

Phillips, Kim (NRCAN/RNCAN)

From: Neil Paddy <Neil.Paddy@pgs.com>
Sent: Friday, September 16, 2016 5:48 PM
To: Phillips, Kim (NRCAN/RNCAN)
Subject: Feedback on Atlantic OHS Regulations

Kim,

PGS have two pieces of feedback associated with the Atlantic OHS Proposed Policy Intent Phase 1. For marine vessels that can only work during the summer season uncertainty in how long it takes after the vessel arrives to obtain final approval can have a major impact on the viability of projects.

Competent/Qualified Person

General (Page 7)

- 2) (1) *An employer must ensure that any equipment used is inspected*
- a) by the user, before each use; and*
 - b) by a competent person, annually, or more frequently as specified in any applicable Part of these regulations.*

The challenge is that the *competent person* definition coupled with the Board's historical position that inspections must be from a third party makes it impossible to use the reports from routine inspections that are carried out by a *qualified person* in other parts of the world. This potential burden can be eased by explicitly stating that a qualified person may be an employee of the employer.

i.e.

"Qualified person", who may be an employee of the employer, means a person who has adequate knowledge, training and experience (or combination thereof) of work, hazards of work and means of controlling the hazards.

The competency requirement is there to ensure that the requirements of the Act and regulations are met. Rather than being obliged to conduct additional inspections there could be a mechanism to make a *qualified person competent* after the inspection. How to word this is and where to put it is more difficult.

e.g

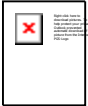
"Competent person" means a person who is a qualified person and that has knowledge of the Act and the regulations with respect to the hazard or danger or assigned work. The requirement for competency can be fulfilled after the work as long as this is documented.

Standard Substitutions

Section 205.069 of the Act requires that substitutions are made per workplace with the associated consultations and public posting. There have been many duplicate Request for Query processes associated with the same standard substitutions. The equivalent or better test for standards is independent of the worksite and should only have to be established once. There is no mechanism to achieve this in the Act.

The draft already has a few sections where both CSA standards or ANSI standards are acceptable and I suggest that this is extended with more standards where equivalencies have been established prior to the publishing of the final version of the OHS regulations in 2019.

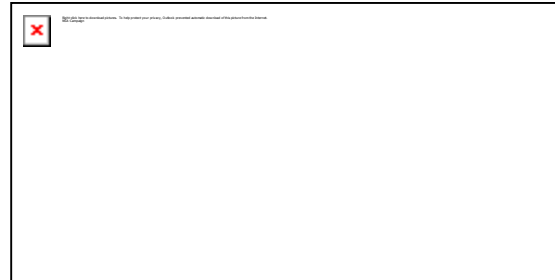
Regards
Neil



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