

June 2, 2010

“The Employer”

The Chief Compliance Officer is writing in response to an email from the employer dated April 7, 2010 and further information the employer provided by email on May 5, 2010, in which the employer requests a deviation from Section 51(6) of General Regulation 91-191 that states:

51(6) Where an employer provides a rescue boat for use in an emergency procedure, the employer shall ensure that the rescue boat is equipped with at least four life rings or buoys and that each life ring or buoy is attached to 30 m of rope.

In the employer's request the employer indicated the following:

- The employer would like to apply for a deviation to reduce the number of life rings in a rescue boat and reduce the length of line attached to said life ring.
- The employer is writing a revised “Risk of Drowning” Safe Work Practice and wants to choose the required safety equipment to be made available. The employer has done a comparison of the OH&S Regulations in the 4 Atlantic Provinces regarding risks from drowning. The employer has tabulated that information and attached a copy for review by the Chief Compliance Officer.
- The employer has also reviewed the Transport Canada Regulations for work boats, and the employer also requires a buoyant heaving line with 15 m of rope.
- The single heaving life ring or buoy and 15 m of attached rope seem to be the accepted equipment in other jurisdictions.
- The employer is planning to require a CGSB 65.7 lifejacket as required by N.B. (to be worn) and also required by Transport Canada (to be available). The employer will require the employees to wear the lifejacket while in the boat.
- For a rescue boat the employer sees no additional safety benefit to having 4 life rings versus the 1 required in the other jurisdictions. The employer also sees no additional safety benefit from having 30 m of rope in place of 15 m.

During a telephone conversation on May 12, 2010 the employer confirmed the following:

- Rescue boats are used when doing bridge inspections and wharf inspections.
- Rescue boats are rented.
- The size of boat rented is based on the size of the project but in most cases a Zodiac or 15 foot aluminium boat is rented.

During the conversation the employer indicated that the employer had prepared a workboat requirements matrix based on Transport Canada regulation. At the Chief Compliance Officer's request the employer forwarded the document by email for review.

On May 19, 2010, the Chief Compliance Officer spoke with the Chief Registrar, Department of Transportation, Marine Division. It was confirmed that any vessel being used as a rescue boat is required to be registered as a commercial vessel, regardless of the type of boat being used.

Based on the above, a deviation is granted on the following condition:

- At a minimum, a single heaving life ring or buoy with 15m of rope meeting the requirements of Transport Canada Marine Safety will be maintained on each rescue boat.
- The employer will ensure that any boat rented for the purpose of being used as a rescue boat is registered as a commercial vessel.

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

Yours truly,

Chief Compliance Officer