

WorkSafe Services

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Services de travail sécuritaire

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December 3, 2007

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated August 29, 2007 requesting a deviation from Section 211(2)(e) of the General Regulation 91-191 under the *Occupational Health and Safety Act* which states:

211(2) *An operator of a hoisting apparatus shall*

(e) not carry a load over any person,

To support the employer's request, the employer has provided a VHS tape of the Vertical Flux Detector work that was performed in 2002. The employer indicates that during the employer's 2008 outage the employer will be doing the same procedure again and are requesting a deviation to perform this work during the outage.

The employer also indicates that the Vertical Flux Detector weighs 24 tons and there are a couple of times during the procedure that the trained mechanics will be putting their hands under the load to remove and reinstall a 2 bolt flange, while the flask is in vertical position.

The Chief Compliance Officer has reviewed the employer's previous request and copies of the procedure for carrying out this operation, which was provided to the Chief Compliance Officer by the employer on December 16, 2002. As a result of the information provided, a deviation from Section 211(2)(e) is granted with the following conditions:

1. All other avenues for carrying out the work in compliance with the Regulations have been explored;
2. The procedure as shown on the VHS tape and the procedures, which were provided in December 2002, a copy of which is enclosed, are fully understood by those who carry out the work and are strictly followed.
3. The crane and lifting components (slings, lifting lugs, etc.) are inspected prior to the lift to ensure the crane and its components are in good working order.
4. The crane operator is competent to operate the crane and carry out the lift safely for the purposes of this special operation.

In addition, the employer will have to notify the Chief Compliance Officer prior to carrying out this type of work in the future.

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

Yours truly,

Chief Compliance Officer

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