November 26, 2019

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-133-2019]

This is to confirm that on October 28, 2019, Service NL received your request for access to the following records/information:

"Any and all messaging prepared for the fall sitting of the house of assembly. This includes key messages for the Minister and binders."

I am pleased to inform you that a decision has been made by the Deputy Minister for Service NL to provide access to some of the requested information.

Access to the remaining records, and/or information contained within the records, 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 29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal
(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;"

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 ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). 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.

The address and contact information of 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.

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 feel free to contact me by telephone at 709-729-1002 or by e-mail at PamSenior@gov.nl.ca.

Sincerely,

Pam Senior
ATIPP Coordinator
Service NL

Enclosures
Access or correction complaint

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

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).
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ATIPP 1
ISSUE: Buildings Accessibility
Service NL has been directed to undertake a review of the Buildings Accessibility Act. Since it was introduced in 1981, the Act has only received minor amendments.

ANTICIPATED QUESTIONS:
Where does the review of the Act currently stand?
When can the public expect to see changes to the Act?

KEY MESSAGES:
A key component to safe and sustainable communities is improving accessibility and equity.

We committed to a two-phased approach to a review of the Buildings Accessibility Act, with the first phase being amendments to Regulations we introduced in Fall 2017.

The Buildings Accessibility Advisory Board (BAAB) met in January, March and July 2019. The Board have engaged stakeholders and are in the process of finalizing recommendations on the amendments to the Act.

The Board is meeting again on November 13 and 14, 2019.

SECONDARY MESSAGING:

- Amendments were made to the Buildings Accessibility Regulations and the Designated Mobility Parking Regulations (now Accessible Parking Regulation) in October 2017 (first phase). Further amendments to the Accessible Parking Regulations were made on April 2019.
BACKGROUND INFORMATION

The 2017 amendments to the regulations included:
- Requirement for new and renovated buildings to have power door operators;
- Fines increased to $400-$700 for illegally parking in a blue zone;
- Requirement for van-sized accessible parking spaces;
- Increased percentage of parking spaces required to be accessible;
- Increased number of accessible units in an apartment complex with more than four units;
- Requirements for improved accessibility in public washrooms; and
- Clarification of counter height requirements to ensure counters in public buildings are accessible.

- Accessibility is more than just meeting minimum building codes.
- We must listen to those who truly know and understand the challenges.
ISSUE: Cannabis Impaired Driving
Service NL has strengthened its impaired driving legislation, as outlined in the Highway Traffic Act, to align with the Federal Government’s Bill C-46 and the legalization of cannabis.

ANTICIPATED QUESTIONS:
What changes have been made to prevent cannabis impaired driving?
How can officers determine if a driver is drug impaired?

KEY MESSAGES:
Impaired driving by drug is still against the law.

There is zero tolerance for novice drivers, drivers under age 22 and commercial drivers and taxi drivers.

There are more significant penalties as a result of these amendments.

SECONDARY MESSAGING:

- Police have been trained in Standard Field Sobriety Testing (SFST) as well as certified as Drug Recognition Experts (DRE).

- Training in both of these areas of expertise is always ongoing.

- An oral fluid drug testing device has been approved by the Federal Government.

- The province is planning to deploy the device on a limited basis.
BACKGROUND:

How many officers are trained in SFST and DRE?
Impaired driving by drug has been an offence for decades and that hasn’t changed with the legalization of cannabis. Members of our policing agencies have been trained in Standard Field Sobriety Testing (SFST) as well as certified as Drug Recognition Experts (DRE) -- training in both of these areas of expertise is always ongoing.

When are we deploying the new drug testing device?
An oral fluid drug testing device has been approved by the Federal Government and the province is planning to deploy the device on a limited basis. We are looking forward to more devices receiving approval from the Attorney General of Canada to provide additional options for testing.

The device is one of several testing tools. Officers will continue to test using SFST and DRE.

What are the criminal penalties associated with driving high?
The Criminal Code penalties for impaired driving are generally the same regardless of which substance (alcohol or any drug) causes the impairment.

For simple impairment, there is a mandatory minimum sentence of:

1. A $1000 fine if it is a first offence (however, for alcohol, if the blood-alcohol concentration is between 120-160 mg/100ml of blood, the minimum is $1500 and if the BAC is above 160mg/100 ml of blood, the minimum is $2000;  
2. 30 days imprisonment if it is a second offence; and
3. 120 days imprisonment if it is a third or subsequent offence.

The minimum fine for a refusal is $2000 for a first offence.

The maximum sentence is two years less a day imprisonment if the matter proceeds by summary conviction and 10 years for indictable offences. There are also mandatory periods for a driving prohibition which range from 12 months to life depending on the number of prior offences.

The Criminal Code also provides for different maximums where the offence involves impaired driving causing bodily harm (10 years) and impaired driving causing death (life imprisonment).
ISSUE: Cannabis – Workplace Safety
As part of cannabis legalization, provincial governments are responsible for ensuring workplace safety. It has been identified that no imminent changes to the Regulations are required, the Provincial Government is working with the CSA to develop standards around cannabis impairment.

ANTICIPATED QUESTIONS:
Now that cannabis is legal, how will it be controlled in the workplace?
What should an employer do if an employee is suspected of being impaired on the job?

KEY MESSAGES:
There are already provisions in OHS legislation regarding impairment in the workplace.

Being impaired at work is against the law, whether the substance is legal or not.

SECONDARY MESSAGING:

• Section 26 of the OHS regulations states: “employers, supervisors or workers shall not enter or remain on the premises of a workplace or at a job site while his or her ability to perform work responsibilities is impaired by intoxicating substances or another cause that endangers his or her health or safety or that of other workers.”

• The regulatory expectation is that employers, in consultation with the occupational health and safety committee, workplace health and safety representative or designate, develop programs which include risk assessment, policies, procedures and training in relation to impairment.

• The province, as a member of the Canadian Association of Administrators of Labour Legislation, engaged the Canadian Standards Association (CSA) to develop a standard in relation to impairment.

• The standard will contain information and outline expectations for employers and employees to develop workplace programs to address the issue/hazard of impairment (all types such as alcohol, drugs both prescription and non-prescription, fatigue and others) in the workplace.

• The standard is on target for completion in 2019.
ISSUE: Commercial Driver Training
After the Humboldt Broncos crash in Saskatchewan on April 6, 2018 involving a coach bus and a semi-trailer concerns have been raised about the licencing of commercial drivers. The Canadian Trucking Alliance has called much of the country's truck licensing system inadequate and is calling for mandatory training for new truck drivers.

