April 12, 2013

Dear [Redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: SNL-004-2013].

On February 15, 2013, Service NL received your request for access to the following records:

“Complete investigative file, including, without limiting the foregoing, all notes, photographs, and reports concerning an incident which took place on May 31, 2011 during which a wharf in Harbour Breton, NL cracked, causing a truck parked on the wharf to overturn and land on the barge.”

I am pleased to inform you that your request for access to these records has been granted in part. In particular, access is granted to the following records:

- Occupational Health & Safety Officer’s inspection reports
- Lifting Equipment Inspection Report
- Inspector’s notes
- Complaint – Accident/Incident Report Form
- Invoice for truck inspection
- Accident Reporting Line poster
- Reporting Accidents/Incident Policy
- Photographs taken at incident site
- Emails between [Redacted] and [Redacted]

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):

- pages 9 – 14
- s. 22(1)(a), Disclosure harmful to law enforcement

22. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to (a) interfere with or harm a law enforcement matter;
As required by subsection 7(2) of the Act, we have severed information that is excepted from disclosure 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.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 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
34 Pippy Place
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.
If you have any further questions, please feel free to contact Susanna Duke at 709-729-2544 or at susannaduke@gov.nl.ca.

Sincerely,

[Signature]

DAVID NORMAN
Deputy Minister
Service NL
Enclosure
Arrived on site at the wharf on the eastern end of the fish plant in Harbour Breton. When I arrived I talked to [redacted] in question [redacted] At the time of arrival the boom truck was back up on all four wheels. But the boom was still extended and resting on the reel of a barge tied up to the wharf. I asked [redacted] what had happened and he stated that he had left St. Albans at approximately 12:30 on Tuesday, May 31, 2011 and arrived in Harbour Breton at approximately 2pm. The barge was docked and his job was to take off the dirty nets and bring them back to St. Albans for cleaning and repairs. He set his truck up on the wharf the same way that he had for the past four years. He extended all the outriggers and extended the boom out over the barge. The workers on the barge hooked a net on the hook and when the boom started to take the weight the front outrigger near the water broke through the concrete and went on down till the truck tipped over. The boom of the truck landed on the reel of the barge and kept the truck from going any further. Statement taken from [redacted]Upon my arrival the outrigger was still in the hole in the wharf. Photos taken at this time. It appears that the material under the concrete gave way (appears to be rotted out) and then the concrete broke and the outrigger went down into the hole.

When an accident takes place at a workplace that had the potential of causing serious injury to a worker it shall be immediately reported to Occupational Health and Safety by using the accident reporting line, 709-729-4444.

4 directives issued.

A copy of this inspection/order report must be provided at the earliest possible opportunity to your OHS Committee, Worker Representative or Workplace Designate.
Government of Newfoundland and Labrador
Department of Government Services
Occupational Health and Safety Inspections Branch

Toll Free: 1-800-563-5471
Accident Reporting: 729-4444

INSPECTION / OFFICER'S REPORT

Received By: [Redacted]
Position: [Redacted]
Officer's Name: Noseworthy, Terry

Date: JUN 1, 2011
Time: 6:57PM

Reference #: 600697
Inspection: JUN 1, 2011

A copy of this inspection/order report must be provided at the earliest possible opportunity to your OHS Committee, Worker Representative or Workplace Designate.
ORDER FORM

Toll Free: 1-800-553-5471

ORDER: 0600697-01

ACT: Occupational Health and Safety
54 - 1b Reporting accidents

Where an accident takes place at a workplace that had, or continues to have, the reasonable potential of causing serious injury to or the death of a person the employer, or principal contractor shall immediately notify the assistant deputy minister of the accident.

TO WIT:

As per above, you shall immediately report all serious accidents that had or have the potential to cause serious injury to a worker to the accident reporting line 709-729-4444.

This Order shall be carried out on or before: JUN 1, 2011

ORDER: 0600697-02

REGULATION: Part III - General Duties
12 1-c Occupational health and safety program

An occupational health and safety program required under section 36.1 of the Act shall be signed and dated by the employer and by the person or persons responsible for the management of the employer's operations in the province and shall include: procedures to identify the need for, and for the preparation of safe work procedures to implement health and safety practices, including practices required by the Act and the regulations, or as required by an offical.

