

**Advisory Council on
Occupational Health and
Safety**

**Annual Activity Report
2013-14**

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REFERENCE PERIOD

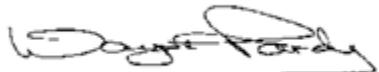
This report covers the period April 1, 2013 through March 31, 2014,
the fiscal year of the Advisory Council on Occupational Health and Safety.

Chairperson's Message:

As Chair of the Advisory Council on Occupational Health and Safety I am pleased to submit the Annual Activity Report for the activities of the Advisory Council for 2013-14. 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".

Wayne Pardy

Government Entity 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 reappointment for not more than two consecutive terms.

Physical Location or Representation:

Member	Representation
Mr. Wayne Pardy	Chairperson
Vacant	Vice-Chairperson
Ms. Goldie Porter	Labour Representative
Mr. Mike Power	Labour Representative
Mr. Jerome O'Keefe	Labour Representative
Mr. Bob Pike	Management Representative
Ms. Sue Anne Thistle	Management Representative
Mr. Woodrow French	Management Representative
Mrs. Leslie Galway	Ex-Officio – Chief Executive Officer, Workplace Health, Safety and Compensation Commission (WHSCC)
Ms. Kim Dunphy	Ex-Officio –Assistant Deputy Minister, Occupational Health and Safety (OHS), Service NL
Ms. Heather Clarke	Secretary, Manager, Occupational Health and Safety Division (OHS), Service NL

Revenues and Expenditures

The Advisory Council on Occupational Health and Safety is funded through the Occupational Health and Safety Branch of Service NL. The Branch operates on a maximum five percent of the annual assessment revenue paid to the Workplace Health, Safety and Compensation Commission. 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.

Vision

People in Newfoundland and Labrador living and working in healthy and safe environments with access to efficient and responsive programs and services.

Mission

The primary mission of Service NL is to have enhanced program and service delivery through improved standards and regulatory processes that promote living and working in a healthy, fair and safe environment. The Advisory Council on Occupational Health and Safety contributes to the department's mission by providing advice on improving health and safety in the province's workplaces. For more information, see the department's 2011-14 Strategic Plan available online at <http://www.servicenl.gov.nl.ca/publications/>.

Primary Clients

The primary client of the Advisory Council on Occupational Health and Safety is the Minister of Service NL. Through the execution of its mandate, the Advisory Council also serves a number of stakeholders which include: employers, employees, the Occupational Health and Safety Branch of the Department of Service NL, the Workplace Health, Safety and Compensation Commission and the public at large.

Values

The Advisory Council on Occupational Health and Safety is focused on improving the health and safety of all workers and workplaces in this province. In achieving its vision, the Advisory Council has chosen to adopt the values of Service NL and will communicate these values to its stakeholders through the following action statements:

Integrity: Each individual engages in ethical behaviour and exercises the proper use of authority and responsibility.

Collaboration: Each individual supports others through communication and consultation with co-workers, industry partners and the public.

Accountability: Each individual accepts responsibility for their actions and is responsive to meeting public needs and delivering on Departmental commitments in a timely, efficient and satisfactory manner.

Respect: Each individual accepts differences, embraces diversity and exercises a caring attitude in their encounters with others.

Excellence: Each individual demonstrates excellence in providing service to the public.

Highlights and Accomplishments

For the fiscal year 2013-14, the Advisory Council discussed and focused on the following areas:

- Key OHS enforcement strategies such as the OHS Division's priority inspection program and their outcomes, as well as initiatives such as the Process Safety Management Code of Practice for the North Atlantic Refinery and associated training. These meetings also provided the Advisory Council with insight into the increased demand that large construction projects have on the OHS Division and how the Division continues to effectively manage its resources.
- WHSCC initiatives such as the review of the OHS Committee and Workplace Health and Safety Representative Training Standard. This ensures the Advisory Council is informed and has the opportunity to provide input on both the prevention and enforcement aspects of occupational health and safety in the province.
- The status of the Federal/Provincial/Territorial Review of the proposed Model OHS Workplace Hazardous Materials Information System (WHMIS) Regulations and implementation of Global Harmonization Systems Process for hazardous products.
- The continued progress of the Labrador West medical audit contract that was awarded in February 2013 to Morneau Shepell, a leading provider of integrated health solutions. The audit is part of the Provincial Government's efforts to reduce the risk of silicosis, a lung disease which results from exposure to silica dust.

Outcome of Goal:

The following represents the outcome of goals for the Advisory Council's activities as set out in its 2011-14 Activity Plan.

Goal:

Service NL is committed to strengthening the foundation of consumer, worker, public and environmental protection. The Advisory Council on Occupational Health and Safety has considered the strategic direction of the Minister of Service NL which is "Enhanced Program and Service Delivery". The modernization of legislation is a key component area of this strategic direction and 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.

By March 31, 2014, the Occupational Health and Safety Advisory Council will have advised the Minister of Government Services (now Service NL) regarding its recommendations on occupational health and safety issues and legislation.

Measure:

Recommendations are provided to the Minister

Indicators:

- Recommendations made to the Minister on the Mines Safety of Workers Regulations
- Recommendations regarding large construction projects are submitted to the Minister
- The Minister is advised on the Council's recommendations on the *Radiation Health and Safety Act* and Regulations.

