

June 23, 2016

Employer:

I am writing in response to your request dated June 8, 2016, in which you request a blanket deviation from Section 136(1)(c) of the General Regulation 91-191 which 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 your request you indicate the following:

- In October 2015, an employee of your company had requested, and was granted a deviation, on behalf of your company under Section 136(1)(c) of Regulation 91-191;
- In the October 2015 request, it was indicated that substitution of stairways for ladders on scaffolds that are 6 meters or greater in height will only occur when it is not feasible to install stairways, for example, in areas with insufficient space;
- You will advise the WorkSafeNB Health and Safety officer (providing details of the location where the scaffold will be erected), the workers affected by the substitution and the members of the JHSC prior to erecting the scaffolds;
- The previous deviation was applied for a specific time period which was to end by November 2015;
- You would like to have the deviation re-issued and applied indefinitely provided those same conditions listed above are adhered to; and
- You anticipate maintenance and activities to be carried out and having a blanket deviation would assist carrying the work out safely.

Based on the information received and as provided by the authority of Section 3 (3) (b) of the *Occupational Health and Safety Act*, a blanket deviation from Section 136(1)(c) is granted provided the conditions you outlined in your request are adhered to.

Please note that a breach by your company of any of the conditions listed above could result in a reconsideration of this decision. By copy of this letter, I have advised WorkSafeNB of my decision. Please do not hesitate to contact me at 738-4107 should you have any questions regarding this decision.

Yours truly,

Chief Compliance Officer