



Elevating and Amusement Devices Safety Division	Ref. No.:	Rev. No.:
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DIRECTOR'S GUIDELINE	Date:	Date:
	January 6, 2010	November 20, 2012

Subject: Guideline for the reporting of
1) incidents
2) equipment exposed to harmful events affecting safe operation and
3) equipment found in a hazardous state (by a mechanic or license holder)

Applicable to: All Amusement Device Licence Holders, Contractors, Consultants, and Certificate Holders

1. Introduction

Ontario Regulation 221/01 (Amusement Devices) as amended by O.Reg 249/08, which came into effect on January 1, 2009, contains updated requirements related to the reporting of incidents.

2. Purpose of this Guideline

This guideline is intended to aid in compliance with section 17 of Ontario Regulation 221/01 (Amusement Devices) titled **Reporting of Incidents**. Section 17 requires that any incident involving an amusement device be reported to the Director. The specifics of this requirement vary depending on the nature of the incident.

The **Reporting of Incidents** section of the regulation addresses issues related to;

- types of incident(s),
- harmful events which may impact the safety of a device,
- devices found in a hazardous condition,
- who should report, method of reporting and reporting timelines,
- requirements related to preserving the scene,
- returning a device back into operation, and
- thorough investigation of incidents.

A copy of section 17 is attached as Appendix 'A'.

3. Intent

The intent of section 17 is to ensure that the Director is informed of all incidents related to amusement devices. Section 17 deals with not only actual incidents but also hazardous conditions where no injury or property damage has yet occurred. The reporting of instances or hazardous conditions can be an effective trigger for safety enhancements and it is vital to 'risk-informed decisions making' in order to manage public safety related to amusement devices. Legislated requirements for incident reporting allow the Director to make use of information obtained beyond that which is gained only from inspection activities.

4. Effective Date

The amended incident reporting section came into effect on January 1, 2009.

5. Returning an Amusement Device to Service

- a) Subsection 17.(7) provides that no person shall return an amusement device to service after an incident until the cause of the incident or condition is identified, the safety of the device restored and an inspector gives permission to return the device to service.
- Responsible Party b) Subject to compliance with all applicable incident reporting and notification requirements, a licensee may return an amusement device to service after a non **Critical Injury** incident if,
- Investigated by i. The incident is investigated by,
 1. a TSSA certified amusement device mechanic certified for that device type (not a mechanic in training) or
 2. by an Ontario licensed professional engineer; and
- Not equipment related ii. The person conducting the investigation can confirm that the incident did not occur as a result of a mechanical or electrical failure or deficiency with the amusement device; and
- Not operator related iii. the operators/attendants at the device can demonstrate / have practiced / are proficient in all applicable maneuvers to readily load / unload / assist patrons as required, and the incident was not the result of operator error, and
- Incident reported iv. After return to service the incident is immediately reported to the Director at 877-682-8772 (incident reporting). Note: A written incident report is also required within 24 Hrs, and
- Less severe than Critical Injury v. The injury (which requires medical attention) is less severe than a **Critical Injury** as defined by the Occupational Health and Safety Act, under O.Reg 834 Critical Injury – Defined.

Note(s):

- (1) The provisions in this section are an attempt to allow amusement device licensees to restore operation to a device in relatively short order, following a personal injury that is less than a **Critical Injury** to a patron, provided the requirements detailed above are followed.
- (2) Failure to follow the prescribed process may result in this provision being removed from the guideline.
- (3) The on call supervisor has the right to order the device removed from service if he or she feels that the exemption does not apply, or the onsite investigation was incomplete or insufficient, and will conduct an investigation as they deem fit.
- (4) See Appendix 'B' for O.Reg 834 Critical Injury – Defined.

6. Incident Notification and Reporting Q&A's:

a) What is an incident?

The regulation defines an incident as follows:

“incident” means an occurrence involving a system, device or component of an amusement device, whereby a hazard is exposed resulting in an adverse consequence to a person or property;

Note:

- Subsections 17.(1) and 17.(2) of the regulation specifically deal with “incidents”.
- Subsections 17.(3) through 17.(5) do not deal with “incidents” but rather with “conditions”.

b) Are reporting requirements connected to the severity of the ‘incident’?

