

August 4, 2017



s.40(1)

Dear : s.40(1)

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* [Our File #: SNL-063-2017]

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This is to confirm that on July 24, 2017, Service NL received your request for access to the following records/information:

*"All Occupational Health and Safety documentation regarding the Safe Work Refusals at North Atlantic Refining Limited, Come-by-Chance, submitted to Occupational Health and Safety or Service NL in 2017 and all subsequent responses from Occupational Health and Safety to North Atlantic Refining Limited regarding refusals."*

I am pleased to inform you that a decision has been made by Service NL to provide access to some of the requested information. However, access to information contained within the records that would reveal personal information, has been refused in accordance with the following exceptions to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the Act):

Section 40(1): "The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy."

For your reference, as per Section 5(1) of the *Occupational Health and Safety Regulations, 2012*, the employer is required to notify the Occupational Health and Safety Division of Service NL in the event of a work refusal. Work refusals are then addressed by the employer and the workplace Occupational Health and Safety Committee. The Occupational Health and Safety Division of Service NL typically conducts an investigation only in circumstances where an issue cannot be resolved at the workplace and/or committee level. The *Occupational Health and Safety Act* and the *Occupational Health and Safety Regulations, 2012*, are available on the House of Assembly website via the following link: <http://www.assembly.nl.ca/legislation/sr/titleindex.htm#O>.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-7437 or by email at [ellenhaskell@gov.nl.ca](mailto:ellenhaskell@gov.nl.ca).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ellen Haskell', is written over a light blue horizontal line.

ELLEN HASKELL  
ATIPP Coordinator

Enclosures

**Access or correction complaint (Section 42)**

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

- a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
- b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

- a) a request that is disregarded under section 21;
- b) a decision respecting an extension of time under section 23 ;
- c) a variation of a procedure under section 24; or
- d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

**Direct appeal to Trial Division by an applicant (Section 52)**

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

- a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or
- b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has

refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).

SNL - 063 - 2017

**Porter, Kelly**

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**From:** Browne, Aiden  
**Sent:** Thursday, June 15, 2017 9:16 AM  
**To:** Porter, Kelly  
**Subject:** FW: Work Refusal Notification

Aiden Browne, CRSP | OHS Officer III (Construction)  
Service NL  
Occupational Health and Safety Division  
Government of Newfoundland & Labrador  
28 Pippy Place, St. John's, NL A1B 3X2  
Tel: (709) 729-6645, 1-800-563-5471 Fax: (709) 729-3445

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Section 40(1)

**From:** [REDACTED]@NARefining.ca]  
**Sent:** Wednesday, June 07, 2017 9:05 AM  
**To:** Browne, Aiden  
**Subject:** Work Refusal Notification

Aiden,

As per Section 5(2) of the Newfoundland and Labrador Occupational Health and Safety Regulations, please be advised that North Atlantic has received and is investigating 20 work refusals regarding workforce reductions. If you have any questions please contact me to discuss.

Regards,

Section 40(1)

Section 40(1)

Health, Safety, Security, and Environment Department

 **North Atlantic**  
NARL Refining & Energy Services

NARL Refining, LP  
1 Refinery Rd, Box 40  
Come By Chance, NL  
A0B 1N0

Section 40(1)

<http://www.narefining.ca>

## Porter, Kelly

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**From:** Browne, Aiden  
**Sent:** Saturday, March 25, 2017 9:44 AM  
**To:** Porter, Kelly  
**Subject:** Fw: Written Notification of Work Refusals

You weren't cc'd on this one

Aiden Browne CRSP  
OHS Officer III (Construction)  
28 Pippy Place  
St. John's, NL  
A1B 3X4  
Phone: 709-729-6645, Fax: 709-729-3445

Sent from my BlackBerry 10 smartphone on the Bell network.

Section 40(1)

**From:** [REDACTED]@NARefining.ca>  
**Sent:** Wednesday, March 22, 2017 3:22 PM  
**To:** Browne, Aiden  
**Cc:** [REDACTED]  
**Subject:** Written Notification of Work Refusals

Section 40(1)

Hi Aiden,

This email is to provide written notification that we have received work refusals based on the reduction of manpower in the process units (Area A and B). The refusals have been provided to the Joint Occupational Health and Safety Committee, a sub-committee has been established to investigate the matter and recommendations have been provided to both management and refusing employees.

If any further information is needed please let me know.

Thanks,

Section 40(1)

[REDACTED]  
NARL Refining LP  
1 Refinery Rd, Box 40  
Come By Chance, NL A0B 1N0

Section 40(1)

NARL Refining, LP (North Atlantic), with its 130,000 bpd oil refining capacity, produces top quality fuels for local customers and those around the world. As an economic driver for 30 years, a strong NARL means a strong Newfoundland and Labrador with a direct contribution to the provincial economy of over \$300M every year.

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