

**WorkSafe Services**

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**Services de travail sécuritaire**

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November 19, 2007

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated November 6, 2007, in which the employer requests a deviation from *Occupational Health and Safety Act* General Regulation 91-191 section 115(3) that states:

**115(3)** *An employer shall ensure that a service stairway*

- (a) is a minimum of 900 mm in width,*
- (b) is pitched not less than 20 degrees and not more than 50 degrees from the horizontal, and*
- (c) has treads constant in width and not less than 150 mm in width.*

The employer indicates the following in the employer's request:

That the employer's company has been awarded a structural steel contract at the owner's premises and the scope of this contract is replacement of a pipe trestle, handrails, stair treads, and a staircase located outdoors in an area of the owner's premises.

The employer's company must replace a flight of stairs that gives access to an area of the owner's premises and it was noticed that these stairs do not comply with Section 115(3) of Regulation 91-191. The existing stairs have a width of 690 mm and is only one staircase out of many that do not comply. These stairs have been found to comply with the National Building Code of Canada 2005, in particular Article 3.4.7.5 of Division B, which states that the width is permitted to be reduced to 550 mm provided the fire escape serves not more than 15 persons. This area is being accessed only for maintenance and repairs and is in compliance with this code. This tower is located outdoors and as it holds brine that the fire risk is low.

The owner has indicated to the employer that they have encountered this problem before and that the solution was to make the stairs as wide as possible. Replacing the staircase in question to a width of 900 mm would require supplemental structural work on the existing tower and would narrow the adjacent walkway, causing another regulation discrepancy.

The Chief Compliance Officer has reviewed the information the employer has provided and has conferred with a Health and Safety Officer. Based on the information the employer has provided, a deviation from Section 115 (3) is granted for the access stairs to the area of the owner's premises only provided that these stairs are not required to service more than 15 persons in the event of an emergency.

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By copy of this letter, the Chief Compliance Officer has advised WHSCC staff, company officials and the JHSC for the owner of the decision.

Yours truly,

Chief Compliance Officer