TO WIT:

As per above, a written procedure for reporting accidents shall be developed and implemented. A copy of this inspection/order report must be provided at the earliest possible opportunity to your OHS Committee, Worker Representative or Workplace Designate.
ORDER FORM

Toll Free: 1-800-563-5471

This Order shall be carried out on or before: JUN 15, 2011

ORDER: 0600697-03

REGULATION: Part XIV - Cranes, Hoists & Other Liftin

288 - a Cranes, derricks and hoists

Except as otherwise provided in these regulations, a crane, derrick, hoist and similar equipment shall be designed, constructed, erected, maintained, operated, inspected, disassembled and modified as specified by the manufacturer to meet the requirements of the applicable CSA standard;

TO WIT:

As per above, the latest inspection of boom truck involved in the accident to be sent to our office.

This Order shall be carried out on or before: JUN 15, 2011

ORDER: 0600697-04

ACT: Occupational Health and Safety

5 - a - Specific duties of employers

Without limiting the generality of section 4, an employer shall, where it is reasonably practicable, provide and maintain a workplace and the necessary equipment, systems and tools that are safe and without risk to the health of his or her workers;

TO WIT:

As per above, prior to this boom truck going back into service an inspection of the truck and crane shall be carried out and the repairs made. A copy of these reports shall be forwarded to this department.

This Order shall be carried out on or before: JUN 30, 2011

A copy of this inspection/order report must be provided at the earliest possible opportunity to your OHS Committee, Worker Representative or Workplace Designate.
ORDER FORM

YOU ARE TO NOTIFY THE INSPECTOR IN WRITING UPON COMPLIANCE.
FAILURE TO COMPLY WITH THE ABOVE ORDER(S) IS AN OFFENCE UNDER SECTION 67 OF
THE OCCUPATIONAL HEALTH AND SAFETY ACT, RSNL 1990, CHAPTER 0-3 AS AMENDED.

AN ORDER MADE BY AN OFFICER MAY BE APPEALED, IN WRITING, TO THE ASSISTANT
DEPUTY MINISTER WITHIN 7 DAYS OF THE ORDER.

Received By: 
Position: 
Officer's Name: Noseworthy, Terry

Return Address:
Provincial Bldg, Cromer Ave
Grand Falls, NL, A2A 1W9
Fax: (709) 292-4430

Date: JUN 1, 2011
Time: 6:51 PM

s. 30 (1)

A copy of this inspection/order report must be provided at the earliest possible opportunity
to your OHS Committee, Worker Representative or Workplace Designate.
Newfoundland Labrador
Department of Government Services
Occupational Health and Safety Division

**COMPLAINT – ACCIDENT/INCIDENT REPORT FORM**

<table>
<thead>
<tr>
<th>Assignment #</th>
<th>9044</th>
<th>CIS Inspection Report #</th>
<th>600697/600698</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Report</td>
<td>□ Request for Inspection</td>
<td>□ Complaint</td>
<td>□ Accident</td>
</tr>
<tr>
<td>How Notified</td>
<td>X Phone</td>
<td>□ Letter</td>
<td>□ In Person</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Notification Received By</th>
<th>Name</th>
<th>Pam Davis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>June 1, 2011</td>
<td></td>
</tr>
<tr>
<td>Time</td>
<td>9:00 am</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information Received From</th>
<th>Name</th>
<th>□</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Address</td>
<td>□</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Involvement</td>
<td>□</td>
<td>s. 30 (1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COMPLAINT INFORMATION**

(1) Company Involved: [Redacted]

(2) Worksite Location: Harbour Breton

(3) Supervisor: [Redacted]

(4) Overview: At approximately 1:00 PM on May 31st, a boom truck owned by [Redacted] was in Harbour Breton unloading dirty nets from a barge for their customer [Redacted]. The operator put out the stabilizers on the truck. When he started unloading the nets, the stabilizers went through the cement wharf. The truck went over on its side, but the boom hung up on barge roller. This stopped the boom truck from going into the water. The driver wasn’t hurt. Pictures taken & witnesses interviewed.

