

**Prevention Services Division**

PO Box 160  
Saint John NB E2L 3X9  
Phone 506 738-8411  
Toll free 1 800 222-9781  
Fax 506 738-4099  
Web www.whscc.nb.ca

**Division des services de prévention**

Case postale 160  
Saint John NB E2L 3X9  
Téléphone 506 738-8411  
Sans frais 1 800 222-9781  
Télécopieur 506 738-4099  
Web www.whscc.nb.ca



June 17, 2004

"The Employer"

This is in reply to the employer's request for a deviation dated April 22, 2004 from NB General Regulation 91-191 "Metal Scaffolds", Section 136 (1) (c) which states:

*Section 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 letter, the employer states that, at the owner's site, the employer has erected two stair towers for access to the scaffold; one stair tower on the east wall and one stair tower on the west wall. Access to the north is gained from the east and west scaffolds. Access from the east and west scaffolds to the south wall is restricted by two plenums on the south wall. The employer is required to erect scaffold between the plenums on the south wall and this is the area where the employer is requesting to use scaffold ladder access, thus, the employer's request for deviation.

A Health & Safety Officer visited the employer's site and is in agreement that, for the work being performed in this area and the restrictions of space, it would be impracticable to install a stair tower or a stairway in this scaffold.

The employer's request for deviation from Section 136 (1) of the General Regulation 91-191 is granted but will only apply for this application only and does not apply to any other job on this site or any other site.

Yours truly,

Chief Compliance Officer

**WorkSafe • Travail sécuritaire**