

WorkSafe Services

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Services de travail sécuritaire

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August 16, 2004

"The Employer"

This is in reply to the employer's letter dated January 30, 2004 requesting a deviation from section 216(1)(g) of Regulation 91-191 that states:

"An employer shall ensure that an industrial lift truck is equipped with an audible back-up alarm that operates automatically when the truck is in reverse gear and that is clearly audible above the background noise at the place of employment, or a flashing light that operates automatically when the truck is in reverse gear and that is clearly visible to persons who may be at risk when the truck backs up."

The employer indicates that, in a meeting with a WHSCC Health and Safety Officer, the employer was advised that, although the employer's forklifts are equipped with flashing strobe lights, they operate (continuously) whenever the machine is in operation and that the Health and Safety Officer has instructed the employer to reconfigure the way they operate to meet the requirements of Section 216(1)(g). The employer states that the Joint Health and Safety Committee feel that, in the employer's circumstance, the employer is better served by a continuously flashing light for the following reasons:

1. the employer's narrow aisle forklifts are side stance models and have the best visibility when traveling in reverse; and
2. while the employer does support the theory that if traveling in reverse and with reduced visibility that a warning device for those in the area would certainly be beneficial, the employer believes the employer's environment is much safer when there is a warning device to indicate a forklift is working in the area no matter what direction of travel.

The employer also indicates that all the employer's new forklifts come from the factory this way. When the employer contacted the manufacturer, their response for configuring the equipment this way was to meet industry standards. The employer has attached pictures of the forklifts in question.

On April 29, 2004 a WHSCC Health and Safety Officer and the Chief Compliance Officer visited the employer's site to review the employer's request. The employer and a Joint Health and Safety Employee Committee Co-Chair were in attendance during the site visit. The following information and observations were noted during the site visit:

1. Employees who operate lift-trucks receive formal training (16 hour long course) and operators receive certification from the supervisor after six weeks of operating the unit;
2. Those that operate the RR 5200 Series (Narrow Aisle Reach Trucks) are trained to operate the unit in "reverse" (power unit first).
3. The lift-trucks are operated in reverse (power unit first) over 90% of the time and the only time they are operated in forward position (forks first) is when accessing or placing a load from the shelves;
4. Maximum operator visibility occurs when operating the lift-truck power unit first.

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In addition to the above, the Chief Compliance Officer contacted the manufacturer who advised the Chief Compliance Officer that when the unit is operated power unit first, they consider this the forward position (not reverse) due to the fact that maximum speeds are reached in this position. The service person the Chief Compliance Officer spoke to also indicated that continuous flashing lights for such a unit would be more effective than an audible back-up alarm that is engaged when the unit is put in reverse (forks first). Furthermore, information contained in the RR5200 Series Specification manual cautions against audible alarm/flashing lights, which could result in:

1. Multiple alarms causing confusion;
2. Workers ignoring alarms and/or lights after day in/day out exposure;
3. Operator transferring the responsibility for "looking out" to the pedestrians.

Based on the information provided by the employer and the additional information obtained from the manufacturer, the deviation as requested (no need to install back-up alarm and allowed to use continuous flashing lights instead) is granted for the RR5200 Series units only.

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

Yours truly,

Chief Compliance Officer