

Key Elements Respecting Jurisdiction Protocol Over Worker Safety On Marine Installations Or Structures

- The jurisdictional roles and responsibilities among the C-NLOPB, Transport Canada and the Flag State were delineated in an MOU annex signed in May 2013.

Jurisdiction depends on whether the marine installation or structure is foreign or Canadian flagged, whether it is “on” or “off” location and whether it has a valid work authorization from the C-NLOPB.

- With respect to work authorizations, the *Canada-Newfoundland Atlantic Accord Implementation Act* and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* (the “*Accord Acts*”) specifies that no person shall carry on any work or activity “related to the exploration or drilling for or the production, conservation, processing or transportation of petroleum in the offshore area” unless that person holds an operating licence and is the holder of an authorization before the commencement of operations for each such work or activity. Any workers engaged in carrying out any such authorized work or activity fall within the Board’s jurisdiction.
- Prior to any marine installation or structure entering the offshore area, an authorization must first be obtained if the marine installation or structure is bound for the work place to commence the authorized work or activity.
- In cases where the marine installation or structure enters the offshore area from another jurisdiction and is bound for a sheltered port, near-shore location or other way point prior to commencing any petroleum related work or activity, an authorization is not required until such time that the marine installation or structure is being mobilized to the work place to commence the authorized activity.
- The Board’s jurisdiction over worker safety ceases to apply when the marine installation or structure either leaves the offshore area bound for another jurisdiction or is moved inshore or near-shore for refit, repair, replenishment, inspection or other purpose and is no longer engaged in a work or activity that requires authorization from the C-NLOPB. Specifically, the Board’s

jurisdiction ceases to apply from the moment that the marine installation or structure arrives at its designated inshore/near-shore location (first anchor down or moored to a buoy/pier or assumes automatic station keeping mode in the case of a dynamically positioned vessel) until it leaves (last anchor up; slips its mooring or is off automatic station keeping) bound to the work place.

- In the case of a diving installation however, the Board retains its jurisdiction at the inshore/near-shore location for as long as any personnel remain in saturation.
- Operators are expected to notify the Board's Duty Officer anytime that a marine installation or structure enters or leaves the offshore area and arrives or departs at its designated inshore/near-shore location. Notification is also required whenever a marine installation or structure that is the subject of an authorization completes the work or activity and/or hands over the marine installation or structure to another operator. In cases where an installation moves from location to location inshore/near-shore, it is not considered to be engaged in petroleum related work or activity, therefore the Board's jurisdiction does not apply in these circumstances. However, where an installation moves between work sites in the offshore area, it is considered to be engaged in petroleum related activities and the Board's jurisdiction applies.
- While the Board's legislative authority over worker safety applies only to authorized activities within the offshore area, the Board encourages operators to create and maintain a strong safety culture onboard all marine installations and structures at all times. In this regard, operators can lead by example by insisting that, regardless of the regulator that has jurisdiction over safety, and regardless of the safety regulations that apply under various scenarios, the same high standards and commitments to safety are in place at all times. Such an initiative is aligned with the Board's desire that a strong and effective safety culture prevail in respect of the offshore petroleum industry. Accordingly, it is the Board's expectation that the same high standard of safety would be maintained, regardless of location, anytime workers are being transported to or from a marine installation or structure by helicopter or vessel.