ANTICIPATED QUESTIONS:
Will this province implement required training for commercial drivers?

KEY MESSAGES:

As agreed upon at the Council of Ministers responsible for Transportation and Highway Safety meeting in January 2019, a standard for entry-level training for commercial drivers in Canada will be developed by January 2020.

Motor Registration Division also recently completed a review of training standards and is in the process of making recommendations on potential changes to the program.

We are working to develop mandatory training through SkillsPass NL.

SECONDARY MESSAGING:

There are currently two options available to become a commercial driver in NL:
• Driver training course specific to commercial vehicles through a driving school that is registered and its curriculum overseen by the Department of Advanced Education Skills and Labour; or
• Non-formal stream that requires
  o A medial standard that has to be met for all commercial drivers;
  o A knowledge test in relation to commercial vehicles and their operation;
  and,
  o A practical assessment of driving skills
• Also, in order to apply for a commercial driver's licence a driver needs to have a minimum of 33 months of driving experience (eight months to one year as a novice driver, who can only drive with an accompanied driver; one year as a novice driver unaccompanied; and, one full year with a Class 5 licence).
• The province works collaboratively with other jurisdictions in Canada on issues that are pan-Canadian in nature.
• We will continue to do so in respect to commercial trucking and other road safety issues.
ISSUE: Fish Plant Inspections
On May 23, the FFAW issued a news release calling for more stringent fish plant inspections, calling on government to conduct a safety blitz on all operating plants to ensure workers are safe and fish plant owners are following the laws.

ANTICIPATED QUESTIONS:
Does government conduct regular inspections of fish plants in the province?
How many plants have been inspected so far this year?

KEY MESSAGES:
The Occupational Health and Safety (OHS) Division conducts inspections at all workplaces in Newfoundland and Labrador, including fish processing plants.

Inspections are carried out to identify hazards and determine if a workplace is in compliance with OHS Legislation.

Since January 1, 2019, 28 different fish processing companies have been inspected.

There have been a total of 54 inspections across these 28 companies, resulting in 212 OHS orders being written.

Of these, 176 have now been complied with an 83% compliance rate.

SECONDARY MESSAGES:
• The OHS division is vigilant in following up to ensuring that deficiencies identified during inspections are addressed in a timely fashion.

• Currently there are approximately 60 fish plants operating in the province, many of which operate seasonally.

• Inspections may take place on one occasion or multiple occasions, depending on whether issues have been identified.

• Orders are written when there is noncompliance with the legislation.

• When orders are written, a follow up inspection is carried out to ensure that compliance has been achieved.

• Fish plants and other work sites can be inspected at any time, without prior notice.
QP Issue Note
Department of Service NL

ISSUE: Kubota Licencing
Correspondence was sent to the Minister of Service NL from MHA of Humber – Bay of Islands and citizens regarding improper licencing on his Kubota. There was another complaint about Highway Enforcement Officers coming to the home of the MHA to advise him the error and provide him with a replacement registration. The Minister of Service NL and the Registrar of Motor Vehicles have replied to all inquiries.

ANTICIPATED QUESTIONS:
Why did the Highway Enforcement Officer visit the home of MHA Joyce to relay this information?
Is the Minister of Service NL personally harassing the MHA?

KEY MESSAGES:
The Minister of Service NL only became aware of the issue after it was brought to her attention in a letter received from the MHA from Humber – Bay of Islands.

This enforcement action was initiated locally without the knowledge of the Executive of Service NL or the Registrar of Motor Vehicles.

There were initially a total of five identified as being improperly registered in the Corner Brook Area.

Kubota is a manufacturer of several models of vehicles, some of which can be registered for limited on road use.

Kubota also manufactures side-by-side vehicles, which were incorrectly registered because of an administrative error.

The Motorized Snow Vehicle and All-terrain Vehicle Act and Regulations are currently under review.

SECONDARY MESSAGING:
• The Registrar of Motor Vehicles has been in touch with the local Kubota dealers to advise that UTVs and RTVs are not eligible for registration for road use.

• Municipalities have authority under the Highway Traffic Act to make by-laws for ATGV use on roads which they are responsible for.

• Transport Canada sets standards for classification of all vehicles.
• The manufacturers state that this type of vehicle is for off-road use only.

• There were a total of 18 Kubota side-by-sides island-wide that were improperly registered.

• These vehicles fall under the All-Terrain Vehicle licensing and use requirements (V plates).

• There are 107,573 (2017) registered ATV and side-by-sides in the province.

• This does not include snowmobiles or dirt bikes, which are issued different plate-types (S and K plates, respectively).
QP Issue Note
Department of Service NL

ISSUE: Kubota Licencing Error
In September 2019, Service NL was advised by the MHA for Humber – Bay of Islands and a citizen that there was a Kubota RTV registered in St. John’s with an X plate and additionally, an RTV in the Corner Brook area that was X plated.

ANTICIPATED QUESTIONS:
Why did these errors occur and have they been rectified?

KEY MESSAGES:  

s.29(1)(a)

It was determined that a clerk in Stephenville issued the other plate in error.

Both owners of these vehicles have been written to have their registration corrected.
QP Issue Note
Service NL

ISSUE: Off-road Vehicle Safety
There has been recent media coverage around the safe use of ATVs and snowmobiles, including a CBC Investigates story, Fatal Fun, as well as a call from the Child Death Review Committee recommending a full review of the Act. The rules outlined in the Motorized Snow Vehicles and All-Terrain Vehicles Act require updating.

ANTICIPATED QUESTIONS:
What is the Provincial Government doing to help improve safety of off-road vehicles?
What is the status of the review of the Act?

KEY MESSAGES:

We are committed to the safety of residents of the province.

In Newfoundland and Labrador since January 2016, there were 10 fatal snowmobile crashes investigated by the RCMP. In seven of these cases, the victim was not wearing a helmet.

During consultations on whether mandatory snowmobile helmets should be mandatory, a number of other safety concerns were raised by stakeholders and the general public.

These concerns included training requirements for off-road vehicles; age of operation for vehicles such as side-by-sides; operation of vehicles on municipal roadways; and body size requirements for safe operation.

The latest report from the Child Death Review Committee also recommended a full review of the Act and Regulations.

