

August 17, 2016

Employer:

I am writing in response to your email dated August 16, 2016, in which you request a 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 provide the following information:

- *Your company is restoring the front of a three story heritage house;*
- *You would like a deviation for stair-tower at the location as there is no area at the job site to accommodate a stair-tower;*
- *You currently have 6 sections of staging set up with the intention of working from the top of the fifth; and*
- *Health and Safety Officer has approved work as high as the fourth section with current setup (railings, platforms, braces, tie ins, etc.).*

Based on the information received and as provided by the authority of Section 3 (3) (b) of the *Occupational Health and Safety Act*, a deviation from Section 136(1)(c) is granted provided the following conditions are adhered to:

- 1) The substitution of stairways for a full platform at the top of the fourth section of scaffolding;
- 2) The enclose the fifth and sixth sections with plywood on three sides;
- 3) The use of fall arrest safety harnesses where necessary; and
- 4) The use of a continuous ladder to the 6th level.

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