

**WorkSafe Services**

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**Services de travail sécuritaire**

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January 12, 2007

"The Employer"

The Chief Compliance Officer is writing in response to the employer's email dated January 11, 2007 in which the employer requests a deviation from *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.*

In the email, the employer indicates that the employer wishes to deviate from the requirements of a continuous access stairway for a scaffold system at the owner's premises at the Loading Arms that will be based out 3m x 3m x 35' high on top of the pipe rack with a permanent stair access to the top of rack. Instead the scaffold system will be fitted with a walkway from stair access to the base of scaffold and the employer will install a ladder access staggered 3 times to main work deck. This is due to restriction of room to base out scaffold, as the pipes, wire tray and pipe rack are an obstruction.

The Chief Compliance Officer has reviewed the information the employer has provided and has conferred with a Health and Safety Officer. Based on the information the employer has provided and the Health and Safety Officer's findings, a deviation is granted provided the ladder access complies with sections 121(2), 121(3) and 121(4) of the General Regulation 91-191.

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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