As such, we will conduct a full review of the Act and propose changes to enhance safety.

SECONDARY MESSAGING:

- The Provincial Government is committed to the safety of residents of the province, while also recognizing the value of outdoor activities.

- A review of the Act and Regulations will help find ways to improve snowmobile and ATV safety, as well as other off-road vehicles.

- Further enhancing safety for snowmobile and ATV users aligns with the Provincial Government's ongoing commitment to improved vehicle safety in the province which is evident through the numerous changes to the Highway Traffic Act.
QP Issue Note
Service NL

ISSUE: Offshore Safety
Oil and gas development in the offshore arena is a hazardous environment, where strong Occupational Health and Safety (OHS) regulation and enforcement is critical.

ANTICIPATED QUESTIONS:
How does government plan to help ensure the safety of offshore workers?

KEY MESSAGES:

Protection of the environment and worker safety in our offshore are priorities for this government.

We are seeking nominations for the first Offshore Occupational Health and Safety Advisory Council. s.29(1)(a)

We also reached out to stakeholders and asked them to share the information regarding the Council positions.

The Council will provide advice and expertise on occupational health and safety matters and work to help strengthen regulations in the offshore.

We are an active participant in the development of permanent offshore occupational health and safety regulations.
ISSUE: OHS Aquaculture
There has been much media attention regarding the recent salmon die off at Northern Harvest Sea Farms. During the clean up the OHS division received notification that one diver experienced decompression sickness and was transported to hospital. There were also two other diving incidents at other aquaculture sites.

ANTICIPATED QUESTIONS:
What is being done to protect the safety of divers and others working in the aquaculture industry?

KEY MESSAGES:
Working on or near the ocean is inherently dangerous.

The OHS division has completed on water, hatchery and processing based inspections associated with this industry.

There were 36 OHS related inspections completed in the aquaculture sector in 2018/19, including

The OHS division continues to see positive safety culture emerging in the aquaculture industry when conducting inspections.

SECONDARY MESSAGING:

- There are currently three hatcheries operating in province that are inspected on a regular basis. These are located in St. Alban’s, Daniels Harbour and Stephenville. s.29(1)(a)

-
ISSUE: OHS Diving Regulations
During the clean-up of deceased salmon at the Northern Harvest Aquaculture site the OHS division received notification that one diver experienced decompression sickness and was transported to hospital. There were also two other diving incidents at other aquaculture sites within the past year (March & August 2019).

ANTICIPATED QUESTIONS:
What regulations are in place to protect divers?

KEY MESSAGES:

OHS adopted the Standards Council of Canada’s (SCC) "Occupational Safety Code for Diving Operations" and the "Competency Standard for Diving Operations" as minimum requirements for diving operations in the province.

All occupational diving operations in the province are required to adhere to these standards.

It is the responsibility of the employer or principal contractor to ensure that specific diving operation are carried out in accordance with the requirements of these standards.

To ensure compliance with the diving legislation, conformance to these standards is a minimum requirement.

Each of the investigations into the diving incidents are ongoing.

SECONDARY MESSAGING:

- The standards are not the only items OHS officers may look for when carrying out diving site inspections.

- All diving contractors should prepare a comprehensive diving safety plan and submit this plan to the employer, and may also be requested by an OHS officer.

- Reporting is outlined in Section 54 of the Occupational Health and Safety Act.

- The standards associated with diving are contained in Section 467 of the OHS Regulations, within Diving and Other Marine Operations part of the regulations.
ISSUE: Occupational Health and Safety (OHS)
A number of new work sites have been erected throughout the province over the past year. With this development comes increased responsibility as leaders, employers, and employees to ensure our workplaces are safe and ensuring compliance at existing work sites.

ANTICIPATED QUESTIONS:
What is being done to ensure the safety of workers in this province?

KEY MESSAGES:
The OHS division of Service NL works with employees, employers, and WorkplaceNL to promote and ensure safety.

There have been significant improvements in workplace safety in our province. In 2017, the lost-time injury rate, at 1.5 injuries per 100 workers, was the lowest it has ever been.

This reduction can be attributed to:
- better health and safety education;
- improved OHS legislation;
- increased enforcement;
- a greater development of OHS management programs and systems; and,
- Improvements in equipment design, training standards and awareness of workplace hazards.

We made changes to the Regulations this year to capture incidents regarding worker-on worker violence, as well as provisions related to harassment in the workplace, which were not previously included.

We adopt a zero tolerance approach to violations under the OHS Act and Regulations.

SECONDARY MESSAGING:
- By maintaining high safety training standards and practices we can experience safe and tragedy-free days at our work sites.
- Through our regulatory and inspection activities, OHS is doing its part to improve safety at worksites.
- OHS has been significantly enhanced over the past decade to accommodate our province’s tremendous rate of growth.
ISSUE: School Bus Safety
The issue of school bus safety has received significant attention following the Humboldt crash and after several local accidents involving school busses. The Fifth Estate also did an investigative piece that revealed a study by Transport Canada that said high-backed, padded seats on school busses did nothing to help children in side-impact and rollover crashes.

ANTICIPATED QUESTIONS:
How safe are school busses? How often are school busses inspected?

KEY MESSAGES:

School busses throughout Newfoundland and Labrador are held to an extremely high standard.

School busses are subject to rigorous inspection requirements.

Stronger enforcement measures led to a pass rating of 92.6% in 2019 (up from 84.4% in 2016).

There were changes made to the enforcement strategy that included:
- operational changes and legislative changes;
- changes to the Official Inspection Station Regulations to increase penalties for mechanics and garage owners who falsify inspection reports;
- Highway Enforcement Officers inspect 100% of the bus fleet between August and October and have aggressively pursued violators; and
- several bus operators and their official inspection stations have been successfully prosecuted which has an impact on the industry.

SECONDARY MESSAGING:

- In 2016, amendments were made to the Official Inspection Station Regulations.
- These changes provide officials with stronger enforcement and reporting tools.
- School busses are required to be inspected by an Official Inspection Station twice annually.
- Highway Enforcement Officers inspect the entire fleet in the fall, and a minimum of 30% of the fleet in the spring of the year.
- These include both announced and unannounced inspections.
ISSUE: Seat Belts on School Busses
The question of whether or not seatbelts should be required on school busses has been an ongoing debate. In the fall, following a Fifth Estate inquiry, Transport Canada said that high-backed, padded seats on school buses did nothing to help children in side-impact and rollover crashes.

