

October 18, 2016

Employer:

I am writing in response to your email dated October 18, 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:

- A scaffold has been erected on the east side of the location for access and egress.
- The scaffold on the east side of the building due to the excavation of the foundation of the new building has to be removed.
- You propose to install ladder access for the scaffold as there is not enough room to install a stair tower.

Health and Safety Officer conducted a site visit on October 18, 2016 and confirmed the information you provided above. They also advised that the front does not allow for a stairway as it would intrude on the road and the other side would block the emergency exit. They confirmed that you proposed to construct a ladder system in the front of the scaffold that could stagger at every level or second level (allowing for rest).

Based on the information received and a site visit on October 18, 2016 Health and Safety Officer, confirming the limitations in installing stairs due to restricted access thus not being able to comply with Section 136 (1) (c), 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.

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