

August 24, 2010

"The Employer"

The Chief Compliance Officer is writing in response to a letter from the employer dated April 2, 2010, in which the employer requests a deviation from Section 106 of General Regulation 91-191 that states:

106An employer shall ensure that an employee who is engaged in the weatherproofing of a roof that
(a)is 3 m or more above the ground or other safe working level,
(b)has a slope exceeding 4 in 12, and
(c)has an unguarded edge,
uses an individual fall-arresting system and the employee shall use the individual fall-arresting system.

In the employer's request the employer indicated the following:

- Procedures to carry out slate repairs to a hotel are as follows:
 - Setting up scaffold to the edge of the roof;
 - Installing roof ladders up to the anchoring area;
 - Installing an anchoring bracket and hook the life line
 - Carry out the slate repair on roof ladders and tied to the life line as per Section 106;
- On a slate roof, installing an anchoring bracket will take a minimum ½ hour and removing the anchoring bracket another ½ hour. During this one hour, the worker does not have fall protection;
- If the repair to an area is considerably less time than the installation of the fall protection, then the employer would rather carry out the repair using only the roof ladders hence exposing the worker to less risk.
- Therefore, the employer is applying for a deviation from section 106 allowing the employer to carry out repairs using roof ladders where there is less risk than the procedure of the fall protection installation.

A Health and Safety Officer provided the following information:

- The slate tiles are very slippery as compared with a shingles roof and the employer does not do any work when the tiles are wet,
- The pitch of the roof is approximately 12 in 12,
- It is approximately 30 to 35 feet from the edge of the roof to the peak,
- At some parts of the building it would be as much as 40 feet from the ground to the edge of the roof, and
- There are areas where you access the roof through windows.

The Chief Compliance Officer has consulted the Canadian Standard Association Z797-09 "Code of Practice for Access Scaffold" standard which states in section 7.5 Special Requirements:

7.5.2 Ladders, planks placed on guardrails, or material, equipment, or devices shall not be used to increase the working height of a scaffold platform.

The Chief Compliance Officer has also consulted the Canadian Standard Association CAN3-Z11-M81 "Portable Ladders" standard which states in Appendix A, under "Proper Setup":

(9) Place on firm level surface and ensure a secure footing. Do not use on slippery surfaces. Do not place on boxes, unstable bases, or on scaffold, or tie or fasten ladders together to gain additional height.

It should be noted that Appendix A of the above mentioned standard is not a mandatory part of the standard and is included for information purposes only.

The Chief Compliance Officer has reviewed the material the employer has provided, has considered the applicable CSA standards and has conferred with a Health and Safety Officer. Based on the information the employer provided, a deviation is not granted.

In researching the employer's request for a deviation, the Chief Compliance Officer has found various types of equipment that are designed to provide fall protection when working from steep roofs. The following links show a fall protection anchor system designed for steep roofs and a flexible ladder system with offset rungs. Other suitable equipment may also be available.

http://www.raptorsafety.com/html/products/safetygator/safetygator_brochure.pdf
<http://www.somain-securite.com/en/spip.php?rubrique40>

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

Yours truly,

Chief Compliance Officer