ANTICIPATED QUESTIONS:
Why are seatbelts not required on school busses?
When will you take the safety of school-age children in our province seriously?

KEY MESSAGES:

School buses are held to extremely high safety standard.

We work with school districts, operators and the industry to ensure the transportation of students is as safe as possible.

In January 2019, we took part in the annual meeting of Ministers responsible for Transportation and Highway Safety.

A national task force has been created to identify and assess potential measures to improve school bus safety, including seatbelts. The initial report from this task force with recommendations will be presented to the Ministers responsible for Transportation and Highway Safety in January 2020.

The province will be prepared to amend or adopt our legislation as required.

SECONDARY MESSAGING:

- Regular inspections and corrective measures are major components of school bus inspections.

- To be registered as a school bus in the province the vehicle must meet the Canadian Motor Vehicle Safety Standards as approved by Transport Canada.

- The Highway Traffic Act requires that, where the federal government has required seatbelts to be installed in a vehicle at the time of manufacture, those seatbelts must be used by drivers and passengers.

- Currently, small buses (under 4,536 kg), with the exception of school buses, already require lap and shoulder belts. All highway buses manufactured after September 1, 2020 will be required to have seatbelts installed.
QP Issue Note
Service NL

ISSUE: Auto Insurance
Newfoundland and Labrador has the highest automobile insurance rates in Atlantic Canada. In April 2019, legislation was passed in the House of Assembly to help stabilize insurance rates and provide better value to the residents of the province.

ANTICIPATED QUESTIONS:
How will the new legislation benefit customers, the taxi industry?

KEY MESSAGES:

- Our number one priority remains the consumer of Newfoundland and Labrador.

- Delivering on the legislative changes that were announced in the spring, we have introduced the associated Regulations that were published in the Gazette in September.

- The new Regulations accompany the Automobile Insurance Act and come into effect January 1, 2020. Some of the changes include:
  - An increase in the deductible from $2500 to $5000 for bodily injury claims;
  - Introduction of compensation for property damage;
  - Changes to the rate setting process to increase competition.

- In addition, as one of the largest consumers of auto insurance, the removal of fleet rating from the PUB process will enable taxi companies to negotiate rates directly with willing insurers.

- Further reforms to come include the establishment of diagnostic treatment protocols, adoption of traffic cameras and a move to a plate to owner system for vehicle registration.

SECONDARY MESSAGING:

- A modern and robust regulatory framework is necessary to deliver consumer protection to the driving public of Newfoundland and Labrador, while also ensuring the needs of industry are taken into account.

- Government provided the Terms of Reference to the Board of Commissioners of Public Utilities (PUB) to conduct public consultations.

- Service NL conducted its own consultations, including the exploration of issues outside the scope of the PUB’s mandate.
• We have already taken many measures to improve highway safety and automotive accident prevention.
BACKGROUND INFORMATION:

• Some of the key changes to the legislation include:
  – increase in the deductible from $2500 to $5000 for bodily injury claims;
  – introduction of treatment protocols for common injuries;
  – no access to the Uninsured Automobile Fund for losses by uninsured motorists;
  – requirement for insurance companies to notify the Registrar of Motor Vehicles of the cancellation or expiration of insurance policies;
  – direct compensation for property damage which means that drivers will deal directly with their own insurance company for vehicle repairs, regardless of fault;
  – changes to procedural rules for motor vehicle collision claims to help resolve claims faster; and,
  – changes to the rate setting process to increase competition.

• The majority of the amendments to the Automobile Insurance Act will come into effect on January 1, 2020.

• In terms of the diagnostic and treatment protocols, we want to ensure adequate time for us to complete ongoing consultations with health professionals and also allow industry time to make their necessary changes to their processes, so a date will be determined.

• The provision which prohibits uninsured drivers from accessing the uninsured automobile fund and receiving compensation for non-economic losses came into effect August 1, 2019.
QP Issue Note
Service NL

ISSUE: Auto Insurance Limitation Period
In the Blue Book, which was issued during the election period, the PCs stated that within their first 200 days they would, “Repeal the Liberal auto insurance legislation reducing the limitation period to take action from 2 years to 4 months.” Further, they went on to say they would repeal any government interference with the right to compensation for auto accident injuries.

ANTICIPATED QUESTIONS:
How do changes to how claims are processed help consumers?

KEY MESSAGES:
Prior to pursuing litigation, as of January 1, 2020, victims injured in a motor vehicle accident will be required to provide notice of the intention to commence an action within 120 days of the collision.

The injured person still retains the right to wait two years before commencing the action in the court.

Previously, claimants may wait until two years before notifying the insured about their injury.

It is more difficult to investigate an accident two years after it has occurred and this can sometimes lead to fraudulent claims.

SECONDARY MESSAGES:
- Accident benefit claims must now be filed before a bodily injury claim.
- Accident victims will only have to give notice of intent within 120 days.
- There is no requirement to commence the action within that time frame.
- Failure to provide that notice within 120 days will not prevent the accident victim from initiating an action later however, the court may take this into consideration in awarding costs.
 ISSUE: Cannabis – Residential Tenancies
On October 17, 2018, cannabis was legalized in Canada. Among the regulations required to control the use of cannabis include agreements between landlords and tenants.

ANTICIPATED QUESTIONS:
How can landlords control the use of cannabis on their property?
What is the responsibility of tenants regarding cannabis use?

KEY MESSAGES:
Landlords make rules restricting the consumption of cannabis.

Landlords may also make rules about growing cannabis.

Tenants should check with their landlord about specific rules that might apply.

SECONDARY MESSAGING:

• A landlord has the right in law to set terms and conditions for the rental property and the grounds and common areas.

• Under the Cannabis Control Act, partaking of cannabis in a public place is generally prohibited.
  
  o You may be able to consume cannabis in hotel rooms or units in apartment buildings, subject to restrictions that may be imposed by the building owner or operator. Cannabis cannot be consumed in any of the common areas of those buildings.

  o You may be able to consume cannabis on a rented campsite, subject to restrictions that may be imposed by the park owner or operator. You may be able to consume cannabis in a vehicle that is being used as a temporary or private residence while it is not in motion or on a road.

  o You are not able to consume cannabis in a public place, a motor vehicle or a boat, similar to the restrictions on consuming alcohol.

  o A limited exception applies for medical cannabis. A person with a valid authorization to use medical cannabis under the federal Cannabis Act may consume medical cannabis in an outdoor public place where smoking or vaping is permitted by the Smoke-Free Environment Act, 2005, but cannot consume cannabis in a motor vehicle.
• If a landlord or tenant is unsure of the regulations or their rights they should seek the assistance of a residential tenancies officer.
QP Issue Note
Service NL

ISSUE: Condo Insurance
A client contacted the Registrar of Condominiums in March 2019, and the Minister in July 2019, indicating that a condominium corporation was having difficulty obtaining insurance under the Condominium Act. The alleged issue is that the Act requires the condominium corporation to obtain and maintain insurance, on its own behalf and on behalf of the owners, for damage to the units.

