

WorkSafe Services

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Services de travail sécuritaire

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August 16, 2004

"The Employer"

This is in response to the employer's letter dated August 16, 2004 requesting a deviation from 49(3)(b) of the Occupational Health and Safety Act – "*prevent an employee from falling freely for more than 1.2 m*". The employer indicates that the type of work being done requires a travel distance exceeding 4 ft during the erection stage and that six-foot lanyards will allow the work to be performed. The employer also included a copy of the proposed amendments to the Fall Protection Systems Regulation with reference to the proposed amendment to 49(3)(b). The proposed amendment reads, "*prevent a free fall of greater than 1.8 m while equipped with a shock absorber or limit the shock level on the body to 8kN*".

As the employer is aware, Section 3 (3) of the *Occupational Health and Safety (OHS) Act* allows the Chief Compliance Officer to grant a deviation from the regulations provided that the deviation affords protection for the health and safety of employees equal to or greater than the protection prescribed by regulation.

Based on the information provided, a deviation has been granted as requested to permit a free fall of more than 1.2 metres providing the following is met:

1. there is enough clearance
2. the shock absorber used is rated by the manufacturer for the free fall distance to which it could be subjected
3. the fall protection equipment is used as per manufacturer specification, and
4. the users of the fall protection equipment have been trained in the use of the equipment.

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

Regards,

Chief Compliance Officer

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