Yes.

Subsection 17.(1) details notification and reporting requirements for two categories of incident: “death”, or “injury to a person that requires the services of a medical practitioner”.

Subsection 17.(2) has notification and reporting requirements for other incidents which are not covered in ss. 17.(1). A minor incident would be a personal injury where no medical practitioner was required or where there was property damage. Remember that a consequence to person or property = an incident.

c) What is meant by “services of a medical practitioner”?

The regulation defines medical practitioner as follows:

“medical practitioner” means a physician, nurse, dentist, chiropractor or physiotherapist legally qualified to practice their profession in Ontario, and a paramedic as defined under the Ambulance Act.

If a personal injury requires the services of a medical practitioner due to the nature of the injury, then the notification and reporting requirements as described in ss. 17.(1) apply.

Note: If, for example, the personal injury requires the services of a medical practitioner and a paramedic responds to a call and provides medical services in connection with an amusement device incident, the licence holder must comply with the reporting requirements of ss. 17.(1) in relation to a death or serious injury.

If an incident occurs in connection with an amusement device where the services of a medical practitioner are not provided or are not required, the licence holder must comply with the reporting requirements of ss. 17.(2) in relation to a minor injury.

d) Do I need to report a personal injury which did not require the services of a medical practitioner (i.e. a more minor type injury)?

Yes.

Subsection 17.(2) of the regulation requires reporting incidents other than those described in ss. 17.(1). A personal injury that does not require the services of a medical practitioner would fall into this category.

e) Aside from the ‘incidents’ described as

- a) death: in ss. 17.(1),**
 - b) injuries: serious injuries in ss. 17.(1) and minor injuries in ss. 17.(2), or**
 - c) property damage: in ss. 17.(2)**
- are there any other reportable events?**

Yes.

Any time an amusement device is found to be in a condition where the safe operation of the equipment is affected [see ss. 17.(3)] or where there is an immediate hazard to the safety of persons or property [see

17.(4) and 17.(5)] the Director must be notified and a written report must be submitted. This requirement is found in subsections 17.(4) and 17.(5).

f) When are the conditions of subsection 17.(3), that detail fire, vandalism, impact or lightning strike, reportable?

Any time an amusement device has been negatively impacted to the extent that safe operation is questionable as a result of exposure to the conditions listed above the licence holder must notify the Director and submit a written report of the incident to the Director.

g) What's the difference between subsections 17.(4) and 17.(5)?

Both of these provisions relate to the finding of the device in a condition which constitutes an immediate hazard. The difference depends on who finds or becomes aware of the hazard. Subsection 17.(4) applies if a mechanic finds the device in a hazardous state whereas subsection 17.(5) applies to licence holders.

h) What is meant by a “condition which constitutes an immediate hazard”?

A condition which constitutes an immediate hazard would be something that, if left unattended, would imminently cause death or serious injury to a person, also if the condition has the potential to cause property damage it likely also exhibits the potential for serious injury. If a device is in a condition that constitutes an immediate hazard, it must be immediately removed from service.

i) What if the immediate hazard is something that can be fixed quickly through general maintenance or repair. Do I still need to report?

Yes.

If there was a potential for harm to persons or property the Director must be notified of the event or condition and a written report must be submitted.

j) If I comply with my notification and reporting requirements, can the device be returned to service?

Not if the incident or condition is of a type referred to in ss. 17.(1), ss. 17.(3), ss. 17.(4) or ss. 17.(5). No person shall disturb the scene except for making the site safe or to facilitate rescue. Nothing is permitted to be done to the scene until an inspector gives permission to do so. No person is permitted to return the device to service until:

1. The cause of the incident or condition is identified;
2. The safety of the device is restored; and
3. The inspector has authorized the return to service.

k) If an incident [ss. 17.(1) or ss. 17.(2)] occurs or a condition as specified in ss. 17.(3), (4) or (5) is identified, can the device operate?

