



Elevating and Amusement Devices Safety Program	Ref. No.: 214/09-r2
Director's Guideline	Date: December 1, 2020

Subject: Incident Reporting Guideline as applicable to Passenger Ropeways & Passenger Conveyors
Distribution: Posted on TSSA website and distribution to TSSA Ski Lift Advisory Council

1. Introduction

This Director's Guideline 214/09-r2 addresses current challenges with reporting and shutdown requirements when dealing with incidents under section 36 of Ontario Regulation 209/01 (*Elevating Devices*) [hereinafter the *Regulation*] that:

- require the services of a medical practitioner, and
- occur in the load and unload area of a ski lift.

This document provides guidance to passenger ropeway and conveyor operators, mechanics and licensees about the requirements to report incidents and when a restart of passenger ropeways and conveyors is permissible following an incident, only if certain conditions are met.

Operators, license holders and mechanics are advised to use their best judgment when making determinations about the reporting requirements and the restart allowances under section 36 of the *Regulation*. This Guideline does not supersede or override the regulatory requirements of section 36 of the *Regulation*.

2. Effective Date

This Director's Guideline 214/09-r2 is in effect October 1, 2020. Director's Guideline 214/09-r1 is revoked on September 30, 2020.

3. Definitions

For the purpose of administering the requirements of the *Regulation* and affording flexibility of administration of those requirements, the following definitions are used for this incident reporting guideline as applicable to Passenger Ropeways and Passenger Conveyors only. Note: '**defined terms**' are shown in **bold italic**

"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.

"critical injury requiring a medical practitioner" means an injury of a serious nature including injuries that may,

- (a) place a life in jeopardy
- (b) produce unconsciousness
- (c) result in a substantial loss of blood
- (d) involve a fracture of an arm, leg, collar bone, hip bone, vertebrae; and/or
- (e) require the use of a spinal back board for a head or vertebrae injury.

"non-critical injury requiring a medical practitioner" means an injury other than **critical injury requiring a medical practitioner**

"non-critical injury" means an injury where no medical practitioner services were sought or required

“Category 1 Injury” means a **critical injury requiring a medical practitioner**

“Category 2 Injury” means a **non-critical injury requiring a medical practitioner**

“Category 3 Injury” means a **non-critical injury**

“unseated patron incident” means a patron that is unseated or hanging onto or from the chairlift

“loading area, above surface ropeway” means the area from the wait to load sign to the point where a fall from the seat begins to exceed 3 meters

“unloading area, above surface ropeway” means the area where a fall from the seat becomes less than or equal to 3 metres to a point 3 metres past the tangent of the upper bull wheel

“surface lift user zone” means anywhere along the tow path, from the wait to load point to the unload point

“In the Zone” means one of the three defined areas;

- **loading area, above surface ropeway**, or
- **Unloading area, above surface ropeway**, or
- **surface lift user zone**

“Between the Zone” means the areas of an above surface lift between the loading and unloading zone

Category 1, 2, and 3 Injury Summary Table

Injury Category	Critical or Non-Critical	Requires service of a medical practitioner
Category 1 Injury	<p style="text-align: center;">Critical</p> <p>(a) places life in jeopardy (b) produces unconsciousness (c) results in a substantial loss of blood (d) involves a fracture of an arm, leg, collar bone, hip or vertebrae (e) requires the use of a spinal back board for a head or vertebrae injury</p>	Yes
Category 2 Injury	Non-critical	Yes
Category 3 Injury	Non-critical	No

Note: At all times, license holders, operators and mechanics are expected to use their best judgment when deciding whether or not an injury should be deemed Category 1, 2 or 3. The standard imposed will be one of a “reasonable person” based on the information available at the time the report is made.

4. Incident Type and Returning Passenger Ropeways to Service

Table of Operational and Reporting Requirements based on Incident Type

For the purpose of administering the requirements of O.Reg 209/01 s.36 **Incidents** as they relate to passenger ropeways, the following table reflects the provisions of this incident reporting guideline.

Reg.	Incident / Injury	Location	Operation	Notification to Director	Written Report
36.(1)	Death	Anywhere on lift	Shut Down ☒!	Immediately by owner s.36.(1)(a) ☒!	Maintaining contractor within 24 hrs s.36.(1)(b) ☒ 24h
	Category 1 Injury (critical)				
36.(2) as 36.(1)	Category 2 Injury (non-critical)	Between the Zone	After site is safe* and/or injured person rescued. Do not disturb scene. Operation only by inspector permission, after issue identified and device safety restored s.36.(7) & s.36.(8)		
	Category 3 Injury[†] (†fall from chair, non-critical) or Unseated Patron Incident				
36.(1) as 36.(2)	Category 2 Injury (non-critical)	In the Zone	No shut down. Lift restart permitted	Owner and Maintaining contractor within 24 hours of being aware s.36.(2)(a) s.36.(3)(a) ☒ 24h	Owner and Maintaining contractor within 7 days of being aware s.36.(2)(b) s.36.(3)(b) ☒ 7d
36.(2)	Category 3 Injury (non-critical)				
	Property damage	Anywhere on lift			
36.(3)	Equipment exposure to harmful events impacting safe operation		Shut Down ☒!	Same as above	Same as above
36.(4)	Mechanic finds equipment in a condition that constitutes an immediate hazard		After site is safe*. Do not disturb scene. Operation only by inspector permission, after issue identified and device safety restored s.36.(7) & s.36.(8)	The mechanic must notify the Owner or Maintaining Contractor immediately ☒!	
36.(5)	Licence holder finds or becomes aware of equipment in a condition that constitutes an immediate hazard			Owner within 24 hours of being aware s.36.(5)(b) ☒ 24h	Owner within 7 days of being aware s.36.(5)(c) ☒ 7d