Results Achieved

During the 2011-14 reporting period the major accomplishment of the Advisory Council was the review of the proposed amendments to the OHS Regulations as it relates to health and safety requirements in the mining sector. The Advisory Council was kept informed of stakeholder feedback during the consultation process, and recommended to the Minister approval of the proposed amendments formulated by the Occupational Health and Safety (OHS) Division in consultation with the Department of Justice. The Advisory Council submitted a letter to the Minister expressing support for the proposed amendments and recommended they be incorporated into the OHS Regulations.

During the reporting period, another accomplishment of the Advisory Council was an appreciation for the implications on both enforcement (OHS) and prevention (WHSCC) resources arising from large construction projects. Service NL provided the Advisory Council with insight into steps taken by the OHS Division to clarify expectations concerning the management of safety on these projects as well as steps taken to ensure an appropriate level of OHS enforcement presence on these sites. The Advisory Council determined that these steps are adequate and therefore it was not necessary to provide recommendations for improvement to the Minister.

Due to unforeseen circumstances during the reporting period, Service NL did not seek authority to review its *Radiation Health and Safety Act* and regulations; therefore, the Advisory Council was not able to advise the Minister of recommendations in relation to this review. However, with respect to improvements as it relates to other legislation, the Advisory Council was kept informed of the status of the Federal/Provincial/Territorial Review of the proposed Model OHS Workplace Hazardous Materials Information System Regulations (WHMIS) and implementation of Global Harmonization Systems

Process for hazardous products, which had progressed significantly. This review will result in revised WHMIS Regulations. A new Activity Plan 2014-17 for the Advisory Council on Occupational Health and Safety has been completed and one of the objectives of this plan is to advise the Minister on the Advisory Council's recommendation on the review of WHMIS.

During this 2013-14 reporting period, discussions focused on new activities and issues with respect to OHS enforcement including items such as: the priority inspection program; enforcement statistics; trends and analysis; key initiatives such as the Process Safety Management Code of Practice and the associated training; as well as the new mineral exploration guideline. This guideline was developed by Service NL in consultation with the mineral exploration industry to provide guidance as it relates to the health and safety of workers. This meeting also provided the Advisory Council with the opportunity to communicate with WHSCC and to discuss their review of the OHS Committee and Workplace Health and Safety Representative Training Standard and to provide feedback. The Advisory Council was invited to provide formal feedback for consideration during this review.

The Advisory Council was also kept abreast of the Atlantic Accord amendments incorporating an offshore OHS Regime, the status of the Process Safety Management Code of Practice, and the Labrador West Dust Study and Medical Surveillance.

Objective for current reporting year:

Objective 3: By 2014, the Advisory Council will have reviewed the proposed revised *Radiation Health and Safety Act* and regulations, once it has been prepared by the Department of Government Services (now Service NL).

Measure: Modernized radiation legislation.

Indicators:

- Proposed radiation legislation 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 2011-14 Activity Plan.

Results Achieved:

Due to unforeseen circumstances, Service NL did not commence a review of its *Radiation Health and Safety Act* and regulations; therefore, the Advisory Council was not able to meet this objective. However, with respect to other legislation, the Advisory

Council was informed of the status of the Federal/Provincial/Territorial Review of the proposed Model OHS WHMIS Regulations and implementation of Global Harmonization Systems Process for hazardous products, which had progressed significantly. This review will result in revised WHMIS Regulations. A new Activity Plan 2014-17 for the Advisory Council on Occupational Health and Safety has been completed and one of the objectives of this plan is to advise the Minister on the Advisory Council's recommendation on the review of the WHMIS Regulations.

During the 2013-14 reporting period, discussions focused on new activities and issues with respect to OHS enforcement including items such as: the priority inspection program; enforcement statistics; trends and analysis; key initiatives such as the Process Safety Management Code of Practice and the associated training; as well as the new mineral exploration guideline. This guideline was developed by Service NL in consultation with the mineral exploration industry. This meeting also provided the Advisory Council with the opportunity to communicate with WHSCC and to discuss their review of the OHS Committee and Workplace Health and Safety Representative Training Standard and to provide feedback. The Advisory Council was invited to provide formal feedback for consideration during this review.

Opportunities and Challenges Ahead

- The Advisory Council will continue to stay abreast of the implementation of the Process Safety Management Code of Practice.
- The Labrador West Medical Audit and its progress and findings will continue to be one of the topics for discussion by the Advisory Council. The findings of this audit will be of use for all mining properties in the province and 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 awareness and education for workers and medical professionals responsible for assessing and treating workers with occupational disease.
- The Advisory Council will continue to provide timely feedback to Minister on current occupational health and safety regulatory concerns to ensure that the legislative and regulatory framework remains relevant and appropriate.
- The Atlantic Accord amendments and the incorporation of an offshore Occupational Health and Safety Regime will remain a key item of interest for the Advisory Council. This will have a significant impact on the OHS Branch as it assumes its new oversight role for offshore OHS once the new regime takes effect.
- The successful management of safety on the many large construction projects that have begun or about to begin in this province will present many opportunities as well as challenges to the province. This will continue to be one of the key focus areas for the Advisory Council.
- 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 WHSCC.