ANTICIPATED QUESTIONS:
Why was the client having difficulty getting insurance? Will there be amendments to the Act to address this?

KEY MESSAGES:
Client’s property by-laws state that owners are responsible for repair and maintenance of their units, inside and out, and property insurance.
The client looked at getting quotes for insurance for the condo corporation to cover the units.
In order to do that insurers are requesting to be advised of when work/upgrades were done to the roof, heating, plumbing and electrical components of each unit.
With over 100 current owners, many simply wouldn’t have that information and it certainly couldn’t be reconciled for the last 28 years.
The client is seeking an amendment to the Act that would grandfather a corporation created prior to the Act coming into force from this insurance requirement.
The department is awaiting a written request which outlines the perceived issue in a detailed letter.

SECONDARY MESSAGING:
- It was recommended to the client to review its definition of what constitutes a standard unit as would be defined in its declaration.
- The condo corporation maintains a liability policy for the parking lots, common walkways and underground infrastructure.
- We are awaiting receipt of this letter so an analysis can be undertaken.
**Issue:** Credit Union Act Update
The Credit Union Act, 2009, is currently making its way through the legislative review process.

**Anticipated Questions:**
When can we expect to see a Bill to propose amendments to the Credit Union Act?

**Key Messages:**

During 2018 and 2019, the provincial regulator, the Credit Union Deposit Guarantee Corporation, consulted with the credit union industry on potential changes to the legislation to ensure they are appropriate to meet the needs of the regulator and industry.

The department received these recommendations in the spring and, once the analysis is complete, we expect to bring forward a Bill to the House of Assembly.

The intention is to bring this legislation forward in the spring 2020 sitting.

**Secondary Messaging:**

- Credit Union Act is important to the people of Newfoundland & Labrador and we are working quickly to move this legislation forward.

- While improvements can always be made, the current legislation is able to meet the needs of the credit unions in the province.
QP Issue Note
Service NL

ISSUE: Home Inspections
In December of last year, the Province announced it would begin a review of the outdated Real Estate Trading Act, which has not been amended since 1965. In anticipation of the review the Newfoundland and Labrador Association of Realtors held town hall meetings throughout the province. Recently the issue of lack of regulations for home inspections came up in the media.

ANTICIPATED QUESTIONS:
Why are home inspections not regulated?

KEY MESSAGES:

We are currently awaiting a position paper from the Newfoundland and Labrador Association of Realtors on the potential regulation of home inspectors.

If there are concerns we are always willing to listen.

SECONDARY MESSAGING:

- There would be a number of issues and concerns around regulation to address including: standards, costs, availability for rural areas and training of home inspectors.

- Consumers should ensure the individual performing the service is qualified, experienced and dependable and ask for references or check with the Better Business Bureau.

- Businesses that serve consumers in Newfoundland and Labrador are required to comply with the Consumer Protection and Business Practices Act.

- Service NL has received very few consumer complaints about home inspection services.

- We are always open to reviewing any matter that may be of concern to the residents of the province.
ISSUE: Mortgage Brokers - RETA
A Bill to amend the Real Estate Trading Act was brought forth in the House of Assembly during the spring sitting, but due to an election being called the Bill was not passed. In June of this year the Bill was referred to the Government Services Committee. Public hearings took place on September 17 and 30, and written submissions were accepted until September 12.

ANTICIPATED QUESTIONS:
Can a real estate salesperson act as the mortgage broker on the same real estate transaction?
Does the Mortgage Brokers Act provide sufficient consumer protection against inadequate financial advice?

KEY MESSAGES:
Under the current legislation, real estate salespersons can act as a mortgage broker on the same transaction.

Proposed changes to the Act would not allow the real estate salesperson to act as the mortgage broker on the same transaction.

Proposed amendments to the Act allow them to hold both licences.

The mortgage broker legislation does provide authority to cancel or suspend a mortgage broker license if it’s in the public’s interest, but does not allow for administrative fines or penalties for lessor infractions.

There has been considerable discussion related to those individuals which act in the dual roles of real estate and mortgage broker.

Before considering any potential changes to the mortgage broker legislation we are awaiting feedback from the Government Services Committee.
QP Issue Note  
Service NL

ISSUE: Prepaid Funerals
Five companies selling pre-paid funerals had their licenses suspended in 2016 due to non-compliance with the financial reporting requirements outlined in the Prepaid Funeral Act. The companies, which are also listed on the Service NL website are: Botwood Funeral Home (2001) Ltd.; G & P Limited (operating as Sunset Memorial Funeral Home); Gordon Woolfrey Funeral Homes Ltd.; Serenity Funeral Home Ltd.; and OGI Holdings Limited (operating as Oram’s Funeral Homes). A CBC story on May 10 suggested that two of the funeral homes with suspended licences still offer prepaid services to new clients.

ANTITIPATED QUESTIONS:
Can these funeral companies continue to operate under the Act?
What is the department doing to address this issue?

KEY MESSAGES:
The vast majority of funeral homes that are registered to sell pre-paid funerals are compliant with the legislation.

Service NL monitors how funeral homes conduct their business and will investigate any violations of the Prepaid Funeral Services Act or regulations.

Companies that have had licences suspended can continue to operate - their ability to engage in new pre-paid funeral contracts has been suspended and they cannot take money in trust.

Service NL will continue to work with funeral homes to assist them in becoming compliant with legislation in order to lift their suspensions.

