

**WorkSafe Services**

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**Services de travail sécuritaire**

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September 23, 2004

**"The Employer"**

This is in reply to the employer's letter dated August 16, 2004 in which the employer has requested a deviation to Regulation 91-191, Sections 115(3)(a) and 115(1)(e) which state:

*115(3)(a) An employer shall ensure that a service stairway is a minimum of 900 mm in width.*

*115(1)(e) An employer shall ensure that a stairway has a maximum height of 3.7 m between landings.*

The employer indicates that the employer has a set of two conveyors that require normal maintenance. To access these conveyors, the workers are required to climb inside the conveyor system using fall arrest. The access in this manner is very demanding for the employee(s). To improve safety the employer's proposal is as follows:

A stairway has been engineered to be installed between the two conveyors. The distance between the two conveyors where the stairway is to be installed is 810 mm. This area will allow a stairway of approximately 660 mm in width to be installed. Installation of this stairway will create a safer method of accessing the conveyors for maintenance. Due to the design of the conveyors, there will be four landing areas, with one of the landing area heights being 4.5 meters. The reason for exceeding 115(1)(e) for one of the landings is to ensure a worker using the stairway is able to access the conveyor covers without requiring any additional access equipment. The maximum angle to the horizontal of 50 degrees is not exceeded. Following approval of the deviation, the employer's engineering department will commence installment of the stairway during the third week of September.

As the employer is aware, Section 3 (3) of the *Occupational Health and Safety (OHS) Act* allows the Chief Compliance Officer to grant a deviation from the regulations provided that the deviation affords protection for the health and safety of employees equal to or greater than the protection prescribed by regulation.

To assist in the Chief Compliance Officer's decision, a Health and Safety Officer and the Chief Compliance Officer visited the site on September 1, 2004 and met with the employer's staff affected by this request. The following persons attended the meeting: a Maintenance Manager, a JHSC Employee Co-Chair, a Plant Engineer, a Co-Op Student, a Project Engineer and the employer. Outlined below is a summary of observations and other information gathered during the site visit:

1. The length of the two conveyors between which the stairway will be installed is approximately 100 feet; the width of the conveyors is approximately 4 feet and the conveyor element is rake-like with 8 inch length and  $\frac{3}{4}$ " diameter round rods;
2. The proposed stairway is to be a service stairway and as defined by the General Regulation 91-191 can only be used for access for purposes of maintenance and repair and not part of travelway;
3. Repairs and maintenance on the conveyors would be performed no more than every two months;

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4. The current practice for carrying out the maintenance work is as followed:
  - a. The work is usually carried out by two maintenance employees
  - b. Employees access the conveyors by climbing the Stairways beside the blenders to the top of the conveyors;
  - c. Each conveyor is equipped with 15 covers that must be removed and lowered to the floor using an air tugger before the work to be carried in the conveyor;
  - d. Employees are equipped with fall arrest equipment which includes full-body harnesses, retractable lanyards, shock absorbers and cable grabs while traveling down in the conveyor to carry out work;
  - e. The lanyard on fall arrest equipment is tied to one of two (2) ½" wire rope (one for each maintenance employee); the wire ropes are tied to the beams near the top of the conveyors (anchor) and also loosely tied at the other end (bottom of conveyor) to minimize the risk of entanglement;
5. Concerns were raised that the current setup significantly restricts the ability of the maintenance employees to promptly evacuate from the conveyors in the event of an emergency. It has been suggested that the proposed service stairway would resolve this problem.

After reviewing the information provided, a deviation from Sections 115(3)(a) and 115(1)(e) is granted. However, while not directly related to the employer's request, as indicated during the meeting, the Chief Compliance Officer has concerns regarding the work procedures (including the fall arrest system) used to carry out the work in the conveyors. As a result, the Chief Compliance Officer requests that the employer carry out (in conjunction with the JHSC) an evaluation (Job Hazard Analysis) of the work as well as a review of the fall arrest system to ensure the work is being carried out safely. As mentioned at the meeting, a WHSCC Engineer is available to provide assistance in the employer's review of the fall arrest system.

By copy of this letter, the Chief Compliance Officer has advised WHSCC staff and the employer's JHSC of the decision.

Regards,

Chief Compliance Officer