

WHAT'S NEW IN THE *PRE-START HEALTH AND SAFETY REVIEW GUIDELINE*

Updates to PEO's guideline reflect new amendments to section 7 of Regulation 851 under the *Occupational Health and Safety Act*.

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Earlier this year, PEO Council approved the publication of the *Pre-Start Health and Safety Review Guideline*, which incorporates amendments to section 7 of the Industrial Establishments Regulation (Regulation 851) under the *Occupational Health and Safety Act* (OHS), which came into effect in January.

In June 2019, PEO's Professional Standards Committee formed a subcommittee of engineers experienced with providing services for pre-start health and safety reviews (PSR) to revise the previous guideline, *Professional Engineers Providing Reports for Pre-Start Health and Safety Reviews*, published in 2001. The subcommittee was tasked with investigating the current statutory, ethical and professional aspects of providing PSR services; revising the guideline; and providing practitioners undertaking this work with best practices and guidance on the level of diligence required.

Below is a summary of the key revisions to the guideline. Additionally, the OHS amendments include a new column added to the table of section 7 of Regulation 851 that identifies exemptions to each requirement. Furthermore, the Ministry of Labour, Training and Skills Development (MLTSD) guidelines provide details of what documents are acceptable to establish an exemption for each table circumstance.

1. Professional responsibilities

The previous version of the guideline was silent on the client's professional responsibilities, which are critical for ensuring that all persons are protected before operating any apparatus, structure or protective element or process in the workplace.

2. Competency and disclosure

PEO has received some concerns regarding the inconsistency of PSR reports in terms of content and details. Therefore, the updated guideline reminds practitioners of their obligations under PEO's Code of Ethics to only accept services within their expertise. The guideline also recommends that practitioners provide their CV or examples of recent projects they have worked on—while respecting confidentiality agreements—to demonstrate their knowledge and competence regarding the work to be undertaken for their clients.

3. Conflict of interest

PEO has received some concerns regarding conflict of interest in situations where a practitioner is involved with the selection of equipment and also completes



the PSR review for this equipment. Another example is a situation in which an employee engineer undertakes PSR reviews for their employers. It is recommended that practitioners complete a conflict check before engaging in the work. The conflict check should include other stakeholders in the practitioner's firm to ensure it is thorough and complete. The simplest and most effective way to deal with potential conflicts of interest is to be forthright and communicate with the appropriate parties about any circumstances that could reasonably lead those parties to question the practitioner's judgment.

4. Recommendation on safety control systems

The previous version of the guideline was silent on safety control systems. The updated guideline recommends that practitioners understand common and uncommon failure modes for electrical, mechanical, pneumatic and hydraulic control circuits on machines with protective devices, the failure of which could

present a danger to personnel. Practitioners should be familiar with standards CSA Z432 and ISO 13849-1&2. Furthermore, practitioners should consider all potential energy sources when reviewing the safety control system as applicable. These energy sources may include, but are not limited to, gravity, mechanical motion and momentum, potential energy, electrical, pneumatic and hydraulic pressure, temperature and radiation.

5. Lockout/tag-out procedure

Compliance with lockout/tag-out related requirements of O.Reg 851 s.42, 74, 75 and 76 are referred to in applicable standards but relate to clauses of the Industrial Establishments Regulations. They are not prescribed for review under the “safeguarding device that signals a stop” or any other PSR conditions identified in the table and are therefore outside the prescribed scope of the PSR. Based on the practitioner’s scope of service, a review of such external regulations may be included in the services provided to a client. However, practitioners may consider clarifying that the presence of safeguarding devices does not remove the need to follow safe operating procedures and to lockout equipment or block it from moving where required for performing maintenance or other activities outside of a system’s normal operating state.

6. Hazardous area classification

Often practitioners are asked to identify hazardous locations when concentrations of flammable gas/vapour or combustible dust/fibres/flyings are present. This is referred to as hazardous location area classification. Practitioners performing area classifications need formal training and experience. Furthermore, a background in Fire Code reviews is essential because issues related to storage, dispensing, ventilation, bonding and grounding, explosion protection and other control measures are almost always encountered by the practitioner performing the area classification.

7. Risk assessment

Although risk assessments are not specifically legislated as part of a PSR, a risk assessment may be needed to properly complete a PSR, especially in relation to functional safety for Circumstance 2 PSRs. Risk assessment methods may vary depending on the nature of the work and the types of hazards under consideration. At minimum, practitioners participating in risk assessment should

understand how the assessment is performed according to relevant standards, including CSA Z432 and such standards referenced within that standard.

Finally, practitioners should clearly describe their scope of work before entering into an agreement to avoid any future issues and eliminate any confusion. Practitioners should explain to their clients that a PSR is a legislative requirement of the OHS Act and is separate and distinct from other inspections that may be required, such as those under the CSA Group or Electrical Safety Authority.

Practitioners are reminded to not approve or certify the equipment, structure or process for safe use. The PSR is a report stating the condition of the equipment at the time of inspection, which would include a statement as to whether the equipment, structure or process is or is not compliant with the applicable standards and regulations. The PSR process should result in an objective report based upon applicable standards and regulations. Practitioners are advised not to use the words “safe” or “unsafe” when writing reports but to use “compliant” or “non-compliant.”

For more information, practitioners may refer to the updated version of the *Pre-Start Health and Safety Review Guideline*.

PEO’s practice advisory team is available by email at practice-standards@peo.on.ca for practitioners seeking information on their obligations. For legal issues, practitioners must consult their lawyers. [e](#)

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