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

Thank you for taking the time to review and submitting comments on the draft *Canada-Newfoundland and Labrador Offshore Occupational Health and Safety (OHS) Regulations*. This type of feedback from industry expertise 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.

Some comments provided by Aker were simple to address and/or captured by jurilinguists and revisers, so they will be reflected in the final draft regulation.

With regard to the suggestion to include a summary table of all referenced codes and standards as well as acceptable alternatives, it is up to operators and/or employers, as the case may be, to assess whether any equipment or processes meet the requirements of the regulations, including any requirement that has been incorporated by reference.

It is important to note that the OHS and FORRI Framework regulations are established under different parts of the Accord Acts, with different regulation-making authorities and have different policy objectives. Part III.1 is very detailed and sets a number of minimum requirements, including the obligation for operators and employers to take all reasonable measures to protect the health and safety of employees and other individuals at the workplace. Parliament and the provincial legislatures provided clear and specific direction in Part III.1 on what they expected the OHS regulations to address.

The two principles objectives of the OHS Initiative are: (1) to ensure the regulations set a minimum benchmark for the health and safety of employees and other persons at offshore workplaces, and (2) to ensure that all workplace parties have the information they require to ensure their health and safety, included what is expected of them and how they work within a workplace.

As noted in our earlier engagements on the two regulatory initiatives, the two policy intent documents were developed simultaneously and further review was needed to ensure there was no contradictions or unnecessary overlap. The policy intent that was previously shared on FORRI Framework and OHS had considerable overlap. Part III.1 outlines in detail the authority for what OHS regulations will entail, and it was clear in our review that there was some degree of encroachment by Part III regulations into Part III.1 regulations. This has been corrected. A further review will be carried out by Department of Justice, prior to the pre-publication of the FORRI Framework regulations



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The formal 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 posting all comments received on the draft and updated information on this initiative on the Natural Resources Canada website for the Atlantic Occupational Health and Safety Initiative: <https://www.nrcan.gc.ca/energy/offshore-oil-gas/18883>

Thank you again for your feedback.

Sincerely,

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