

# Understanding the Role of “Competent” and “Qualified” Persons in Fall Protection and Fall Protection Training in Canada

## Background

For fall protection applications in Canada, most regulators have established definitions for either competent or qualified persons or often both. In the case of the United States, these definitions are provided by The **Occupational Safety and Health Administration** (OSHA) as part of the minimal requirements that employers are required to comply with for those workers exposed to hazards of working at heights. These are often referred to in the 3M Fall Protection Product user instruction manuals.

This bulletin has been created to provide a high-level understanding of key portions of OSHA regulations 29 CFR 1910.140 AND 1926.32d as they relate to definitions commonly used in fall protection applications. In addition, it is intended to provide equivalents for the definitions of competent person and qualified person as they appear in Canadian regulations by jurisdiction. This bulletin does not represent a complete statement of the resources referenced, but a general summary of those resources as are in effect on the date of this bulletin. The regulations and standards noted in this bulletin address the responsibilities and abilities of individuals involved in fall hazard mitigation.

## Construction Industry 29 CFR (USA)

1926.32(d)

**“Authorized person”** means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the jobsite.

1926.32(f)

**“Competent person”** means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

1926.32(m)

**“Qualified”** means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

## General Industry 29 CFR (USA)

1910.140(b)

*Definitions* The following definitions apply to this section:

**Competent person** means a person who is capable of identifying existing and predictable hazards in any personal fall protection system or any component of it, as well as in their application and uses with related equipment, and who has authorization to take prompt, corrective action to eliminate the identified hazards.

**Qualified** describes a person who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

The definitions above are used in the user manuals for 3M fall protection products as they apply to installation, inspection and product use. The following information is a review of the definitions as they appear in Canadian jurisdictions. In many cases, the definitions do not appear together in the regulations as they do in the US. A competent person and/or worker can be viewed as a qualified person in some jurisdictions. It is important to read and understand the definition for each jurisdiction as they are not common to all. The definitions are extracted as they appear in the regulations. In some cases, there may be only one and a reference regarding the other will appear in the notes sections.

Region	Name of Regulation	Regulation	Notes
<b>Federal (Canada)</b>	Occupational Health and Safety Regulations (SOR/86-304), Part XII, Protective Equipment and Other Preventative Measures	<b>Part I Interpretation</b> <b>1.2</b> In these regulations, <b>Qualified person</b> means, in respect of a specified duty, a person who, because of his knowledge, training and experience, is qualified to perform that duty safely and properly;	A competent person in this regulation is specifically aimed at the investigations of workplace violence issues and is not pertinent to fall protection applications. See Part XX, section 20.9 (1)
<b>Alberta</b>	Occupational Health and Safety Code, Alberta Regulation 87/2009, Part 9 Fall Protection	<b>Definitions</b> <b>1.</b> In this act. (d) “competent” in relation to a person, means adequately qualified, suitably trained and with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision;	The act does not use the term qualified person for other than identification of a person designated so by an engineer or product manufacturer.
<b>BC</b>	Occupational Health and Safety Regulation, B.C. Reg. 296/97, Part 11 – Fall Protection	<b>Definitions</b> <b>1.1(1)</b> In this Occupational Health and Safety Regulation <i>qualified</i> means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination thereof...	The regulation does not use the term competent person.

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<b>MB</b>	Workplace Safety and Health Regulations, 217/2006, Part 14	Further duties of the employer <b>4(2)</b> Without limiting the generality of an employer's duty under subsection; (1), every employer shall <b>(h)</b> ensure that all of the employer's workers are supervised by a person who <b>(i)</b> is competent ,because of knowledge, training or experience, to ensure that work is performed in a safe manner; and <b>(ii)</b> is familiar with this Act and the regulations that apply to the work performed at the workplace;	The regulation does not use the term qualified person.
<b>NB</b>	Regulation 19/191 under the Occupational Health and Safety Act (O.C. 91-1035)	<b>Part I</b> <b>Interpretation</b> In this regulation, "competent" means (a) qualified, because of such factors as knowledge, training and experience, to do assigned work in a manner that will ensure the health and safety of persons, (b) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and (c) knowledgeable about potential or actual danger to health or safety connected with the assigned work.	The regulation does not use the term qualified person.
<b>NL</b>	Regulation 5/12, Occupational Health and Safety Regulation, 2012, Part X Fall Protection	<b>Part I</b> <b>General</b> <b>Interpretation</b> <b>2. (1)</b> In these regulations "competent" means a person who is <b>(i)</b> qualified because of that person's knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and <b>(ii)</b> knowledgeable about the provisions of the Act and these regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work; <b>(w)</b> "qualified" means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or a combination of them;	

