

WorkSafe Services

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Services de travail sécuritaire

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August 19, 2005

"The Employer"

The Chief Compliance Officer is writing in response to the employer's email of August 11, 2005, 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)(c) An employer shall ensure that a metal scaffold if 6m or greater in height is equipped with a continuous access stairway commencing at ground level.

The employer indicates, in the employer's email, that the employer is building a scaffold at the owner's premises on the third floor of the boiler house, water side of the building, to give access to expansion joints. The scaffold is high enough to require a stair tower but the area is too congested to fit in a stair tower. Also, the area in question is in front of big bay doors that provide main access to the building.

The employer states, in the employer's e-mail, that the employer is able to access the scaffold from existing landings on the upper floors. During a telephone conversation on August 16th, 2005, the employer explained to the Chief Compliance Officer that the scaffolding would be accessed from the existing landings at the 3rd and 6th lifts and that employees would not be required to ascend or descend more than two lifts.

The Chief Compliance Officer has reviewed the information the employer has provided and has conferred with a Health and Safety Officer who visited the site in question. Based on the information and the Health and Safety Officer's findings, a deviation is granted provided that access to the scaffold from landings is accomplished in a safe manner i.e. no climbing over handrails. Please note that this deviation is limited to this site and for the duration of this project only.

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

Regards,

Chief Compliance Officer

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