



Advisory Council on Occupational Health and Safety

**Annual Activity Report
2016-17**

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REFERENCE PERIOD

This report covers the period April 1, 2016 through March 31, 2017,
the fiscal year of the Advisory Council on Occupational Health and Safety.

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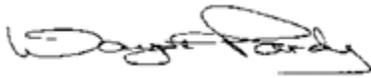
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Chairperson's Message:

As Chair of the Advisory Council on Occupational Health and Safety I am pleased to submit the Annual Activity Report for 2016-17. This report is prepared in compliance with the *Transparency and Accountability Act* which categorizes the Advisory Council as a category three entity and requires the Advisory Council to prepare an annual report. The Advisory Council is accountable for the preparation of this report and for the results reported.

On behalf of the members of the Advisory Council, I would like to re-affirm our commitment to working closely with all stakeholders in order to provide strategic advice to the Minister of Service NL in helping create safe and healthy workplaces throughout the Province.

Yours truly,

A handwritten signature in black ink, appearing to read "Wayne Pardy". The signature is written in a cursive style with a large, stylized initial "W".

Wayne Pardy

Overview

Mandate

The Advisory Council on Occupational Health and Safety is established pursuant to section 12 of the *Occupational Health and Safety Act*. The duties and responsibilities of the Council are established pursuant to section 17 of the Act. They include providing advice to the Minister on the administration of the Act and the regulations; on occupational health and safety; and on any matter relating to occupational health and safety that the Minister has referred to the Council for its advice.

Representation

The Advisory Council has 11 members, including Chairperson, Vice-Chairperson, two ex-officio positions, secretary, and the remaining membership consisting of equal representation from labour and management. Members are appointed for terms not exceeding three years, and are eligible for re-appointment for not more than two consecutive terms.

Primary Clients

The Advisory Council on Occupational Health and Safety is focused on improving the health and safety of all workers and workplaces in this Province. The clients of the Advisory Council on Occupational Health and Safety are: employers, employees, the Occupational Health and Safety (OHS) Branch of Service NL, Workplace NL and the public at large.

Revenues and Expenditures

The Advisory Council on Occupational Health and Safety is funded through the Occupational Health and Safety (OHS) Division of Service NL. The Division operates on a maximum five percent of the annual assessment revenue paid to the WorkplaceNL. Approximately \$25,000 is budgeted for the operation of Council on a yearly basis, which would include reimbursement as per Treasury Board Guidelines for Boards, Commissions and Agencies.

Highlights and Accomplishments

The Advisory Council has the opportunity to provide input on both the prevention and enforcement aspects of occupational health and safety in the province. For the fiscal year 2016-17, the Advisory Council discussed and focused on the following areas:

- The status of the Federal/Provincial/Territorial Review of the proposed Model OHS Workplace Hazardous Materials Information System (WHMIS) Regulations and implementation of the Global Harmonization System Process for hazardous products.
- The status of amendments to the Workplace Hazardous Materials Information System (WHMIS) Regulations and enforcement during the transition period.
- The status of the process for review of the *Radiation Health and Safety Act*.
- Workplace NL initiatives such as amendments to the OHS Committee and Workplace Health and Safety Representative Training Standard as well as the status of the new Certification Training Registry.

- The status of the Prevention Strategy 2015-17 and some of the key focus areas, including workplace violence and construction zone safety.
- The status of the Labrador West Medical Audit study.

Goal Outcomes:

Service NL is committed to strengthening the foundation of consumer, worker, public and environmental protection through the continual improvement of its legislative and regulatory framework. The Department is focused on ensuring that relevant, meaningful, and necessary standards and enforcement practices are established and maintained. The Advisory Council on Occupational Health and Safety is dedicated to making reviews, recommendations, and improvements as it pertains to occupational health and safety issues and legislation, to ensure that the legislative and regulatory framework remains relevant and appropriate.

The following represents the outcomes of the Council's goal as set out in its 2014-17 Activity Plan.

Goal:

By March 31, 2017, the Advisory Council on Occupational Health and Safety will have advised the Minister of Service NL regarding its recommendations on occupational health and safety issues and legislation.

Measure:

Recommendations are provided to the Minister.

Indicators:

- Recommendations made regarding various initiatives undertaken by WorkplaceNL.
- The Minister is advised on the Council's recommendation on the review of the Workplace Hazardous Materials Information System Regulations (WHMIS).
- The Minister is advised on the Council's recommendations on the review of the *Radiation Health and Safety Act* and Regulations.

Results Achieved:

During the 2014-17 reporting period, a major accomplishment of Council, from a legislative perspective, was staying abreast of the review of the Workplace Hazardous Materials Information System (WHMIS) Regulations arising from the federal adoption of the Global Harmonization System (GHS) and subsequent changes to the *Hazardous Products Act*. The OHS Division of Service NL has kept Council informed on the status of the review process and provided Council a presentation on some of the key amendments to the WHMIS regulations. Council did not identify any issues at this time, including enforcement during the transition period for implementation. Due to circumstances beyond the control of Council or Service NL, the new 2015 draft WHMIS regulations have not yet been approved and therefore could not be shared, nor did formal information sessions take place with

stakeholders. At the end of the reporting period, the OHS Division was in the process of preparing for these stakeholder sessions on the key amendments to the Regulations. It is anticipated the completion of this process will be achieved in the next planning period.

