

WorkSafe Services

PO Box 160
Saint John NB E2L 3X9
Phone 506 632-2200
Toll free (Claims) 1 800 222-9775
N.E. Regional Office 1 800 561-2524
Web www.whscc.nb.ca

Services de travail sécuritaire

Case postale 160
Saint John NB E2L 3X9
Téléphone 506 632-2200
Sans frais (Réclamations) 1 800 222-9775
Bureau de la Région du N.-E. 1 800 561-2524
Web www.whscc.nb.ca



November 8, 2005

"The Employer"

The Chief Compliance Officer is writing in response to the employer's email dated November 3, 2005, in which the employer has requested a deviation from the *Occupational Health & Safety Act* General Regulation 91-191, Section 136 (1)(c) that states:

136(1)(c) An employer shall ensure that a metal scaffold if 6 m or greater in height is equipped with a continuous access stairway commencing at ground level.

The employer's request is for a Stair Tower deviation at the owner's premises. The employer indicates in the employer's email that it is in the same area where the employer applied for a deviation before. In addition, the employer states that the reason the employer can't get a stair tower in that area is because it is too congested (area is cluttered with a material rack and an overhead crane which can not be moved). The employer already has one scaffold built in the same area, tagged red so that no one will use it. The employer would like a deviation for this scaffold as well.

In support of the employer's request, the employer has forwarded photos of the area. The Chief Compliance Officer also requested that a Health and safety Officer review the site and the nature of the employer's request, and to provide to the Chief Compliance Officer the Health and Safety Officer's observations for the Chief Compliance Officer's consideration.

Based on the information provided by the employer and the Health and Safety Officer, the employer's request for a deviation from Section 136 (1) (c) is granted. Please note that this decision is limited to this site and for the duration of this project only.

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

Regards,

Chief Compliance Officer

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