Reported to Immediate Supervisor, or other Departments/Agencies: □ Yes x No

Reported to Occupational Health & Safety Committee or Worker Representative: x Yes □ No

If yes, give Details: [Redacted] was the Committee person on site. He took the pictures and spoke to the witnesses. □ s. 30 (1)

Further Action Required: □ Yes □ No

Referred To: Terry Noseworthy

Action Taken: [Redacted]

Date Referred: June 1, 2011

DATE INITIAL ACTION COMPLETED: [Redacted]
**CERTIFICATION INSPECTION, AND LOAD TESTING WAS CARRIED OUT ON THE ABOVE REFERENCED EQUIPMENT WITH THE FOLLOWING RESULTS.**

<table>
<thead>
<tr>
<th>COMPONENT</th>
<th>INSPECTION RESULT (OK/DEFECTIVE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.) STRUCTURAL MEMBERS</td>
<td>OK</td>
</tr>
<tr>
<td>2.) HYDRAULICS/PNEUMATICS</td>
<td>OK</td>
</tr>
<tr>
<td>3.) CONTROLS OPERATIONS</td>
<td>OK</td>
</tr>
<tr>
<td>4.) ELECTRICAL EQUIP. OPERATION</td>
<td>OK</td>
</tr>
<tr>
<td>5.) PLACARDS (AS REQ'D)</td>
<td>N/A</td>
</tr>
<tr>
<td>6.) BACK-UP ALARM</td>
<td>OK</td>
</tr>
<tr>
<td>7.) TIRES / WHEELS</td>
<td>OK</td>
</tr>
<tr>
<td>8.) UNDERCARRIAGE</td>
<td>OK</td>
</tr>
<tr>
<td>9.) OUTRIGGERS AND SPRING LOCKS</td>
<td>OK</td>
</tr>
<tr>
<td>10.) BUCKET / FORKS</td>
<td>N/A</td>
</tr>
<tr>
<td>11.) BRAKES</td>
<td>OK</td>
</tr>
<tr>
<td>12.) EMERGENCY STOP</td>
<td>OK</td>
</tr>
<tr>
<td>13.) IDENTIFICATION AND MARKINGS</td>
<td>OK</td>
</tr>
<tr>
<td>14.) HOOK/CABLES</td>
<td>OK</td>
</tr>
<tr>
<td>15.) FALL ARREST ANCHORS IDENTIFIED AND MARKED</td>
<td>N/A</td>
</tr>
<tr>
<td>16.) ANTI TWO BLOCK</td>
<td>OK</td>
</tr>
<tr>
<td>17.) LOG BOOK</td>
<td>OK</td>
</tr>
</tbody>
</table>

**NOTES:**

**CONCLUSIONS AND RECOMMENDATIONS:** THE ABOVE UNIT WAS INSPECTED AND FOUND TO MEET CODE REQUIREMENTS. SEE NEXT PAGE FOR RECOMMENDATIONS.

**NEXT CERTIFICATION DATE:**

THE ABOVE REFERENCED UNIT IS TO BE INSPECTED NOT LATER THAN ONE (1) YEAR FROM THE CERTIFICATION DATE ABOVE.

**RESPONSIBLE ENGINEER:**
Driver-Operator 26 Ton
1976-1977

7 Years of Company
- Last 8 yrs operating boom truck, now in comp sterill truck
- Elliott boom

Inspected in 2010 - Sold on sticker from truck June 2010.

Assess -

Barg
s. 30 (1)

Assessment of why

Stay and ride in east part of wharf

300

Why did delay? Calculation

9044

s. 30 (1)

100
FAX COVER SHEET

Send To: OHS
Attn: Terry Noseworthy
Re: 
Fax Number: 

From: 
Date: May 8/12
Office Location: 
Phone Number: 

For your information

Total pages, including cover: 2

Comment

Hello Terry,

Attached is an invoice from showing that the truck was inspected in June of 2011.

