

August 25, 2010

"The Employer"

The Chief Compliance Officer is writing in response to a letter from the employer dated July 20, 2010, in which the employer requests a deviation from Section 136(1)(c) of General Regulation 91-191 that states:

*136(1) An employer shall ensure that a metal scaffold*

*...*

*(c) if 6 m or greater in height, is equipped with a continuous access stairway commencing at ground level.*

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

- The work area is very congested and installation of a stairwell the entire height of the platform to the decks would complicate access and egress making a stairwell impractical and a hazard in the event of emergency. Practically, the stair tower application will not fit. This application will result in access and egress pinch points;
- The employer has been advised that a contractor also has safety concerns regarding the stairwell. It was advised that within the contractor's experience that the contractor's hood lines will become entangled in the stairwell structure due to the number of turns in the stairwell versus a straight ladder access.

During a telephone conversation on July 22, 2010, the employer provided the Chief Compliance Officer with further details, including:

- The scaffold will be built on the sidewalk of a bridge,
- The scaffold will not impede on to the roadway, and
- The scaffold is not cantilevered over the side of the bridge.

Based on the information the employer provided, specifically that the sidewalk on the bridge does not have the required footprint to install a continuous access stairway, a deviation was granted verbally, on July 22, 2010, subject to the following conditions:

- Where the footprint of the bridge structure allows, a continuous access stairway will be installed.

Please note that the installation and use of a continuous stairway does not exclude the use of ladders providing access or egress from one level to another.

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

Yours truly,

Chief Compliance Officer