

LEGISLATIVE INTERPRETATIONS

Topic: Rental Equipment Maintenance	Issued by: Director, Compliance and Regulatory Review
Statute: Occupational Health and Safety Act	Date Issued: August 24, 2016
Section: Section 13	Date Revised:

Question #1:

If an employer rents equipment from a rental company or a supplier, what type of documentation should be maintained by the employer to demonstrate that they comply with equipment maintenance requirements?

Answer #1:

If the equipment is rented from a supplier, at a minimum the employer renting the equipment should confirm with the supplier that it has been properly maintained. The employer must ensure that equipment is or has been maintained, repaired, operated, and inspected according to the manufacturer's specifications. Section 13 of the *OHS Act* places obligations on suppliers to supply safe equipment as well.

One way an employer can ensure the equipment rented is properly maintained is to ask for documentation of the maintenance records. If the supplier cannot provide documentation or you are not satisfied with the records, it becomes the employer's responsibility to ensure proper maintenance. Repeated rentals from the same supplier over time may help an employer rely on the supplier's track record for properly maintained and repaired equipment.

Question #2:

If the rental agreement states that the company that owns the equipment is responsible for its regular maintenance, does this release the employer renting the equipment from keeping a maintenance schedule for that equipment?

Answer #2:

The regular maintenance of the rented equipment can be performed by the supplier, but the employer is still responsible to ensure that the maintenance is performed.

Also, with some equipment the regulation requires regular inspections, such as a requirement that the operator do a visual check before using. It is important to note that these obligations still apply.

Question #3:

Are records of the operator's daily safety checks on equipment enough to demonstrate compliance or is additional documentation required? If so, what type of documentation should be kept?

Answer #3:

Daily safety checks may suffice provided the manufacturer's maintenance schedule is maintained by the supplier. In some instances, written inspection records (while desirable) are not required. It is important to reference the legislation pertaining to the equipment requiring inspections to determine if written records are required.

Either the employer or the supplier must carry out repairs to ensure safety if the equipment fails during the rental agreement.

Referenced Legislation

13 Every supplier shall

- (a) take every reasonable precaution to ensure that any tool, equipment, machine or device or any biological, chemical or physical agent supplied by him
 - (i) is reasonably safe when used as directed by the supplier or in accordance with the directions supplied by the supplier, and
 - (ii) complies with this Act and regulations;
- (b) provide directions respecting the safe use of any tool, equipment, machine or device or any biological, chemical or physical agent obtained by an employer to be used at a place of employment by employees; and
- (c) ensure that any biological, chemical or physical agent supplied by him is labelled in accordance with the applicable federal and provincial regulations.