Thanks,
<table>
<thead>
<tr>
<th>Qty.</th>
<th>Item Number</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extended Price</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>WSO3011</td>
<td>VEHICLE INSPECTION AS PER INSURANCE COMPANY</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>1</td>
<td>WSO3011</td>
<td>LAB SUBLET FOR WHEEL ALIGNMENT</td>
<td>106.55</td>
<td>106.55</td>
</tr>
<tr>
<td>1</td>
<td>WSO3011</td>
<td>REPLACE LEFT FR TANDEM CAM SHAFT</td>
<td>106.55</td>
<td>106.55</td>
</tr>
<tr>
<td>1</td>
<td>WSO3011</td>
<td>BRACKET AND MAXI CHAMBER</td>
<td>6.70</td>
<td>6.70</td>
</tr>
<tr>
<td>1</td>
<td>WSO3011</td>
<td>REPLACE TWO FR T DRUMS DRUMS OUT OF SPEC</td>
<td>4.99</td>
<td>4.99</td>
</tr>
<tr>
<td>1</td>
<td>WSO3011</td>
<td>WINDSHIELD WASHER</td>
<td>19.99</td>
<td>19.99</td>
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<tr>
<td>1</td>
<td>WSO3011</td>
<td>BRACKET</td>
<td>5.70</td>
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<tr>
<td>1</td>
<td>WSO3011</td>
<td>FITTING</td>
<td>19.99</td>
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<tr>
<td>45</td>
<td>SU1+1</td>
<td>LABOUR</td>
<td>s. 30 (1)</td>
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<tr>
<td>40</td>
<td>SU1-3</td>
<td>LABOUR</td>
<td>7.00</td>
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Total amount: 1,964.57
Noseworthy, Terry

From: [Redacted]
Sent: Wednesday, July 06, 2011 11:25 AM
To: Noseworthy, Terry
Subject: Re: Follow-up
Attachments: Accident Reporting Line Poster.docx; reporting accident and incident policy.docx

Hello Terry:

Sorry for taking so long to get back to you. I was away from the office all day yesterday.

As for the outstanding directives:

Order 0600597-02:

I have attached a policy that has been put in our safety manual plus a poster that we have done up showing the number for the accident reporting line.

Order 0600597-04:

The truck has been inspected and the boom is currently being inspected. All this is before the insurance right now trying to determine if the whole thing is a write off or not. We are expecting a decision anytime now.

Let me know if there is anything else.

Thanks

---

From: "Noseworthy, Terry" <nosewort@gov.nl.ca>
To: [Redacted]
Sent: Tue, July 5, 2011 9:53:13 AM
Subject: Follow-up

Hi [Redacted]

This is a follow-up on the open orders that were issued on June 1st, 2011. Directives numbers 0600597-02 and 04 are outstanding. What is the status of these orders?

Thanks,

Terry

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7/7/2011
Accident Reporting Line
709-729-4444
Policy:

In the event of an Accident/Incident, it shall be immediately reported to the supervisor or a member of the OHS Committee.

Definitions

Accident – an undesirable event that results in a personal injury or illness, or damage to or loss of property, process of environment.

Incident (near miss) – an undesirable event that, under slightly different conditions, could have resulted in an injury or loss.

Employer’s Obligations:

In cases of injuries in the workplace, the following legislation applies:

1. Employers are required to report serious accidents to the Department of Labour (section 54 of the Occupational Health & Safety Act).
2. Where a worker is disabled from earning full wages or the worker is entitled to medical aid, the employer is required to report the injury to the Workplace Health, Safety and Compensation Commission within 3 days after its occurrence (section 56 of the Workplace Health, Safety and Compensation Act).

When to Report:

- Where an accident takes place at a workplace that had, or continues to have, the reasonable potential of causing serious injury to or the death of a person the employer, or principal contractor, shall immediately notify the assistant deputy minister of the accident.
Reporting the Accident:

- Accident Reporting Line: 709-729-4444

Procedure:

In the event of an accident/incident:
- Report to Immediate Supervisor or a member of the OHS Committee
- Report accident/incident to main office (employer).
- Report Accident/Incident to Accident Reporting Line: 709-729-4444
- Start to gather information for the Accident/Incident Investigation
Noseworthy, Terry

From: [redacted]
Sent: Wednesday, February 29, 2012 2:58 PM
To: Noseworthy, Terry
Subject: Re: Orders

Hello Terry:

The day has finally arrived. We are on route to pick up our boom truck.

What is it again that you require, in terms of paperwork, to close your orders?

Thanks,

From: "Noseworthy, Terry" <noseword@poy.nl.ca>
To: [redacted]
Sent: Monday, October 3, 2011 10:09:59 AM
Subject: Orders

Hi [redacted]

Just doing a follow-up on the open order.

Terry

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