

WorkSafe Services

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Services de travail sécuritaire

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August 11, 2005

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated August 9, 2005, in which the employer requests a deviation from the *Occupational Health and Safety Act*, General Regulation 91-191 section 136(1)(c) that states:

136(1)(c) An employer shall ensure that a metal scaffold if 6m or greater in height is equipped with a continuous access stairway commencing at ground level.

The employer states, in the employer's request, that the employer's firm is in the process of erecting scaffolding at a seven-story structure. The employer is using standard metal frame scaffold that is tied into the structure vertically every five meters (15 feet) using a metal spreader system similar to tube and clamp scaffolding.

The employer's deviation request relates to approximately four areas where there are only one or two windows at each floor and the employer is erecting only one section of scaffold to complete the work in those areas. The employer indicates that it is not practical to erect a second section in the same location and that in some instances the ground area has restrictions (such as fire exits and gas lines) that prevent a continuous access stairway from being erected. Use of a mechanical lift device is not possible as the scaffold is to remain in place for other contractors to install the new windows.

In lieu of using a continuous access stairway in those areas, the employer proposes to attach a lifeline either to the top of the scaffold or to a roof anchor. All employees accessing the designated scaffolds will wear proper fall arrest harnesses and will be secured to the lifeline while ascending and descending the structure. All other areas not specifically approved for using a lifeline would be provided with continuous stairway access.

The employer has been in contact with a Health and Safety Officer and made the Health and Safety Officer aware that the employer would be requesting a deviation.

The information the employer has provided has been reviewed and a Health and Safety Officer has been conferred with. Based on the information, a deviation from Section 136(1)(c) is granted for the duration of this project for the designated areas only at this specific location provided the vertical lifeline is attached to roof anchors wherever possible and that all employees accessing the designated scaffolds will wear proper fall arrest harnesses and will be secured to the lifeline while ascending and descending the structure.

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

Regards,

Chief Compliance Officer

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