SECONDARY MESSAGES:
• There are 46 funeral homes who maintain a prepaid funeral license with ServiceNL.
• Service NL instituted suspensions in 2016 after 6 companies failed to comply with the financial reporting requirements set out in provincial law.
• These companies are permitted to service any contracts entered into prior to suspension.
• If a funeral home offers a pre-arrangement or pre-planning contract as an alternative to a prepaid funeral, any insurance arrangement to pay for the funeral must be done in compliance with the Insurance Adjusters, Agents and Brokers Act.
• Individuals with concerns are encouraged to contact Service NL by E-mail at servicenlinfo@gov.nl.ca, or by phone at 729-7667.
ISSUE: Real Estate Trading Act - Update
A Bill to amend the Real Estate Trading Act was brought forth in the House of Assembly during the spring sitting, but due to an election being called the Bill was not passed. In June of this year the Bill was referred to the Government Services Committee. Public hearings took place on September 17 and 30, and written submissions were accepted until September 12.

ANTICIPATED QUESTIONS:
Where is the Bill and when will it be passed?

KEY MESSAGES:
The Bill, An Act to Amend the Real Estate Trading Act, will be re-introduced to the House following feedback from the Government Services Committee.

Changes to the Real Estate Trading Act support our government's commitment to increased consumer protection for the people of the province.

The amendments help ensure the legislation is relevant and is meeting the needs of industry stakeholders.

SECONDARY MESSAGES:
Proposed change include:

- streamlined release of trust deposits and a mechanism for aged trust deposits;
- restriction of a licensed real estate person from providing both real estate and mortgage brokerage services;
- introduction of a Code of Conduct;
- requirement for Errors and Omissions insurance;
- establishment of personal real estate corporations, and
- establishment of a real estate recovery fund to be financed by industry members.

The act also allows for increased fines and penalties; provides authority for the Superintendent of Real Estate Brokers and Salespersons to impose terms and conditions on a licence; and also allows for the establishment of continuing education requirements.
ISSUE: Wabush Mines Pensions
The former employer at Wabush Mines has filed for protection from its creditors under the federal Companies’ Creditors Arrangement Act (CCAA), impacting the pension plans for retirees and former workers at the mine.

ANTICIPATED QUESTIONS:
What is government doing to assist?
When will retirees see their pensions reinstated?

KEY MESSAGES:

Government’s “deemed trust” reference to the Court of Appeal successfully resulted in protecting pension plan members.

The pension plan administrator has finalized the annuities for all pensioners and any final entitlements will soon be paid from the pension plan assets.

The funded position has improved from 75-80 per cent to 93 per cent funded today.

The new, higher pension amounts began with the May 2019 pension cheques.

If any former employee is still awaiting their benefit they should contact the pension plan administrator.

SECONDARY MESSAGING:

- This outcome was achieved by a collaborative approach between Government and specialized legal counsel, all working to ensure the Province’s laws were represented.

- I would also like to acknowledge the work of the Wabush Pensioner Committee who acted both as a voice for the members and advocated strongly on their behalf.

- Pensions have been placed with the insurance company and Service NL will continue to monitor the situation until all remaining benefits are settled.

- Government supports federal counterparts in strengthening federal bankruptcy legislation to protect pensioners.
QP Issue Note

WorkplaceNL

ISSUE: Appeals
Questions sometimes arise relating to what WorkplaceNL does to support workers through the appeal process and if there are equal supports for workers and employers during this process.

ANTICIPATED QUESTIONS:
Are there supports for injured workers during the appeals process?
Do employers also receive support if they appeal a decision?

KEY MESSAGES:

Worker advisors, with the Newfoundland and Labrador Federation of Labour, in St. John's and Grand Falls-Windsor, are available to help all injured workers (unionized and non-unionized) with appeal matters, free of charge.

Employer advisors, with the Newfoundland and Labrador Employers’ Council, are available to help all employers with appeal matters, free of charge.

Many workers and small- to medium-sized businesses in particular benefit.

SECONDARY MESSAGES:

- Workers or employers may request an internal review within 30 days of receiving a decision. WorkplaceNL then completes the review within 45 days.

- If a worker or employer is not satisfied with the internal review, they may appeal to the Workplace Health, Safety and Compensation Review Division.
QP Issue Note
WorkplaceNL

ISSUE: Baie Verte Miners’ Registry
Completed in April 2013, the Registry of the Former Workers of the Baie Verte Asbestos Mine (the Registry) is a database containing the work history and health status of 1,003 former workers at the mine, their exposure to asbestos at the mine, and the possible impacts.

ANTICIPATED QUESTIONS:
How many claims have been accepted from Baie Verte mine workers?

KEY MESSAGES:

Ninety-six, of approximately 200, claims have been accepted.

WorkplaceNL covers work-related asbestosis, mesothelioma and other cancers.

Claims are adjudicated on a case-by-case basis.

SECONDARY MESSAGES:

• Some claims were submitted without a diagnosed illness. Therefore, workers’ compensation benefits or health care benefits do not apply.
ISSUE: Cannabis Coverage
Recreational-use cannabis became legal on October 17, 2018; and regulations that will make edibles legal come into force October 17, 2019. Due to these changes, questions sometimes arise on whether or not WorkplaceNL covers medical-use cannabis.

ANTICIPATED QUESTIONS:
Does WorkplaceNL cover medical-use cannabis?
How many clients have been approved for medical-use cannabis?

KEY MESSAGES:
Pharmaceutical cannabinoids with a Drug Identification Number (DIN) from Health Canada are covered.

Physician-authorized medical-use cannabis, without a DIN, is adjudicated on a case-by-case basis.

A workers’ physician determines the appropriate treatment.

SECONDARY MESSAGES:
• WorkplaceNL updates its policies based on evolving medical evidence.
• WorkplaceNL is monitoring the issue of coverage for medical-use cannabis.
• Pharmaceutical cannabinoids may be used to treat nausea and vomiting from chemotherapy treatment, symptoms while in palliative/end-of-life care and chronic pain management.
ISSUE: Employer-funded System
Employer groups call for lower assessment rates or refunds. WorkplaceNL's Injury Fund was 119.5 per cent funded as of December 31, 2018 and the 2019 assessment rate includes a temporary $0.21 discount to lower the surplus. The fund remains fully-funded after recent improvements to benefits increased the amount owing to injured workers (benefit liabilities), including $39.9 million due to the increase in the income replacement rate and $23.0 million due to the new retirement benefit ($62.9 million in total).

ANTICIPATED QUESTIONS:
Will WorkplaceNL continue to lower assessment rates for employers?
Can the system afford the benefit improvements for injured workers?

KEY MESSAGES:
The 2019 assessment rate, at $1.69 per $100 of payroll, is the lowest in 35 years.

