



ELEVATING WORK PLATFORM INSPECTION REQUIREMENTS

This fact sheet summarises the obligations of employers, owners and suppliers for testing and certification of power-operated elevating work platforms (EWP).

Legal Obligations

Employers, owners and suppliers do not fulfil their obligations simply by having a current inspection certificate: the EWP must be safe to use. The inspection and certification system is there to help duty holders meet their obligations under the Health and Safety in Employment Act 1992 (the HSE Act):

- Employers whose employees use EWPs are required to take all practicable steps to ensure that the EWPs are designed, made and maintained so that they are safe for the employees to use. (HSE Act, section 6).
- Those who sell, hire out, or otherwise supply EWPs have a similar duty to take all practicable steps to ensure that the EWPs are designed, made and maintained so that they are safe for any known or likely use. (HSE Act, section 18A).

The Approved Code of Practice Power-Operated Elevating Work Platforms (the ACOP) contains recommendations to assist duty holders to fulfil these obligations.

Inspection and Certification Requirements

Duty holders can be assured that they are meeting the requirements of the HSE Act set out above if the EWP has received the major examinations and six-monthly inspections and daily checks in accordance with the ACOP, and any defects found are promptly rectified.

The obligation to ensure safety remains on the duty holder. If an EWP has a certificate but it has not been issued in accordance with the ACOP then the duty holder may not be meeting the requirements of the Act.

Duty holders may choose not to have their EWPs inspected in accordance with the ACOP but must then take other steps that are equal to or better than the preferred practice set out in the ACOP in order to ensure that the EWPs are safe to use.

Duty holders must recognise that simply receiving an inspection certificate is NOT sufficient compliance with the ACOP. The major examinations and inspections must have been carried out in accordance with the recommendations of the ACOP and the Standards cited in the ACOP. This means that duty holders must satisfy themselves that persons carrying out inspections are competent to do. If the

certificate is issued by a CBIP-certified inspector, that duty holder can be assured that inspector is competent for this purpose. If an EWP does not have a certificate issued by a CBIP-certified inspector, the duty holder may be required to demonstrate further detailed evidence of compliance.

Non-compliance

If an EWP fails an inspection by a CBIP-certified inspector, but is then issued with a certificate by another inspector who is not CBIP-certified without any remedial work being done, then BOTH the owner and the person who issued the certificate may be in breach of the HSE Act.

A person who fails to comply with the HSE Act knowing that the failure is reasonably likely to cause serious harm to any person may be liable for the maximum penalties available under the Act, which are a term of imprisonment of up to 2 years, a fine of up to \$500,000, or both.

Failure to ensure that an EWP is inspected and maintained in accordance with the ACOP might also result in refusal of insurance claims for property damage.

References

Approved Code of Practice for Power-Operated Elevating Work Platforms - Department of Labour <http://www.osh.govt.nz/order/catalogue/195.shtml>.

Standard of Proficiency for the Certification of Elevating Work Platforms Assessors - Certification Board for Inspection Personnel <http://www.cbip.org.nz/standards.htm>.