Requirements for Device Operation			
Reg ref.	Occurrence or Event	Operation of Equipment	Requirements before restoring operation
17.(1)	Death	Shut Down. Cannot interfere with anything connected with the amusement device, except for making the site safe or rescue of injured persons, until an inspector gives permission. For Incidents other than Critical Injury *, see section 5 of reporting guideline.	Operation only after: 1. cause is identified & 2. device safety is restored & 3. inspector gives permission
	Injury requiring services of a medical practitioner		
17.(2)	Injury other than 17.(1) or property damage	No shut down requirements	Safety of the device is restored
17.(3)	Equipment exposure to harmful events impacting safe operation	Shut Down. Cannot interfere with anything connected with the amusement device, except for making the site safe or rescue of injured persons, until an inspector gives permission	Operation only after: 1. cause is identified & 2. device safety is restored & 3. inspector gives permission
17.(4)	Mechanic finds equipment in a condition that constitutes an immediate hazard		
17.(5)	Licence holder finds or becomes aware of equipment in a condition that constitutes an immediate hazard		

* See appendix 'B'

- 1) **Who is responsible to report?**
What are the timelines for reporting?
What documentation is required?

Summary of Reporting Requirements			
Reg ref.	Occurrence or Event	Notification	Written Reports
17.(1)	Death	Licence holder must notify the Director immediately	The licence holder shall submit a written report to the Director within 24 hours of becoming aware of the incident
	Injury requiring services of a medical practitioner		
17.(2)	Injury other than 17.(1) or property damage	Licence holder must notify the Director within 24 hours of becoming aware	The licence holder shall submit a written report to the Director within 7 days of becoming aware
17.(3)	Equipment exposure to harmful events impacting safe operation		
17.(4)	Mechanic finds equipment in a condition that constitutes an immediate hazard	The mechanic must notify the licence holder immediately	The licence holder shall submit a written report to the Director within 7 days of the finding
17.(5)	Licence holder finds or becomes aware of equipment in a condition that constitutes an immediate hazard	Licence holder must notify the Director within 24 hours of the finding	The licence holder shall submit a written report to the Director within 7 days of the finding

m) What information must be included in the report to the Director?

TSSA has a reporting form available on the www.tssa.org web site which must be used to capture the necessary information when reporting an incident. The regulation requires that full particulars of the incident / event are provided. A copy of the reporting form is attached to this guideline.

n) Is it a requirement to use TSSA's reporting form?

Yes.

A written report must be submitted to the Director in the form provided by the Technical Standards and Safety Authority. A copy of this form is attached to this guideline.

o) What are some examples of a condition that constitutes an immediate hazard (imminent potential for death or serious injury) as outlined by ss17.(4) and ss 17.(5)?

While there are many possible conditions that could constitute an immediate hazard it is difficult to provide an exhaustive list. An immediate hazard is a condition that could result in death or serious injury to persons if the amusement device is not immediately removed from service or rectified.

Here are a few examples of hazardous conditions*;

- A jumper is left on a safety circuit
- A safety related component is circumvented
- Missing or failed safety components
- A crack is discovered in an important weldment
- A single failure of a component which has created an immediate hazard condition
 - oil line or hydraulic cylinder failure
 - parted suspension rope
 - brake failure

* to be considered an immediate hazard, the nature of these condition have a high probability to cause death or serious injury.

p) If a device is in a condition that does NOT constitute an immediate hazard [per Q&A (h) or (o)], but the condition poses an “elevated exposure to risk” to the public, can I voluntarily report the condition even though this is not covered by the regulation, and if so, how?

Yes. Voluntary reporting of conditions which pose an “elevated exposure to risk” to the public are welcomed and can aid in better risk informed decision making by the Director, the elevating devices safety program and TSSA's industry councils. The regulation defines the minimum requirements for reporting. The incident reporting form includes checkboxes used to specify the “occurrence type”. To report a condition which poses an elevated exposure to risk select the occurrence type; “**voluntary reporting of an instance of elevated exposure to risk**”.

q) What should I do if I am uncertain about my notification and reporting obligations?

