

Canada-Newfoundland and Labrador Offshore Area

Occupational Health and Safety Advisory Council

Terms of Reference

Mandate

1. As per section 205.118 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act*¹ (the "Act"), the mandate of the Occupational Health and Safety Advisory Council (the "Council") is to advise the Canada-Newfoundland and Labrador Offshore Petroleum Board (the Board), the federal Minister of Natural Resources, the Minister of Labour, the provincial Minister of Natural Resources, and the Minister of Service NL (collectively, the "Ministers" and together with the Board, the "Parties") on:
 - a. the administration and enforcement of Part III.1 of the Act; and,
 - b. any other occupational health and safety matter referred to it by the Board or any of the Ministers.

Objectives

2. The objectives of the Council are to provide:
 - a. the Board and the Ministers with advice and expertise on the administration and enforcement of Part III.1 of the Act (a Council Charge);
 - b. the Board with advice and expertise, at the Board's request (a Board Charge), on any other occupational health and safety matter pertaining to the Canada-Newfoundland and Labrador offshore area; and,
 - c. one of the Ministers, at the request of that Minister (a Ministerial Charge), or several of the Ministers, at the request of those Ministers (a Ministerial Charge), with advice and expertise on any other occupational health and safety matter pertaining to the Canada-Newfoundland and Labrador offshore area.

Authority

3. The Council is not a decision-making body; it has authority to advise the Parties only. The Council's advice is not binding on any of the Parties.

¹ Note: The *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* established identical requirements for the Advisory Council. These Terms of Reference also satisfy that Act. In the context of this document, a reference to the federal Act can equally be understood as a reference to the provincial Act.

Membership

4. The Council is comprised of Members appointed by the Ministers pursuant to section 205.118 of the Act representing employees, employers, and governments. The Ministers will appoint all non-*ex-officio* members on the basis of their personal expertise in areas related to occupational health and safety. The Ministers will consider diversity in membership in the selection process.
5. Each Member will be appointed to a four (4) year term in accordance with subsection 205.118(7) of the Act, and based on a process determined by the Ministers making an appointment. A term may be shortened to ensure that all terms do not end on the same date.
6. The Ministers making an appointment may consider re-appointment of any Member at the conclusion of the Member's specified term having given due regard to his or her performance and ability to continue to contribute to the Council in the light of the knowledge, skills and experience required.
7. The Ministers agree that compliance with these Terms of Reference is to be a condition of appointment for all Members.
8. The Chairpersons of the Council are selected by the Council from the Members of the Council pursuant to subsection 205.118(8) of the Act.
9. Members are encouraged to draw on their own expertise and experience in contributing to the deliberations and work of the Council. Members may not delegate their membership or participation to another person. Only the two provincial Ministers or the two federal Ministers can appoint Members to the Council.
10. To provide technical advice and to facilitate coordination between Ministers and the Council, the two provincial Ministers or the two federal Ministers may appoint government representatives on an *ex-officio* basis rather than appoint specific persons. The Chief Safety Officer of the Board *ex-officio* or his or her representative is also a member of the Council. There is no limitation on Council participation for *ex-officio* Members.

Advice

11. The Council will prepare advice on the administration and enforcement of Part III.1 of the Act to provide to the Parties. The Council may, in the course of its activities, initiate advisory work; however, the Council shall not prepare advice unless there is a clear link with occupational health and safety pertaining to the Canada-Newfoundland and Labrador offshore area.
12. The Council shall develop and maintain a rolling three-year workplan that describes the advisory work to take place in the current fiscal year and subsequent two fiscal years. The workplan is to be

based on a budget agreed by the Board and Chairpersons, and shall be amended from time to time following receipt of a Board or Ministerial Charge or initiation of a Council Charge.

13. Where appropriate and feasible, the Council's advice shall be supported by the best available data and research. The Council may advise the Ministers of potential areas for new research.
14. The Council shall provide a copy of its advice to all Parties.

Council, Board and Ministerial Charges

15. The Board and each Minister may provide written Charges to the Council to initiate advisory work. The Parties agree that the focus of these Charges will be on occupational health and safety in the offshore area or the legislative regime for occupational health and safety that applies to the offshore area. The Parties will not seek advice from the Council on other topics unless there is a clear link between that topic and occupational health and safety.
16. Charges submitted to the Council shall include written indication of the originator, whether Board or Minister(s), a description of the issue and its context, and an explanation of how the Charge relates to the Council's mandate and objectives.
17. When initiating a Charge, the Council shall provide a description of the issue and its context to the Parties for information before beginning any advisory work.

Meetings

18. The Council shall meet at least semi-annually, or more frequently as deemed necessary by the Chairpersons to be compatible with the Council's workplan.
19. Quorum for Council meetings shall consist of at least seven (7) members of the Council, of which there is at least one representative from each government, and the Chief Safety Officer of the Board or his/her representative. Should the Chairpersons need to reschedule a meeting due to lack of quorum, a justification explaining the reasons that led to this situation must be included in the minutes of the subsequent Council meeting.
20. Observers may attend Council meetings at the Chairpersons' invitation. The Council may consult experts, stakeholders and the public as a means to inform its advice.
21. The Chairpersons may designate a portion of any Council meeting to be *in camera*, meaning that only Council Members may remain for that portion of the meeting.
22. The Board agrees that its Chief Safety Officer or his or her representative shall deliver a presentation to the Council on an annual basis that summarizes the Board's activities to administer and enforce Part III.1 of the Act over the previous year.

