

December 1, 2017

Employer:

I am writing in response to your email dated November 1, 2017, in which you request a deviation from Section 121(e) and (g) of the General Regulation 91-191 which states:

*121(1) An employer shall ensure that a fixed ladder*

*...*

*(g) has side rails or other secure hand holds that extend at least 1.07 m above the landing and are spaced not less than 685 mm apart, and*

You provided the following information:

- WorkSafeNB legislative interpretation regarding ship's ladder;
- The company has a stepladder that provides access to the top of a transformer;
- The company requested that your firm to certify the stepladder;
- The stepladder (which is a ship ladder) drawing is the same as the one in WorkSafeNB's legislative interpretation;
- This design meets most of the requirements found in the interpretation except for the maximum height of 12 feet; the height of the ship ladder under consideration is 17.4 feet
- It will support the load specified;
- Prior to the installation of the ship ladder, there was a vertical fixed ladder. The fixed ladder was substituted for the ship ladder as it was deemed safer when ascending to the work area.

In rendering my decision, I not only considered the current interpretation, but also the requirements of Section 121 (fixed ladders) of the General Regulation 91-191 and in particular sub-section (g). While the current ship ladder meets the requirements of length for side rails extension, the width of the side rails are approximately 80 mm (3 inches) narrower than the requirements of the regulation.

Based on the information provided and the fact that ascending and descending a ship ladder is somewhat safer than a vertical ladder, it is my opinion that modifications will be not be necessary and as a result a deviation from Section 121 is granted provided that the safe use as outlined in the legislative interpretation for ship ladders is followed by the employees.

By copy of this letter I have advised staff of my decision. Please do not hesitate to contact me at 738-4107, should you have any questions.

Yours truly,

Chief Compliance Officer