

August 26, 2010

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated August 12, 2010, in which the employer requests a deviation from Section 136(1)(c) of General Regulation 91-191 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 indicates the following:

- In the area the employer has to work, it is impossible to get a stair tower as a stair tower needs a 7'x7' area and the employer has just under 4' to work with. The employer also cannot fit a scissor lift or a JLG in this area;
- The employer can safely build a 1mx2m scaffold in this area. By building this scaffold with system scaffold, the employer can place a horizontal ledger every 20" all around the scaffold in effect caging in the complete scaffold. Ladders will be broke every 13' with a rest platform and another ladder starting at the other end of the platform. This scaffold will be tied-in every 15' vertically to the existing structural steel using tube and clamp scaffold. This scaffold with be approximately 60' high;
- The scaffold tag will be clearly marked 100% tie off. All scaffolds on this site are formally inspected weekly and are visually inspected on a daily basis for broken toe board or scaffold being altered, etc.

On August 19, 2010, the Chief Compliance Officer and the employer met at the owner's premises.

During the meeting, the Chief Compliance Officer was provided with the following information:

- The company who erected the scaffold.
- The company who determined the height between platforms.
- The distance between the platforms is 13 feet.
- The company who decided to offset the ladders from one working levels of the platform to the next.
- The area where the platform is erected does not have the seven feet by seven feet footprint required to erect a continuous access stairwell.
- Sandblasters and painters will use the scaffold to access areas not accessible with a boom-type elevating work platform.

- Although a continuous access stairwell can be erected next to the present scaffold, doing so would prevent that area from being accessible with a boom-type elevating platform.
- It is critical to have access to the tank area soon after the sandblasting is completed, as delays between the sandblasting and the painting can result in sub-standard quality work.

Based on the information the employer provided, namely that the employer does not have the required footprint to install a continuous access stairway, a deviation was granted verbally, on the date of the visit, being August 19, 2010, subject to the following conditions:

- A continuous access stairway will be installed where the footprint required to erect the structure allows.

Please note that the installation and use of a continuous access stairway does not exclude the use of ladders providing access or egress from one level to another.

By copy of this letter, the Chief Compliance Officer has advised WorkSafeNB staff of the decision.

Yours truly,

Chief Compliance Officer