☒ = Shut Down ☒ = Call ☒ = Report ! = immediately, 24h = 24hour, 7d = 7days * = permits lift evacuation

5. Reporting

a) 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 Spills Action Centre at 1 (877) 682-8772 (menu option 1) for further clarification.

b) How do I Report?

An incident reporting form (specific to ski lifts) 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 ski-incident@tssa.org

Where the regulation requires immediate reporting, reporting must be done by telephone.

6. Background

Ontario Regulation 209/01 (Elevating Devices) as amended by O.Reg 252/08, came into effect on January 1, 2009, and introduced new requirements related to the reporting of incidents. To provide further clarification on these new requirements Director's Guideline 214/09 was published.

After experiencing lift restart delays due to the new incident reporting protocols, the ski industry approached TSSA with their challenges. Subsequently guideline 214/09-r1 was issued to provide flexibility for lift restarts if certain protocols were followed. After several operating seasons utilizing the provisions of the updated guideline the ski industry has again conveyed challenges with delays when following the reporting protocols and challenges when an injury may involve the broad definition a medical practitioner. This Director's Guideline is an updated effort to address those challenges.

<director>,

Director, Ontario Regulation 209/01 (Elevating Devices) appointed under the *Technical Standards and Safety Act, 2000*.

This Guideline has been developed in consultation with the Ski Lift Advisory Council.

Legal Disclaimer

This document contains a **Guideline** (ED 214/09-r2) to assist members of the industry in understanding roles and responsibilities under section 36 of Ontario Regulation 209/01 (Elevating Devices) as adopted by the *Technical Standards and Safety Act, 2000*, S.O. 2000, Ch.16. This Guideline may be used for informational purposes only.

Although the information and materials are carefully prepared and are believed to be reliable and accurate, the Technical Standards and Safety Authority (TSSA) does not accept any legal responsibility for the contents herein or for any consequences, including direct or indirect liability, arising from reliance on the information or use thereof. The information set forth through the Guideline may be revised or withdrawn at any time without prior notice.

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The guideline contained herein does not have the force of law. In the event of a conflict between this guideline and any applicable legislation or regulation which may apply, the relevant law shall apply.

Appendix 'A'

From Ontario Regulation 209/01

INCIDENTS

Reporting of incidents

36. (1) Where an incident occurs in connection with an elevating device that results in the death of a person or injury to a person that requires the services of a medical practitioner,
- (a) the owner of the device shall notify the director by telephone immediately; and
 - (b) the contractor maintaining the device shall submit to the director, in the form provided by the designated administrative authority, a written report giving full particulars within 24 hours of first becoming aware of the incident. O. Reg. 252/08, s. 21.
- (2) Where an incident occurs in connection with an elevating device, other than an incident described in subsection (1), the owner and the contractor maintaining the device shall,
- (a) notify the director by telephone or other means within 24 hours of first becoming aware of the incident;
 - (b) each submit to the director in the form provided by the designated administrative authority a written report giving full particulars within seven days of first becoming aware of the incident. O. Reg. 252/08, s. 21.
- (3) Where there has been a fire, flood or other significant exposure to water, vandalism, impact or lightning strike that may adversely affect the safe operation of an elevating device, the owner and the contractor maintaining 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) each submit to the director, in the form provided by the designated administrative authority, a written report giving full particulars within seven days of first becoming aware of the condition. O. Reg. 252/08, s. 21.
- (4) Where a mechanic finds that an elevating 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 owner or contractor maintaining the device. O. Reg. 252/08, s. 21.
- (5) Where a licence holder for an elevating 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. 252/08, s. 21.
- (6) The written report shall contain the results of an investigation carried out by the contractor following the incident or finding that the elevating device was in a condition that constituted an immediate hazard. O. Reg. 252/08, s. 21.
- (7) Where an incident or condition of a type referred to in subsection (1), (3), (4) or (5) occurs, 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 until an inspector gives permission to do so. O. Reg. 252/08, s. 21.
- (8) No person shall return an elevating device referred to in subsection (1), (3), (4) or (5) to service 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. O. Reg. 252/08, s. 21.
- (9) An investigation under this section shall be conducted in such manner as the director considers necessary in the circumstances. O. Reg. 252/08, s. 21.