During this reporting period, discussions focused on new activities and issues with respect to OHS enforcement, including items such as enforcement statistics, trends and analysis and the key initiatives such as the Labrador West Medical Audit which has been progressing since February 2013 and was nearing completion with a final report expected in 2017-18. Council was provided with updates on other health and safety topics in the province, such as power line hazards (PLH) and contacts and initiatives of the Power Line Hazards Advisory Committee, including the training standard as prescribed by WorkplaceNL and the new Public Contact Prevention Working Group. Another topic of interest to Council was confined space rescue. Council was provided some background information around the issue, indicating that regulations currently exist around confined space entry but not on rescue. It was agreed that this is an issue that needs further discussion.

In addition, during this reporting period, Council was provided an opportunity to informally provide feedback/input into the review of changes to the OHS Committee and Workplace Health and Safety Representative Training Standard and the review process. Changes to the training standard were supported by Council. Council was also given insight into the new Certification Training Registry (CTR). The new CTR will link all key stakeholders, including training providers, trainers, workers, employers, WorkplaceNL and the OHS Division. This will allow for improvement in the auditing, enforcement and compliance of OHS training requirements.

Also, from the perspective of WorkplaceNL and the prevention initiatives, Council was provided regular updates on the Occupational Disease Strategy and results of the evaluation which showed some great successes. Council has also been kept informed on the status of the 2015-17 Prevention Plan and key focus areas including workplace violence and construction zone safety. Council was provided a detailed presentation on the WorkplaceNL Data Warehouse System which provided some insight into the complexities and limitations of data and information retrieval. In addition, during the current reporting period, members of Council were provided copies of the newly published 3203 textbook "Building a Safer Tomorrow" and given an overview of the program and potential opportunities for expansion.

During this reporting period, Service NL obtained the authority to review the Radiation Health and Safety Legislation. However, direction was given to consult with key stakeholders prior to commencing the review. The OHS Division was in the preparatory stages of this consultation process at the end of the reporting period.

The indicators outlined above for the Advisory Council have not been met, as consultations have not taken place. Therefore, stakeholder feedback has not been obtained, amendments have not been drafted and recommendations have not been submitted to the Minister.

Activities

Objective for current reporting year:

Objective 3: By 2017, the Advisory Council will have advised the Minister of Service NL on the review of the *Radiation Health and Safety Act* and Regulations.

Measure: Advised the Minister on the review of the *Radiation Health and Safety Act* and Regulations.

Indicators:

- Proposed amendments to the *Radiation Health and Safety Act* and Regulations reviewed.
- Review stakeholder feedback.
- Recommendations formulated.
- Recommendations submitted to the Minister.

The following represents the outcome of objectives for the Advisory Council's activities in this fiscal year, as set out in the 2014 -17 Activity Plan.

Results Achieved:

During the 2016-17 reporting period, Council was successful in meeting once. However, due to scheduling issues, it was not possible to arrange the second and third meetings. Members were provided the opportunity to meet face to face with senior representatives of both Service NL (OHS Division) and WorkplaceNL, who provided updates on both enforcement and prevention initiatives. In addition, representatives of the Newfoundland and Labrador Occupational Health and Safety Association (NLOSHA) and Canadian Society of Safety Engineering (CSSE), attended this meeting.

Service NL obtained the authority to review the *Radiation Health and Safety Act* during the current reporting period. However, direction was given to consult with key stakeholders prior to commencing the review. The OHS Division was still in the preparatory stages of this consultation process at the end of the reporting period and therefore the indicators outlined above have not been met. The consultations have not taken place. Therefore, stakeholder feedback has not been obtained, amendments have not been drafted and recommendations have not been submitted to the Minister.

Opportunities and Challenges

- The Labrador West Medical Audit and its progress and findings will continue to be a topic of discussion for the Advisory Council. The findings of this audit are expected during the next reporting period. The results will have an overall effect of improving the quality of life and providing protection for workers in the mining industry. Information derived from the medical x-ray audit will enhance prevention initiatives through awareness and education for workers, employers and medical professionals.

- The Advisory Council will continue to stay abreast of the proposed WHMIS 2015 regulations as they are approved and gazetted for legislation in NL. The transition from the old to the new regulations may present some challenges to employers and will continue to be an item of interest for the Advisory Council.
- The Advisory Council will continue to follow the review of the Radiation Health and Safety Act as it progresses. This review will provide opportunities for consultation with stakeholders which may present some challenges as well.
- The Advisory Council will continue to provide timely feedback to the Minister on current occupational health and safety regulatory and prevention issues to ensure that the legislative and regulatory framework remains relevant and appropriate.
- The Advisory Council will continue to stay abreast of discussions and consultation around the next Prevention Strategy for NL, and what the key focus areas will be for WorkplaceNL, Service NL (OHS) and other key players.
- The Advisory Council will continue to remain informed and be provided with opportunities for input on activities and initiatives ongoing at the OHS Division and at WorkplaceNL with the goal of improving occupational health and safety in Newfoundland and Labrador.