



## NOTICE OF NON-COMPLIANCE

March 15<sup>th</sup>, 2023

**BY E-MAIL**

Steve Edwards  
President  
Hibernia Management and Development Company Ltd.  
20 Hebron Way  
St. John's, NL, A1A 0L3

Dear Mr. Edwards,

**Re: Non-Compliance with the *Canada–Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations***

The Canada-Newfoundland and Labrador Offshore Petroleum Board hereby issues this Notice of Non-Compliance and the attached in connection with an incident on the *Hibernia* platform on February 18, 2023. The investigation report findings of Incident 2023HIB019 conducted by Hibernia Management and Development Company Ltd. (HMDC) were filed with the Board on March 2<sup>nd</sup>, 2023.

### **Factual Information:**

HMDC is the Operator of the *Hibernia* platform, having been granted Operations Authorization No. 22020-020-OA12 on April 28<sup>th</sup>, 2022.

From the C-NLOPB's review of the above-noted investigation report, we understand that a worker was injured while performing work on a portable extension ladder 2.5-3 meters above the floor when the ladder and the worker fell to the deck. The injured worker had maintained his position on the ladder while it fell to the deck resulting in medical treatment and a lost/restricted workday injury. Upon review of the incident report and notification, the following facts have been identified and relate to the following instances of non-compliance with the *Canada–Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations* (hereinafter referred to as the OSH Regulations):

1. failure to complete a pre-use inspection of incident ladder;
2. failure to demonstrate periodic inspection and maintenance of incident ladder through records traceability;
3. use of incident ladder on a slippery surface;
4. failure to demonstrate that the employees involved in the incident had been instructed as required in the proper selection, care, and use of ladders in accordance with site procedures and manufacturer's instructions;
5. the ladder was held in place by a co-worker and not otherwise secured at the base; and
6. operation of a ladder when there was a known hazard that the ladder could "fall to the right".

### **Specific Non-Compliances:**

It is the finding of the Chief Safety Officer that HMDC did not comply with the necessary OHS Regulation requirements to ensure safe portable ladder use resulting in what the Chief Safety Officer considers to be a potential major injury incident:

1. Operator's failure to act in compliance with subsection 102(1)(a) of the OHS Regulations, which states "every employer must ensure that any portable ladder used at a workplace under its control conforms to CSA Group standard Z11, Portable ladders", as noted in points 1 through 4 above under "Factual Information".

2. Operator's failure to ensure the ladder was secured, which is contrary to subsection 102(2)(b) of the OHS Regulations, which states a ladder shall be "secured in such a manner that it cannot be dislodged accidentally from its position" as noted in points 3 and 5 above under "Factual Information".
3. Operator's failure to comply with subsection 102(3)(c) of the OHS Regulations, which states "an employee must not use a portable ladder in a manner that may compromise its stability or the stability of any person on it" as noted in point 6 above under "Factual Information".
4. Operator's failure to effectively implement the management system to ensure safe use of portable ladders contrary to section 5 and 6 of the OHS regulations as noted in points 1 through 6 above under "Factual Information".

Accordingly, HMDC is hereby issued this **Notice of Non-Compliance**.

**Corrective Actions:**

Although HMDC has conducted a root cause analysis and taken some corrective measures post-incident regarding inspections of all portable ladders, the Chief Safety Officer is not yet satisfied that all management system issues have been resolved. More specifically, the C-NLOPB expects HMDC to:

- conduct a complete review to determine all of the failures in its management system that contributed to these non-compliances,
- address any management system gaps that contributed to these non-compliances; and
- propose corrective measures to prevent recurrence.

Such corrective measures should include further training and instruction on the use of all portable ladders and the regulatory requirements related to such use.

The results of these actions are to be submitted to the satisfaction of the Chief Safety Officer no later than **April 6<sup>th</sup>, 2023**.

Confirmation is required that this Notice of Non-Compliance has been provided to the Workplace Committee and posted in a public place on the *Hibernia* platform. This Notice of Non-Compliance will also be posted to the C-NLOPB website.

Should you have any questions or wish to discuss these matters further please contact me at [REDACTED] or Andrew Reddy, Safety Officer, at [REDACTED]

Sincerely,

DocuSigned by:  
  
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Jill Mackey  
Chief Safety Officer (Acting)