Region	Name of Regulation	Regulation	Notes
NS	Workplace Health and Safety Regulations, OHSA S.N.S. 1996, c. 7; N.S. Reg. 143/2014	<b>Part 1: Interpretations and Application</b> <b>Definitions for these regulations</b> “competent person” means a person who is (i) qualified because of their knowledge, training and experience, to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and (ii) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work	
ON	Ontario Regulation 213/91, Construction Projects	<b>Part I</b> <b>General</b> <b>Interpretation and Application</b> <b>1. (1)</b> In this Regulation, “competent worker” in relation to specific work, means a worker who, (a) is qualified because of knowledge, training and experience, to perform the work (b) is familiar with the Occupational Health and Safety Act and with the provisions of the regulations that apply to the work, and (c) has knowledge of all potential or actual danger to health or safety in the work	
PEI	Occupational Health and Safety Act, Fall Protection Regulations, EC633/04	<b>Part I – Defenitions and Application</b> <b>1.4 Definitions</b> In these regulations (f) “competent person” means a person who is  (i) qualified because of that person’s knowledge, training and experience to do the assigned work in a manner that will ensure the health and safety of persons in the workplace, and (ii) knowledgeable about the provisions of the Act and the regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work	

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<b>QC</b>	Occupational Health And Safety – Construction – Safety Code, CQLR c. S-2.1, r. 4		Although the terms competent person and qualified person are used in this regulation, neither is defined in the regulation specifically.
<b>SK</b>	Occupational Health and Safety Regulations, 1996, S.S., c. O-1.1, Reg 1 – Part VII	<b>PART I</b> <b>Preliminary Matters</b> <b>Interpretation</b> <b>2(1)</b> In these regulations and in all other regulations made pursuant t the Act: <b>(l)</b> “competent” means possessing knowledge, experience and training to perform a specific duty; <b>(m)</b> “competent worker”, with respect to a particular task or duty, includes a worker who is being trained to perform that task or carry out that duty and who is under close and competent supervision during that training; <b>(xx)</b> “qualified” means possessing a recognized degree, a recognized certificate or a recognized professional standing and demonstrating, by knowledge, training and experience, the ability to deal with problems related to the subject-matter, the work or the project;	

Region	Name of Regulation	Regulation	Notes
YU	Occupational Health and Safety Regulations, O.I.C. 2006/178	<b>Part 1 – General</b> <b>Definitions</b> <b>1.02</b> In these Regulations only new definitions will be explained: for others see the Occupational Health and Safety Act and the Workers' Compensation Act. "qualified person" means a person who has education, experience and training in the recognition, evaluation and control of hazards associated with the work	
	Occupational Health and Safety Act, RSY 2002, c.159	<b>Interpretation I</b> In this act, "competent person" means a person who, <b>(a)</b> is qualified because of their knowledge, training, and experience to organize the work and its performance, <b>(b)</b> is familiar with the provisions of this Act and the regulations that apply to the work, and <b>(c)</b> has knowledge of any potential or actual danger to health or safety in the workplace;	
NWT	Occupational Health and Safety Regulations R-039-2015 (Safety Act)	<b>Interpretation</b> "competent" means, in respect of a function, task or duty, possessing the knowledge, experience and training to perform the function, task or duty; "qualified individual" means an individual who <b>(a)</b> possesses a recognized degree, certificate or professional standing, and <b>(b)</b> has demonstrated, by knowledge, training and experience, an ability to deal with problems related to a particular subject matter or work;	
NU	Consolidation of Occupational Health and Safety Regulations R-003-2016		



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