

November 15, 2017

Employer:

I am writing in response to your email dated November 10, 2017, in which you request a deviation from Section 142(9)(b) of General Regulation 91-191 that states:

*142(9) An employer shall ensure that*

*...*

*(b) two or more pieces of swing staging are not joined together*

In your request, you state the following:

- *In April of 2016 the company requested a deviation from 91-191 section 142 (9)(b) to allow you to hook two swing scaffolds together via an engineered platform, to create a suspended work platform for boilermakers to work on to repair a leak in your Boiler Superheater;*
- *At that time approval was given and conditional upon you complying with the engineered drawing and inspection protocol of that section of 91-191;*
- *Today you find yourselves in the same predicament, having to work in that very difficult place, and the only way to access it is by again joining two swing scaffolds together and suspending them below the superheater, in accordance with an engineered drawing of that work platform.*

In your April 5, 2016 request, you stated the following:

*A company consulted with another company whom reviewed the requirements, designed and provided erecting details of the platform. A stamped engineering drawing was obtained. It was noted that while utilizing this platform, workers were continuously monitored by safety personnel and a high angle rescue crew was ready, if needed. 100% tie off was mandatory at all times when accessing the boiler, obtaining access to the platform, and while on the platform performing the work.*

Based on the information provided and as provided by the authority of Section 3(3)(b) of the *Occupational Health and Safety Act*, a deviation from Section 142(9)(b) of Regulation 91-191 is granted provided that you follow that the procedures and protocols as outlined in your previous request.

By copy of this letter, I have advised WorkSafeNB staff 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