



May 31, 2021

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Re: Responses to Unifor Comments on the Draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations

Thank you for submitting, on behalf of Unifor members, comments on the draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations. This type of feedback is what will help to ensure that these new OHS regulations are effective in setting requirements that address the unique characteristics and hazards in remote marine workplace settings, providing optimal protection for the health and safety of offshore workers.

We have reviewed all comments from Unifor and summarized in the attached table the changes made as a result. Responses to the comments are separated according to several categories in order to address them all succinctly in the responses.

A general theme in the comments submitted by Unifor related to the perceived absence of measures supporting workplace committee participation in workplace health and safety activities, communication of OHS information and the rights afforded to the committee. These are very important aspects of workplace health and safety; accordingly, they were included in the legislation when the Accord Acts were amended at the end of 2014 to introduce Part III.1 (OHS). These important provisions are presently in force in the Atlantic offshore areas. Comments related to measures that are addressed in the Accord Acts are not included in the attachment.

The public review and opportunity to provide written feedback on the draft regulations is expected to occur in summer 2021, when they are pre-published in [Canada Gazette Part I](#).

We will also be publishing all comments received and information on this initiative, on the Natural Resources website for the Atlantic Occupational Health and Safety Initiative: <https://www.nrcan.gc.ca/energy/offshore-oil-gas/18883>

Sincerely,

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Attachment: [Summary of Unifor Member Comments and Responses]

Summary of Unifor Member Comments and Responses

Summaries of the comments received from Unifor members are included in the table below, each with a corresponding response from Natural Resources Canada that includes clarifications and outcomes from discussions with discussions with the Governments of Newfoundland and Labrador and Nova Scotia, as well as technical advisors at the C-NLOPB and CNSOPB. References below to particular sections in the regulations correspond to the consultation draft that was provided for review on March 8, 2021.

Applicable Section	Noia Member Feedback/recommendation	NRCan response
90	Not robust enough language, equipment may be inadvertently restarted. Recommended adding: positive locking mechanism with an attached tag or form will be used to ensure that inadvertent start or use is not possible	Provision states that it must be identified in a manner that ensures it is not inadvertently returned to service. The suggestion may not work in all cases.
94(q)	Needs additional scrutiny; potential atmospheric hazards. Add: The use of a temporary combustion heater indoors will be allowed following a job safety analysis and permit made in consultation with the JH&SC. More permanent heating systems may be required if this is a regular occurrence. Continuous monitoring equipment will alarm if hazardous levels are reached.	94(q) is just about the equipment standards. All portable and temporary heating is required to have a work permit, and pertinent personnel will be involved through that process.
95	Potential for fire; needs more scrutiny Add: (e) This process will require a JSA review with the supervisor and workers doing the refueling. Fire rescue to be notified of the fueling in advance. A communication device in contact with fire rescue must be made available	Added new requirement for procedures to be developed for fueling and requirement for atmospheric gas levels in the space to be continuously monitored.
96	Language: Personnel lifts, not Manlifts	Changed language to personnel lift.
105	Potential for fall; more protection needed (5m in Ontario). Change (6) "if it is more than 5m in length, is fitted, if feasible, with a protective cage for the portion of its length that is 2.44m more than above its bottom; and"	This section will be revised to ensure that fall arrest is worn on any fixed ladders that are 6m or higher (which also must have a cage). This is a significant improvement in fall protection, and is more protective than what is typically required in other jurisdictions. Other federal and NS/NL provincial regs point to ANSI for the installation of a cage, which is 7.32m (24ft). 6m is more stringent than ANSI,

		and we are also recognizing that the cage is not a substitute for fall protection over 6m.
108(1)(j)	Change (j) “any vertical ladder more than 9m in length that is used with it has a landing or platform at least every 4.5 metres	Changed distance to 6 m (from 6.1m); no desire among government partners to shorten the distance between to 4.5.
131(3)	Needs better visibility; potential for poor labelling. Add other requirement to identification for confined space: d) requiring a permit for entry	Was not added, after some discussions regarding intent and language. If added to the space, it was a potential for confusion over who needs to permits (in French intent came across as each person needs a permit for entry). Work permits are already clearly required by other sections. No value added.
136(5)	Add (6) The communication between attendant and entrants must be continuous by either being in direct voice or radio contact	Already required by 136(2), but does not stipulate voice or radio. The addition of voice or radio is not required, and may limit this provision when there are other means of communications available.
145(6)	Communication device required. Live work is dangerous	Revised provision, adding in that a means of summoning immediate assistance (medical or emergency) needs to be provided.
11	Limits information flow; Oral reporting is not reliable	Orally is just one means, it must also be in writing as per section 12.
31(1), 32(d), 34(a)	Lack recognition of mental injuries as a result of exposures to psychosocial hazards. Not enough worker involvement in the development of the instructions. Mental injury not recognized and skill sets required. Mental Health First Aid not recognized. Required skilled set of medical advice. A lack of worker participation Lack of definition of “any injury or illness” Lack of mental injury recognition. Recognize mental injuries and the need to provide First Aid and Medical Care. Add “physical and psychosocial injury or illness” Add “and Mental Health First Aid”	The regulations require that the OHS Program set out measures for promoting mental health, healthy lifestyles and that it must address substance abuse, the effects of working remotely on mental health and the management of mental illness. In addition, impairment as a result of fatigue, stress, injury, illness, other physical or psychological condition, drugs or alcohol is a prescribed risk for the purposes of the OHS Program (see s.37 of the consultation draft). The Act requires the OHS program to include provisions regarding the training of employees that is necessary to ensure their health and safety. Additionally, the Act requires employers to provide the instruction and training, and the operator to ensure its provided, necessary for the health and safety

		<p>of employees and other persons at the workplace.</p> <p>The Atlantic Canada Offshore Petroleum Standard Practice for the Training and Qualifications of Offshore Personnel specifies that Psychological and Psychiatric Problems is covered in first aid training, and training service providers include it in their curriculum.</p>
40	<p>Guidelines needed No guidelines to follow are prescribed Add: "Employers will, in consultation with their JH&SC, take into consideration the ACGIH heat and cold stress guidelines and TLVs"</p>	<p>Revised provision to include referenced standard thermal conditions in the workplace, in accordance with ACGIH TLVs® for heat and cold exposure</p>
46(1)	<p>PPE is low on the hierarchy of controls Better protections may exist and should be reviewed before relying on PPE to control hazards and protect workers</p>	<p>No change required, The hierarchy of control is outlined in the OHS program under s. 6(1)(f)</p>