It includes a temporary $0.21 discount to lower the surplus in the Injury Fund.

The policy aims to keep the Injury Fund within 100 to 120 per cent funded.

SECONDARY MESSAGES:
• A stakeholder-agreed funding policy guides responsible decisions.

• The funded position, at 119.5 per cent at December 31, 2018, given recent benefit changes and the discounted assessment rate, is within the desired operating range.

• Assessment rates are set each year to cover the cost of current and future injury claims.
QP Issue Note

WorkplaceNL

ISSUE: Marystown Shipyard / Asbestosis
The Marystown Shipyard Families Alliance (MSFA) supports former Marystown Shipyard workers making an asbestos-related or other occupational disease claim and has called for intake clinics. To date, WorkplaceNL has reviewed over 100 claims for occupational disease from former shipyard workers, 45 of which have been accepted.

ANTICIPATED QUESTIONS:
Will WorkplaceNL host intake clinics?
Are shipyard workers entitled to benefits?

KEY MESSAGES:
WorkplaceNL has offered a medical committee, made up of three oncologists.
No response has been received to this offer.
WorkplaceNL covers work-related asbestosis, mesothelioma and other cancers.

SECONDARY MESSAGES:

- WorkplaceNL continues to adjudicate claims from shipyard workers on a case-by-case basis.

- Workers should contact WorkplaceNL when they are diagnosed.

- WorkplaceNL continues to gather current scientific and medical evidence, and will review new information provided by a worker or authorized representative relating to their open or closed claim.
QP Issue Note
WorkplaceNL

ISSUE: Workplace Safety for Massage Parlour Workers
The City of St. John’s is changing its regulations relating to massage parlours, and this has received media coverage and questions from the public and safety advocates relating to the safety of massage parlour workers.

ANTICIPATED QUESTIONS:
What is being done to protect the safety of massage parlour workers?
Is WorkplaceNL working with the industry?

KEY MESSAGES:
Workplace violence is a priority in Service NL and WorkplaceNL’s joint five-year workplace injury prevention strategy.

This is an opportunity to work with safety advocates to create safe and supportive workplaces.

WorkplaceNL offers advice, training and materials on safe and supportive workplaces.

SECONDARY MESSAGES:
• With time comes change and WorkplaceNL is committed to updating its approaches to safety and respond appropriately to evolving issues.

• Workplace violence can happen in any workplace – those working alone or with the public are at higher risk.

• Workplace violence has been increasing, so WorkplaceNL is proactive in assisting employers develop programs and policies in this area.
QP Issue Note
WorkplaceNL

ISSUE: Safety in Fish Processing
At 3.5 per 100 workers, the lost-time incidence rate in the fish processing industry is more than twice the provincial rate. WorkplaceNL continues to work with stakeholders to address safety issues in the industry.

ANTICIPATED QUESTIONS:
How is safety in the industry being addressed?
Are funds available to create an association?

KEY MESSAGES:
WorkplaceNL is reviewing a joint submission from labour- and employer-related stakeholders for a safety sector council that includes fish processing.

It is important that industry players work together to address safety challenges.

WorkplaceNL has funds available to start a safety council for the industry.

SECONDARY MESSAGES:
- WorkplaceNL continues to work directly with fish processors and labour on safety issues, such as developing safe work practices on handling ammonia.
ISSUE: Statutory Review of the Workers’ Compensation System
Legislation requires the appointment of a committee to review the Act, Regulations and the administration of each. Such reviews ensure efficiency, sustainability, and accountability of the system. The most recent review was called on January 16, 2012 and the report was received on January 17, 2014.

ANTICIPATED QUESTIONS:
When will the next statutory review be called?
What is the status of the last review?

KEY MESSAGES:

It is anticipated that the next statutory review will be initiated this year.

Constructive feedback from any interested stakeholder is welcome.

A review creates an opportunity for dialogue on improvements and potential changes for injured workers and employers.

SECONDARY MESSAGES:

- Stakeholder feedback has informed responsible changes to the system.

- Examples arising from the most recent review include: a higher income replacement rate at 85 per cent, presumptive cancer coverage for firefighters, new retirement benefit for more workers, voluntary supervisor training certification, and review of the PRIME program.

- The system must continue to meet the needs of workers and employers within a financially sustainable framework.
QP Issue Note

WorkplaceNL

ISSUE: Violence and Harassment in the Workplace
On January 16, 2019, the Occupational Health and Safety Regulations were updated to include provisions to address workplace harassment and worker-on-worker violence, effective January 1, 2020. WorkplaceNL’s role is to help educate workplaces to be ready for this change.

ANTICIPATED QUESTIONS:
How can employers learn more to help prepare for this change?
How can employers learn more about preventing violence or harassment?

KEY MESSAGES:
WorkplaceNL hosts free webinars and workshops throughout the province.
Health and Safety Advisors can host sessions in workplaces, upon request.
WorkplaceNL can guide employers to conduct the risk assessments they need.

SECONDARY MESSAGES:
- WorkplaceNL has a Violence Risk Assessment Guide and other resources.
- Anyone with questions is encouraged to contact WorkplaceNL to speak with a Health and Safety Advisor.
- WorkplaceNL will continue to offer sessions and develop materials to address questions.
QP Issue Note

WorkplaceNL

ISSUE: Wage-loss Benefits for Certain Workers
Some stakeholders have asked that injured workers in certain occupations receive 100 per cent of their pre-injury net salary while off on a work-related injury. This means that either an employer pays a top-up (which is prohibited by the Workplace Health, Safety and Compensation Act) or WorkplaceNL pays the full amount (however, wage-loss benefits for all workers are based on the Income Replacement Rate (IRR) of 85 per cent and maximum earnings of $65,600).

ANTICIPATED QUESTIONS:
Will Government allow employers to pay a top-up?
Will WorkplaceNL pay a worker’s full pre-injury net salary for some occupations?

KEY MESSAGES:
Government has made significant improvements to injured worker benefits.
The IRR increased to 85 per cent of pre-injury net (before tax) income.
All Canadian WCBs apply an IRR and maximum to benefits for all occupations.

SECONDARY MESSAGES:

• Wage-loss benefits are tax-free.

• The maximum income used to calculate benefits in Newfoundland and Labrador is the highest in Atlantic Canada.
ISSUE: Workplace Mental Health
The workers’ compensation system has broadened its approach to work-related traumatic mental health issues. Recent changes include: presumptive coverage for work-related post-traumatic stress disorder (PTSD) for all workers (effective July 1, 2019) and broader coverage for traumatic mental stress disorders.

