

## LEGISLATIVE INTERPRETATIONS

Topic: Risk of drowning	Issued by: VP, WorkSafe Services
Statute: <i>General Regulation 91-191</i>	Date Issued: December 11, 1998
Section: 51(2)	Date Revised: January 26, 2011

**51(2)** If an employee is exposed to a risk of drowning, an owner of a place of employment, an employer and a contractor shall each ensure the employee uses one of the following:

- (a) a fall-protection system;
- (b) a life jacket that conforms to CGSB standard CAN/CGSB-65.7-M88, “Life Jackets, Inherently Buoyant Type”;
- (c) a personal flotation device that conforms to CGSB standard CAN/CGSB-65.11-M88, “Personal Flotation Devices”;
- (d) an automatically inflatable personal flotation device that meets UL1180-95, “Fully Inflatable Recreational Personal Flotation Devices”; or
- (e) a personal safety net that conforms to the requirements of section 49.8.

### Question

Are all of the above required or is only one?

### Response

Where it says (a), (b), (c), (d) **or** (e), only one is required. If they were joined by the word “**and**”, all would be required.

In the case of subsection 51(2), only one is required. That would still not preclude an officer, under the authority of section 32, from requiring more than one as a backup. It would have to be in a circumstance where there was an extreme hazard e.g. a worker is over the Reversing Falls at the turbulent tide change. The life-jacket will keep him afloat but he may well drown from the turbulence. Fall arrest or a safety net in addition would be appropriate. Ordinarily, one will suffice.