

December 8, 2009

“The Employer”

The Chief Compliance Officer is writing in response to the employer’s email of September 2, 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.

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

- The job would be starting the beginning of September at the Impounding Basin;
- The set up would include two scaffold ladders which would be staggered with cages for an Access & Egress only into the Impounding Basin;
- There would be no working decks installed onto this scaffold;
- This job was being completed for the electricians to run heat tracing cable along the bottom of the Impounding Basin they would need to be able to Enter and Exit the Impounding Basin;

The Chief Compliance Officer contacted the employer by telephone in September where the employer indicated that the work was on hold until proper environmental approvals were received. The employer also advised that once the approvals were received and prior to undertaking the work that the employer would contact WorkSafeNB. During a telephone conversation with the employer on November 20<sup>th</sup>, 2009, the employer confirmed that the work had been completed.

As the work is now completed, a deviation is no longer required, the file is now considered closed.

By copy of this letter, the Chief Compliance Officer has advised WorksafeNB Staff that this deviation is no longer required.

Yours truly,

Chief Compliance Officer