
DATE January 24, 2018

SUBJECT **Fatigue Management Code of Practice Offshore Newfoundland and Labrador –
Frequently Asked Questions**

The *Fatigue Management Code of Practice* summarizes the requirements for defining and managing Fatigue and the roles and responsibilities of Operators, Employers, Supervisors and Employees offshore Newfoundland and Labrador in conjunction with an Operator's safety management system and does not apply to unionized worksites.

This document outlines responses to frequently asked questions (FAQ) received during the recent 45-day stakeholder review.

Q1: Why is the Code of Practice (CoP) not a consistent standard across the basin?

A1: The COP acts as guidance for defining and managing Fatigue and the roles and responsibilities of Operators, Employers, Supervisors and Employees across the basin. For non-unionized worksites offshore Newfoundland and Labrador legislation may super-seed the contents of this COP. The COP applies except to the extent of any conflict between the COP and an applicable collective bargaining agreement. In that instance, the collective bargaining agreement would control/supersede.

Q2: Are variance reports required for offshore holdover days?

A2: No, variance reports are not required for holdover days. As noted in the CoP examples of Variances that are required to be tracked and reported in summary form to the Minister on a quarterly basis include:

- Imminent Hazard
- Any other situations beyond the control of the Operator (e.g. unplanned Employee scheduling requirements such as illness, family emergency).
- Delays due to weather or transportation.

Q3 Do Variance reports include deviations from 21 on 21 off?

A3: Yes. If the Variance falls within one of the reporting categories listed in section 7 of the CoP and as noted in response to question 2 above it is reported in summary form to the Minister on a quarterly basis.

Q4: How does the deviation report get reported to the Employers?

- A4:** A summary of the deviation report will be provided by the Operator to the Employer prior to submission to the Minister on a quarterly basis. Adequate records, including records of hours worked, will continue to be required to monitor and ensure compliance with Employers' policies and procedures as well as this CoP.
- Q5:** Does the C-NLOPB have the authority to require that we provide them with the Variances? Isn't that a department of labour matter not a regulatory matter?
- A5:** The requirement to report Variances to the offshore Board is outlined in *Section 73 of Newfoundland Offshore Petroleum Drilling and Production Regulations, S.O.R./2009-73(1)* or required by an approved exemption of the Minister.
- Q6:** Why would days of rest be different for regular rotation versus ad hoc Employees?
- A6:** For clarification, Ad-hoc, Temporary or Casual Employees are permitted to accumulate 182 working days within a period of 12 consecutive months, after which, it is expected that Employees will receive equal time on / off similar to a regular rotation Employee.
- Q7:** Does it mean we cannot train on minimum rest days or days rest in general?
- A7:** Rest days for Ad hoc, Temporary or Casual Employees means that an Employee is expected to receive rest and should not spend time working onshore or in training. The rest day count begins the day the Employee arrives onshore.
- Q8:** How does it apply across the basin if one standard for one operation and different for another, i.e. if a worker works on Husky sometimes but on Terra Nova other times, what standard applies if this isn't applied consistently?
- A8:** The intent of the COP is to provide as much consistency as possible by summarizing the applicable regulatory requirements and to provide guidance on the process for requesting an exemption to the day of rest provision section 22 (1) of the Newfoundland and Labrador *Labour Standards Act* which applies to all Operators in the basin.
- Q9:** Does minimum days of rest include weekends? For example: A casual worker is offshore for 12 days, returns onshore Friday, has Sat and Sun off as 2 day rest period. Can employee then return to onshore work or training on Monday?
- A10:** Ad-hoc, Temporary or Casual Employees are permitted to accumulate 182 working days within a period of 12 consecutive months, after which, it is expected that Employees will receive equal time on / off.
As per Table 1 of the CoP a Casual Employee who has worked 12 days on is required to have 2 minimum days of rest.

The *Labour Standards Act (Part III)*, subsection 22(5) outlines the requirements for days of rest, daily maximum hours and rest periods for all Employees in the Province. Employees are to be granted 24 consecutive hours of rest per week and, where possible, that 24 hour period should be a Sunday.

For this example, the worker who returns onshore on Friday, has two days of rest (Saturday and Sunday) could return to work or partake in training on Monday.

Q10: It is possible to exceed 182 working days in a calendar year.

A10: Yes, it is possible to exceed 182 working days in a calendar year and should this occur the Ad-hoc, Temporary or Casual Employees will move to an equal time rotation.

Q11: How are we monitoring contractors for compliance with this Code of Practice?

A12: Operators will notify contractors of the requirement to comply with the CoP once published. It is the responsibility of the Operator and contractor to determine a suitable reporting arrangement to ensure compliance. Again, unionized sites do not fall under these guidelines.