

High Risk to Health or Life

Administrative penalties may be imposed when a workplace party is in violation of sections of legislation identified by WorkSafeNB as high risk. These selected sections do not represent a complete list of all high-risk situations present in workplaces; however, these have a history of causing a serious injury when a workplace is not in compliance. The sections will be reviewed on a regular basis and are subject to change.

Legislation identified as high risk are divided into 5 main categories:

- Fall protection;
- Excavation and trenching;
- Machine safety;
- Chain saw, brush saw or clearing saw operation; and
- Working with materials containing asbestos.

When a health and safety officer issues an order for a violation in contravention of a section in the tables below, an administrative penalty may be imposed. The tables below include a brief description of the high-risk sections. For more information on the sections, refer to the [regulation](#) in question.

Table 1: Fall protection as outlined in Regulation 91-191 - General Regulation.

High Risk Section Description	Regulation 91-191 Section numbers
No fall protection system in place or employee is not using fall protection system when required	49(1), 49(2), 49(3), 49(4) & 49(5)
Vertical life line is not in good working order or is not being use properly	49.4(1) & (2)
Horizontal life line has not been installed properly, has not been installed by a competent person or is not in good working order	49.5(2), 49.6 & 49.7(1)
Safety net does not meet safety requirements	49.8(1) & 49.8(2)
Guardrail for fall protection is being used when the slope is too steep	50(2)
Control zone is being used when the slope is too steep or for scaffolds	50(4)
Guardrail has been removed for work to be done and no additional precautions have been put in place	100(1)
Employee removed guardrail and did not replace it before leaving the area	100(2)
Travel restraint does not meet safety requirements	105(8)
Fall arrest system is not being used when it is required	106
A scaffold, over 3 metres in height, has no guardrail that meets the requirements of section 97.	131(1)(d)

Table 2: Excavation and trenching as outlined in Regulation 91-191 - General Regulation

High Risk Section Description	Regulation 91-191 Section numbers
Inadequate safety precautions in place when employees are working in proximity to utility or piping	180(1), 180(2) & 180(3)
Inadequate shoring, bracing or caging of walls	181(1), 181(2), 181(3) & 181(4)
Employee enters an excavation or trench without adequate safety measures in place	182(1), 182(2) & 182(3)
Materials or fence are placed too close to edge of excavation or trench	183(1) & 183(2)

Table 3: Machine safety as outlined in Regulation 91-191 - General Regulation

High Risk Section Description	Regulation 91-191 Section numbers
Inadequate lockout safety measures in place	239(1), 239(2), 239(3), 239(4), 239(5) & 239(6)
Inadequate safety measures in place when removing safeguards	243(1), 243(2) & 243(3)

Table 4: Chain saw, brush saw or clearing saw operation as outlined in Regulation 91-191 - General Regulation

High Risk Section Description	Regulation 91-191 Section numbers
Inadequate foot protection, leg protection and/or other protective equipment when operating a chain saw	346(a), 346(b) & 347
Employee who operates a chain saw, brush saw or clearing saw does not have a pressure bandage or does not keep it close at hand	351(2)(c) & 352(g)

Table 5: Working with materials containing asbestos as outlined in Regulation 92-106 – Code of Practice for Working with Materials Containing Asbestos

High Risk Section Description	Regulation 92-106 Section numbers
Employer has not adopted the code of practice entitled “A Code of Practice for Working with Materials Containing Asbestos” despite having employees who work with materials containing asbestos	3
<u>Employer</u> is not following the code of practice for materials containing asbestos.	4
<u>Employees</u> are not following the code of practice for materials containing asbestos.	5