

March 10, 2009

"The Employer"

The Chief Compliance Officer is writing in response to the employer's email of March 4, 2009, in which the employer requests a deviation from *Occupational Health and Safety Act* General Regulation 91-191 Section 136(1)(c) that states:

136(1) An employer shall ensure that a metal scaffold

...

(c) if 6 m or greater in height, is equipped with a continuous access stairway commencing at ground level.

The employer indicates in the employer's email that it is not possible to comply with the above-mentioned section under the circumstances. The employer has included a drawing for the scaffold design and drawings, which indicate that two of the eight towers will exceed the "6 Meter" height criteria (drawings depict 5 levels on the tallest towers and will measure 36 feet to the working deck) and require the installation of stair towers. The employer has requested the scaffold design engineers assess the installation and they have communicated to the employer in writing that the installation of a stair tower will exceed loading criteria for the suspended deck. The employer has provided a copy of the engineer's letter with the employer's request. The loading criteria is a 320 lb point load where supporting alumina beams will intersect "strut caps" on the suspended deck. The scaffold design does allow for rest decks at various levels and will incorporate ladder cages as per Section 121 (2) (a) of the regulations respecting ladders.

The Chief Compliance Officer has reviewed the material the employer has provided and has conferred with a Health and Safety Officer.

Based on the information the employer has provided, a deviation is granted.

By copy of this letter, the Chief Compliance Officer has advised WorkSafNB staff of the decision.

Yours truly,

Chief Compliance Officer