Consensus

23. Each Member of the Council shall work collaboratively with the other Members of the Council in developing advice. The Council shall aim to deliver advice to the Parties that is based on consensus, though dissenting views may be included.
24. The Council shall develop its own protocol for achieving consensus regarding advice as part of its standing rules, and deemed acceptable by the Parties. Development of the protocol shall be initiated at the first Council meeting and adopted by the Council before the completion of any Council advice.

Secretariat Support

25. Secretariat functions for the Council are provided by the Board, under the supervision of its Chief Safety Officer.
26. The Secretariat shall be responsible for administrative and other support on matters such as the coordination and facilitation of meetings, supporting the development of reports and other documents, and any other pertinent matters.
27. The Secretariat shall distribute documentation for Council meetings to all Members in advance of Council meetings. The Secretariat shall distribute minutes of Council meetings to all Members shortly after meetings for approval either at the subsequent meeting or secretarily.

Finances

28. The Council will strive to be efficient in its use of resources in preparation of advice. In particular, the Council will strive to use electronic means for dissemination of information related to its activities, including agendas, summaries of discussions and other documents. Some meetings may be held using teleconferencing services.
29. The financial cost of the Council's work will be paid by the Board pursuant to subsection 205.118(6) of the Act. Within three months of initiating a Charge and before beginning any advisory work (Council, Board or Ministerial Charge), the Board and Chairpersons must agree on an appropriate budget. For Ministerial or Council Charges, if the Board and the Chairpersons cannot agree on an appropriate budget, the Chairpersons may raise the matter with the federal Minister of Natural Resources and the provincial Minister of Natural Resources, and if applicable, the Minister(s) who initiated the Charge. The Council shall stay within the agreed budget for its advice.
30. The Board shall establish a detailed policy guiding the remuneration of Members' expenses and per diems incurred in the course of Council work. The Treasury Board of Canada *Directive on Travel, Hospitality, Conference and Event Expenditures* shall apply. Where a Council Member's participation is financially provided by his or her organization, the Member will not also receive remuneration

from the Board. Compliance with the Board's remuneration policy shall be a condition of each Member's appointment.

Conflict of Interest

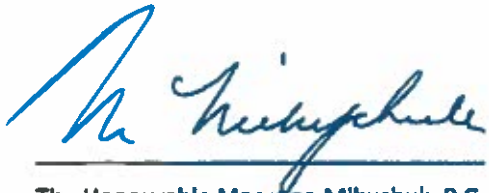
31. To maintain the credibility of advice provided, Members are to disclose their affiliations and interests. If necessary, a Member's participation in all or part of a meeting's agenda may be limited. Members are expected to review their own affiliations and interests against agenda items and advise if they see a potential cause for concern regarding the integrity and objectivity of their participation.
32. Members are expected to comply with the Government of Canada *Ethical Guidelines for Public Office Holders* and *Guidelines for the Political Activities of Public Office Holders*.

Confidentiality

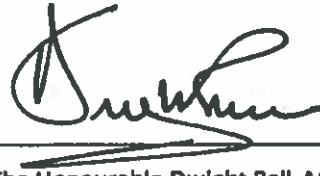
33. In order to support their ability to provide well-informed advice, Members may receive and discuss at meetings information from the Board that is confidential or privileged in nature. Members are not to disclose any confidential or privileged information received through participation in the Council, including information received orally or in writing. The Secretariat will mark information according to the level to which it is protected under the Treasury Board of Canada *Policy on Government Security*.
34. The Council will not disseminate its advice publicly or to any person or organization other than the Parties (including organizations that Members represent). Any Council advice provided to the Parties will be subject to the appropriate federal or provincial access to information legislation.
35. The Parties may release Council advice publicly, if all Parties agree to do so.

Amendment

36. These Terms of Reference may be amended by consent of the Parties.



The Honourable MaryAnn Milnychuk, P.C. .P.
**Minister of Employment, Workforce Development
and Labour**
Canada



The Honourable Dwight Ball, M.H.A.
Premier
President of Executive Council
Minister of Intergovernmental Affairs
Minister of Labrador and Aboriginal Affairs
Newfoundland and Labrador



The Honourable Jim Carr, P.C., M.P.
Minister of Natural Resources
Canada



The Honourable Siobhan Coady, M.H.A.
Minister of Natural Resources,
Deputy Government House Leader,
and Minister Responsible for the Office of
Public Engagement
Newfoundland and Labrador



Scott Tessier
Chair and Chief Executive Officer, Canada-
Newfoundland and Labrador Offshore Petroleum
Board



The Honourable Sherry Gambin-Walsh
Minister of Service Newfoundland and Labrador