

**Prevention Services Division**

PO Box 160  
Saint John NB E2L 3X9  
Phone 506 453-2467  
Toll free 1 800 442-9776  
Fax 506 453-7982  
Web www.whscc.nb.ca

**Division des services de prévention**

Case postale 160  
Saint John NB E2L 3X9  
Téléphone 506 453-2467  
Sans frais 1 800 442-9776  
Télécopieur 506 453-7982  
Web www.whscc.nb.ca



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"The Employer"

This is in reply to the employer's email dated January 19, 2004 requesting an education disposition to permit students and operators in a cab of a powered mobile equipment (harvester used in forestry operations) while loading and traveling for education and training purposes.

According to the employer's email, the employer states that the employer has received funding to purchase a new harvester and one of the elements in the employer's tender is that the cab be adequate in size to accommodate the instructor and the student. Approval to the employer's request may also lead to a design of the new equipment where there will be a separate training bench seat and seat belt to accommodate the instructor.

As the employer is aware, Section 228 (a) of the General Regulation 91-191 puts an obligation on the operator to ensure that no person rides on any part of the powered mobile equipment not designed to carry passengers and Sections 221 (2) requires that the operator and passengers use seat belts or a restraining device to prevent them from being thrown from the cab in the event from roll-over.

Based on the provisions of Section 228 (a) and 221 (2), if the manufacturer certifies that any design to the harvester such as adding an additional seat for the instructor and seat-belt for that seat does not in any way render unsafe the operation and integrity of the mobile equipment, then it is the Chief Compliance Officer's opinion that the provisions of Sections 228 (a) and 221 (2) will be met and a disposition (deviation) is not required.

Yours truly,

Chief Compliance Officer

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