

August 21, 2009

"The Employer"

The Chief Compliance Officer is writing in response to the employer's email of August 5, 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 indicated the following in the employer's request:

The substituted provisions include procedures in which the deviation will be followed:

- Use of continuous access stairway to be implemented at the ground level up to the bridge access point only.
- The (bridge super structure) design and the location of scaffolding for work to be completed to the engineer's specifications effectively and efficiently without contravening employee's health and safety would be impeded implementing continuous access stairways on the work platform scaffold, hindering the underlying scope of work but not impeding the Health and Safety of workers.
- The application of continuous access stairway throughout the scaffold on the engineered work platforms at several locations would restrict work tasks due to the limited space. i.e.: drilling, removal of materials, painting, blasting and re-erection of new materials and extra weight distributed on the engineered work platforms with a maximum allowable weight distribution.
- The employer utilizes a 100% tie of rule with Zero Tolerance for Fall Protection. A fall protection system is being utilized with individual life lines/rope grabs/ fall restraint/ fall restrict systems. Employees all don CSA Approved full body harnesses attached to appropriate anchor points throughout the bridge super structure and positioned directly above scaffold locations when accessing the scaffold.
- The employer's employees use only CSA Approved (Y) double lanyards to ensure 100% tie off compliance.
- Upon entering the work platform locations from the catwalk locations, workers attach their fall protection harnesses to an existing fall protection system. Therefore they are 100% tied off before entering the work platform.
- The scaffold is erected as per requirements, securely attached to the super structure and the engineered work platforms to ensure minimal to no movement will incur upon employee's access. Safe means of access and egress is provided at all working levels of the scaffold. The scaffold is aligned to make a continuous safe route with appropriate planking at all levels. Anyone accessing the scaffold to climb to an upper level will do so by climbing the inside of the scaffold while being attached to a fall protection system at all times.
- Executing the above provisions in line with compliance by all employees shows substituting their health and safety will not be contravened by way of this application of deviation.

The employer has provided the following information for consideration in respect to this request for a deviation:

- Other factors to consider are the ergonomics of employees lifting, moving and hauling of steel members with limited radiuses.
- As this is a continuous cycle of removal/ relocate/ rebuild at numerous locations repetitive fatigue by employees would be a safety concern implanting the extra stairway.
- Scaffold locations of work, are at two to three days periods with several areas included. As noted during construction it was estimated to consume full shifts while dismantling and erecting. Employees noted the limited space, extra tag lines were used to secure materials during dismantle and erection.
- As an employer, the employer will ensure that all metal scaffolds on this site are regularly inspected for damage, deformities or loosening of the connections of its structural members that may affect its strength and if any is found, the scaffold is tagged out/ removed from use until repaired.
- Ensure all cross-bracing and diagonal bracing is correctly installed at each level of the scaffold as the erection of the scaffold progresses.
- No workers will perform job tasks on a metal scaffold before utilizing the fall protection system and the cross-bracing and diagonal bracing is in place, except to erect the scaffold.

The employer has also provided the following information with respect to benefits and drawbacks to health and safety that might reasonably be anticipated is provided for consideration in respect to this request for a deviation:

- This application of deviation in the employer's opinion, will not impose a safety risk for the work to be completed and most importantly, on the workers for the scope of work.
- It will in turn limit employee fatigue throughout daily shifts by limiting daily re-erection as needed when implementing continuous access stairways.
- Heavy materials will not have to be physically handled repeatedly, due to limited location access usually done by use of mobile equipment.
- Work locations on the bridge structure from the scaffolds on the engineered work platforms would not be blocked or have restricted access to work points, which results in excessive physical re-erection of scaffolding materials.

On August 6, 2009, the Chief Compliance Officer and a Health and Safety Officer met with the employer to review the job site. During the site visit:

- Suspended platforms measuring 11' 11" by 35' were observed under a bridge. In some cases, the platforms were installed individually and in other cases, the platforms were installed in pairs;
- The employer indicated that in order to conduct the structural work required, scaffolding is required on both sides of bridge trusses, leaving no room to install continuous stairways;
- The employer explained what type of fall arrest system including anchors were being used by the employees during the erection and dismantling of the scaffold as well as when accessing the scaffold;

- The employer provided the Chief Compliance Officer with an engineered drawing showing truss elevations and platforms.

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 with the following conditions:

1. Engineering approval will be provided allowing for a maximum height of seven scaffolding sections;
2. Anchor points used shall meet the requirements of Section 49(3)(a) and shall be certified by an Engineer;
3. Damaged scaffolding components shall be replaced and tagged out of service until repaired.

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

Yours truly,

Chief Compliance Officer