



MEMBER BULLETIN

December 22nd 2023

New Construction Regulation Amendments in effect Jan 1, 2024

Effective January 1st, 2024, Ontario Regulation 241/23 section 150 is amended by adding “mobile” immediately before “crane or similar hoisting device”. (See: O. Reg. 241/23, s. 6 (1))

“(b) hoisting engineer — mobile crane operator 1 or hoisting engineer — mobile crane operator 2, if the worker is operating a crane or similar hoisting device capable of raising, lowering or moving only material that weighs more than 16,000 pounds but no more than 30,000 pounds;”

Subsection 150 (1.1) does not apply when a worker is using excavation equipment to place pipes into a trench. O. Reg. 631/94, s. 3.

Note: On January 1, 2024, subsection 150 (1.1) of the Regulation is revoked. (See: O. Reg. 241/23, s. 6 (2))

O. Reg 241/23 Subsection 150. (1) *“no worker shall operate a crane or similar hoisting device unless the worker holds a certificate of qualification or a provisional certificate of qualification issued under the Building Opportunities in the Skilled Trades Act, 2021, that is not suspended, or the worker is an apprentice.”*

OSWCA has engaged with Ministry of Labour Immigration, Training and Skills Development to seek clarity on whether “similar hoisting device” includes excavators capable of hoisting material which weighs more than 16,000 pounds.

The Ministry has informed OSCWA that:

“The amendments to section 150 do not change the application of the existing requirement for a certificate of qualification, which only applies to tower crane and mobile crane operators. Excavation equipment is not considered to be a tower crane or mobile crane.”

Attached to this bulletin you will find correspondence between the OSWCA and the Ministry of Labour, Immigration, Training and Skills Development clarifying application of O.Reg 241/23 Section 150

For more information on O. Regulation 421/23 On Please contact steven.crombie@oswca.org or 416-618-9839

From: [Drexler, Caitlyn \(MLITSD\)](#)
To: [Steven Crombie](#); [Patrick Mcmanus](#)
Cc: [Da-Re, Giancarlo \(MLITSD\)](#)
Subject: RE: meeting
Date: September 7, 2023 11:12:12 AM

Hey Steven + Patrick,

I know Giancarlo spoke with you both last week in person regarding the excavator confusion with the new tower crane regulations – I have confirmed with our officials that the removal of section 150(1.1) does NOT mean that excavation equipment is considered a tower crane and thus, no additional certification of qualification is necessary. Please see below.

The amendments to section 150 do not change the application of the existing requirement for a certificate of qualification, which only applies to tower crane and mobile crane operators. Excavation equipment is not considered to be a tower crane or mobile crane.

150(1.1) Subsection 1 does not apply when a worker is using excavation equipment to place pipes into a trench.

On its face, this revocation may appear to make the subsection 150(1) requirements for a certificate of qualification apply to the operators of certain excavators. However, as mentioned above, the requirement for a certificate of qualification in section 150 only applies to tower cranes and mobile cranes. Subsection 150(1.1) was therefore revoked as it was redundant.

For your awareness, there are some additional amendments in regards to safety overall – guidance on those specific regulations will be circulating in the next few months.

I can also send the guidance documents to you when they are available!

Please let me know if you have any other questions or concerns.

Thanks,

Caitlyn Drexler | Policy Advisor

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From: Steven Crombie <steven.crombie@oswca.org>

Sent: August 23, 2023 4:35 PM

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