



**SUBMISSION TO THE OFFSHORE HELICOPTER SAFETY INQUIRY
(PHASE II)**

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR

15 APRIL 2011

The Offshore Helicopter Safety Inquiry was established by the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) following the March 12, 2009 crash of Cougar helicopter flight 491. The Offshore Helicopter Safety Inquiry Phase I Report was released on November 17, 2010 and contained important recommendations to improve safety in the Newfoundland and Labrador offshore area to ensure the risks of helicopter transportation are as low as reasonably practicable.

The causes of the Cougar Flight 491 helicopter crash were investigated by the Transportation Safety Board. The Transportation Safety Board Report, issued on February 9, 2011 contained a number of findings as well as four recommendations.

For Phase II of the Offshore Helicopter Safety Inquiry, Commissioner Wells has requested that the parties provide submissions respecting the findings of the Transportation Safety Board Report as well as an update on their respective safety initiatives.

Safety Initiatives

Phase I Recommendations

The safety of all offshore workers is of paramount importance to the Government of Newfoundland and Labrador. For that reason, on December 13, 2010, the Premier announced that the Government of Newfoundland and Labrador had accepted all twenty-nine recommendations of the Phase I Report from the Offshore Helicopter Safety Inquiry, including the recommendation for a stand alone safety regulator (Recommendation 29).

To accommodate the implementation of these recommendations, the C-NLOPB has taken interim measures to address each of the first 28 recommendations. The C-NLOPB has concentrated on an internal restructuring solution by establishing two teams – Aviation and Safety Teams – with responsibility to develop implementation plans for these recommendations.

With regard to Recommendation 29, it is the intention of the Government of Newfoundland and Labrador that this recommendation be implemented and to that end; the Province has entered into discussions with the federal government to achieve this goal. The Government of Newfoundland and Labrador is committed to completing this important task in an expeditious manner.

It is important to note that the Atlantic Accord Agreement was implemented by the enactment of mirror (parallel) legislation, the federal *Canada Newfoundland Atlantic*

Accord Implementation Act and the provincial *Canada Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, collectively the *Atlantic Accord Acts*. Creation of a stand alone safety regulator will require amendments to these Acts.

Proposed Occupational Health and Safety Amendments

The Province, in conjunction with the federal government and Nova Scotia, continues to work on the proposed occupational health and safety (OHS) amendments to the Accord Acts with a collective target of a spring 2011 legislative introduction. Due to the current federal election it is unlikely that this target will be met. Provincial officials from the Departments of Government Services and Natural Resources continue to work closely with their federal counterparts to conclude legal drafting and advance the proposed amendments.

The proposed OHS amendments will not impact on the safety or airworthiness of helicopters used in the transportation of workers to and from the offshore as these matters are within the exclusive jurisdiction of Transport Canada.

The underlying principles in the proposed amendments include offshore OHS laws that provide workers with protections equivalent to those which exist for onshore workers; the continued protection of employee rights (to know, to participate, to refuse, protection from reprisal); an OHS culture which recognizes the shared responsibilities in the workplace; a clear separation of OHS and production issues; joint management by the federal and provincial governments; and an effective and efficient regulatory and enforcement regime including a governance model with oversight by the provincial minister responsible for onshore OHS.

Currently, in Newfoundland and Labrador, the provincial Minister of Natural Resources has responsibility for offshore safety. Under the proposed amendments, there will be a separation of oversight responsibilities. The provincial Minister of Government Services, who is also responsible for onshore OHS, will have ministerial responsibility for offshore OHS oversight. This separation of roles will provide additional assurance that there is no conflict or appearance of conflict between the Ministry of Natural Resources' role in promoting offshore development and the Ministry of Government Services role in overseeing offshore OHS. The minister with oversight responsibility will be entitled to any OHS information and documentation under the control of the C-NLOPB. The Government of Newfoundland and Labrador was encouraged by Commissioner Wells' support for this change as noted in the Phase I Report.

The Government of Newfoundland and Labrador was pleased that Commissioner Wells noted that the proposed OHS amendments “will play a significant role in enhancing safety in the offshore” and that he commended the proposed advisory council. The proposed OHS amendments include an Advisory Council comprised of an equal number of representatives of employees and industry as well as representatives from the provincial and federal governments. The Advisory Council will advise on the administration of the OHS Part of the Accord Act.

Report of the Transportation Safety Board

The safety of individuals traveling to, and working offshore is of paramount importance to the Government of Newfoundland and Labrador. The Transportation Safety Board Report provides valuable information on the Cougar Flight 491 accident, and strong recommendations on how such a tragedy can be prevented.

The Government of Newfoundland and Labrador supports the recommendations and findings of the Transportation Safety Board and the improvements which will result in safer offshore transportation. Implementation of the TSB report will strengthen safety practices and will ensure that all precautions are taken to protect individuals working in our offshore.

Transport Canada is the federal government department responsible for most transportation related policies and regulations. It regulates marine and air transportation including offshore helicopter transportation. Transport Canada has a responsibility to act on the recommendations and findings contained in the Transportation Safety Board’s Report and the Government of Newfoundland and Labrador will look to Transport Canada to fulfill its mandate.

The Government of Newfoundland and Labrador looks forward to the results of the Phase II of the Offshore Helicopter Safety Inquiry and the recommendations from Commissioner Wells.