formwork or falsework is in place to support the entire floor which is being created (poured) above. To access the upper level in these circumstances, a ladder can be used until the forms are removed and stairs can be cleared from falsework posts or installed.

This amendment would modernize the existing provisions by accounting for practical limitations in the erection of key structural elements in a construction project.

2. Staircase Width Requirements

This proposal would amend section 77 to require that the width of a staircase be at least 610 millimetres where reasonably possible, and at least 500 millimetres. There would be no expectation for wider stairs in an existing structure that does not have room for wider stairs.

This amendment would modernize the existing provisions by addressing the issue that 500 millimetres does not always provide sufficient clearance area to move large equipment to and from underground levels, such as a basement.

Regulatory Impact Assessment

Since this proposal largely serves to clarify and modernize existing regulatory requirements, there is a minimal cost impact on businesses. This proposal may impact up to 130,627 construction businesses. Due to the unpredictable nature of the construction sector, it is difficult to pinpoint exactly what proportion of these businesses will be impacted, how many times in a year any of these businesses may be impacted, and how many additional temporary stairs may be required on a particular construction project (i.e. high-rise commercial vs. residential) as a result of these changes.

Evidence indicates that the majority of construction employers have already been installing temporary stairs in underground levels of construction projects. As a result, the incremental cost associated with installing temporary stairs in underground levels are expected to be limited to projects that are not already employing this practice.

Temporary stairs are usually made on-site from the same wood as house framing wood (i.e., construction-grade wood such as spruce, pine, or fir), which tends to be less expensive than getting factory-built/prefabricated stairs. The cost for an eastern spruce-pine-fir 2x4 in Canadian dollars per thousand board feet was estimated at \$485 on January 25, 2019. Based on this cost for an eastern spruce-pine-fir 2x4, the volume of lumber needed for a standard one-storey floor staircase, of 610 mm width would be approximately \$50, in addition to labour costs for the installation of these temporary stairs. The incremental volumetric cost of increasing tread widths from 500 mm to 610 mm is \$6.25 per one-storey floor staircase.

Comments Due Date:

Thursday, April 25th, 2019

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Notice to Consultation Participants

Personal information collected during this consultation is under the authority of Section 70 of the *Occupational Health and Safety Act* and is in compliance with section 38 (2) of the *Freedom of Information and Protection of Privacy Act*.

If you have any questions regarding freedom of information or privacy matters, you may contact the Ministry's Freedom of Information and Privacy Office at 416-326-7786.