ANTICIPATED QUESTIONS:
Is WorkplaceNL ready to handle claims for PTSD?
What is being done to prevent work-related mental health issues?

KEY MESSAGES:
WorkplaceNL has a new unit to handle traumatic mental health-related claims.
Psychological health and safety is a priority in the five-year prevention strategy.
WorkplaceNL offers advice, training and materials on supportive workplaces.

SECONDARY MESSAGES:
• Workers with work-related traumatic mental health issues qualify for benefits.
• Adjudication is faster for presumptive-PTSD claims.
• A worker must have experienced a traumatic event(s) at work and a diagnosis to qualify for presumptive coverage.
QP Issue Note
WorkplaceNL

ISSUE: Work-related Fatalities
In 2018 there were 36 claims for work-related fatalities, four accidental and 32 relating to occupational disease. Media usually covers workplace fatalities in the province. Occupational diseases can have 10-40 year latency periods, so fatalities are expected to increase due to exposures years ago before safer work practices were introduced.

ANTICIPATED QUESTIONS:
What benefits are available to dependents?
What is being done to prevent workplace fatalities?

KEY MESSAGES:
Any fatality is one too many.

A recent amendment to the Workplace Health, Safety and Compensation Regulations increased burial coverage to $10,000 from $5,000, retroactive to January 1, 2019.

WorkplaceNL focuses on high-risk areas and has awareness campaigns.

SECONDARY MESSAGES:
- Each claim is reviewed on a case-by-case basis to determine benefits, and dependents may receive benefits.
- WorkplaceNL provides education on how to prevent long-term contact with substances known to cause occupational disease.
- Occupational disease can be caused by exposures many years ago. Safe work practices, regulations and certification training continue to evolve.
QP Issue Note
Workplace Health, Safety and Compensation Review Division

ISSUE: Caseload and Timelines
Concerns regarding caseload backlog and wait times for hearings have been raised consistently, and more frequently in the past year. Advocates for injured workers are dissatisfied with the current wait time of one year for an appeal.

ANTICIPATED QUESTIONS:
How many cases are waiting for a hearing?
What is government doing to address the backlog of cases?

KEY MESSAGES:
The timely delivery of workers’ compensation appeal services is a priority.

Three additional full-time review commissioners were appointed between January and March 2019 to deal with an annual average caseload of over 460 cases.

These appointments have strengthened the ability of the Review Division to ensure a fair, effective and timely review process.

There are approximately 140 cases waiting to be scheduled.

SECONDARY MESSAGING:

- WHSCRD is realizing positive results in specific areas since the appointment of the full-time Review Commissioners; most notably in the time from hearing to decision, which has been reduced by close to 50% compared to the same period last year.

- The number of cases waiting to be scheduled is down 26% over the past six months.

- The number of hearings scheduled in fiscal 2019-20 is up 129% when compared to the same period in 2018-19.

- Review Commissioners have completed their training and the backlog of cases is being addressed.
ISSUE: Full-Time Review Commissioner Status and Update
Advocates for injured workers often raise concerns that it takes too long for an appeal to be processed by the Workplace Health, Safety and Compensation Review Division. Vacancies on the panel were often cited as a cause. In response, Government of Newfoundland Labrador appointed three additional full-time Review Commissioners in early 2019.

ANTICIPATED QUESTIONS:
How have these appointments impacted the work of the Review Division?

KEY MESSAGES:

We recognized the need to ensure an efficient and accessible appeals process.

Full-time appointments were necessary to achieve the desired outcome.

The Review Division worked closely with the IAC to fill three vacancies with full-time review commissioners.

This approach has strengthened the ability to ensure a fair, effective and timely review process.

SECONDARY MESSAGING:

- Two full-time review commissioners were appointed effective January 7th and 8th, 2019; and a third full-time review commissioner was appointed effective March 4, 2019.

- The new full-time review commissioners possess the essential qualifications for the role and are able to dedicate their full attention to the job.

- Following a hearing, full-time review commissioners issue final decisions 60% faster than part-time review commissioners.

- We anticipate continued reduction across all service delivery timelines.

- There is currently one full-time chief review commissioner, three full-time review commissioners and one part-time commissioner.
ISSUE: Public Procurement Agency
To provide an overview of the Public Procurement Agency and Legislation

ANTICIPATED QUESTIONS:
Why do we have a separate Procurement Agency?
What is its function?

KEY MESSAGES:

PPA is the central procurement unit of the provincial government responsible for
the procurement of goods and services.

Establishes policies for procurement as part of the Public Procurement
Framework.

Provides information, training and oversight of procurement activities of all
public bodies.

The mandate of the Agency is provided within the Public Procurement Act, which
was proclaimed in March, 2018.

SECONDARY MESSAGING:

- The new legislation provides additional flexibility for public bodies in the way they are
  able to procure different commodities.

- The new legislation provides a focus on best value rather than lowest price, but
  requires that this be achieved through a transparent and competitive process using a
  clear and fair evaluation process.

- The legislation also provides support for local businesses by increasing the
  thresholds for an open call, meaning more commodities (those valued under the
  thresholds) can be procured locally.

- The legislation also covers a number of professional services that were excluded
  from the previous legislation, providing an opportunity for local suppliers to now
  compete for these opportunities.
ISSUE: Local Preference
To provide information on when you can and cannot provide for local preference when procuring for commodities

ANTICIPATED QUESTIONS:
Can public bodies provide preference to local suppliers when procuring for goods and services?
Why don't we have a NL first policy for procurement?

KEY MESSAGES:
The Province participates in a number of trade agreements.

All procurements above a certain threshold are required to be open to all members of the agreements.

Below the thresholds, public bodies have flexibility in how they procure for goods and services.

This includes allowing for local supplier preference if they choose.

The new public procurement legislation provides support for local businesses by increasing the thresholds for an open call.

Increased thresholds mean more commodities (those valued under the thresholds) can be procured locally.

SECONDARY MESSAGING:

- The legislation also covers a number of professional services that were excluded from the previous legislation, providing an opportunity for local suppliers to now compete for these opportunities.

- The new legislation provides a focus on best value rather than lowest price, but requires that this be achieved through a transparent and competitive process using a clear and fair evaluation process.