If you are in doubt as to whether reporting is required, you are encouraged to report the finding, or contact TSSA's customer contact centre at 1 (877) 682-8772 for further clarification.

r) How do I Report?

An incident reporting form (specific to amusement devices) is available online at www.tssa.org
Incidents may be reported via:

- Telephone Notification - TSSA's customer contact centre at 1 (877) 682-8772
- Written Notification - via email to ad-incident@tssa.org

Where the regulation requires immediate reporting, see table "Summary of Reporting Requirements", reporting must be done by telephone.

Roland Hadaller, P.Eng.,
Director, Ontario Regulation 221/01 (Amusement Devices) appointed under the *Technical Standards and Safety Act, 2000*.

This Guideline has been developed in consultation with the Amusement Devices Advisory Council.

Appendix 'A'
From Ontario Regulation 221/01
INCIDENTS

Reporting of incidents

17. (1) Where an incident occurs in connection with an amusement device that results in the death of a person or injury to a person that requires the services of a medical practitioner, the licence holder for the device shall,
- (a) notify the director by telephone immediately; and
 - (b) within 24 hours of first becoming aware of the incident, submit to the director in the form provided by the designated administrative authority a written report giving full particulars. O. Reg. 249/08, s. 14.
- (2) Where an incident occurs in connection with an amusement device, other than an incident described in subsection (1), the licence holder shall,
- (a) notify the director by telephone or other means within 24 hours of first becoming aware of the incident; and
 - (b) within seven days of first becoming aware of the incident, submit to the director in the form provided by the designated administrative authority a written report giving full particulars. O. Reg. 249/08, s. 14.
- (3) Where the amusement device has been subjected to fire, impact, vandalism or lightning strike that may adversely affect the safe operation of the device, the licence holder for the device shall,
- (a) notify the director by telephone or other means within 24 hours of first becoming aware of the condition that may adversely affect the safe operation of the device;
 - (b) within seven days of first becoming aware of the condition, submit to the director in the form provided by the designated administrative authority a written report giving full particulars. O. Reg. 249/08, s. 14.
- (4) Where a mechanic finds that an amusement device is in a condition that constitutes an immediate hazard to the safety of a person or property, he or she shall immediately remove the device from service and notify the licence holder. O. Reg. 249/08, s. 14.
- (5) Where a licence holder for an amusement device finds or becomes aware that the device is in a condition that constitutes an immediate hazard to the safety of a person or property, the licence holder shall,
- (a) immediately remove the device from service;
 - (b) notify the director by telephone or other means within 24 hours of making the finding; and
 - (c) within seven days of making the finding, submit to the director in the form provided by the designated administrative authority a written report giving full particulars. O. Reg. 249/08, s. 14.
- (6) Where an incident referred to in subsection (1) occurs or a condition referred to in subsection (3), (4) or (5) is found, no person shall, except for the purpose of making the site safe or rescuing a person injured in the incident, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the incident or condition until an inspector gives permission to do so. O. Reg. 249/08, s. 14.
- (7) No person shall return an amusement device referred to in subsection (1), (3), (4) or (5) to service until the cause of the incident, occurrence or condition is identified, the safety of the device restored and an inspector gives permission to return the device to service. O. Reg. 249/08, s. 14.
- (8) An investigation under this section shall be conducted in such manner as the director considers necessary in the circumstances. O. Reg. 249/08, s. 14.

Appendix 'B'

From Occupational Health and Safety Act
R.R.O. 1990, REGULATION 834 CRITICAL INJURY — DEFINED

- 1.** For the purposes of the Act and the Regulations, “critically injured” means an injury of a serious nature that,
- (a) places life in jeopardy,
 - (b) produces unconsciousness,
 - (c) results in substantial loss of blood,
 - (d) involves the fracture of a leg or arm but not a finger or toe,
 - (e) involves the amputation of a leg, arm, hand or foot but not a finger or toe,
 - (f) consists of burns to a major portion of the body, or
 - (g) causes the loss of sight in an eye. R.R.O. 1990, Reg. 834, s. 1.