

THIS AMENDING AGREEMENT made, in duplicate, this 16th day of January, 2019.

BETWEEN:

WORKPLACE HEALTH, SAFETY AND COMPENSATION COMMISSION

(hereinafter referred to as "WorkplaceNL")

OF THE FIRST PART

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF NEWFOUNDLAND AND
LABRADOR as represented by the Honourable Minister of SERVICE NL**

(hereinafter referred to as "the Occupational Health and Safety Division")

OF THE SECOND PART

WHEREAS the Parties entered into a Memorandum of Understanding dated December 29, 2010, attached hereto as Schedule "A" (hereinafter referred to as "the Agreement");

AND WHEREAS paragraph 11.01 states as follows:

"11.01 This Agreement may be amended at any time on the mutual written consent of the parties."

AND WHEREAS the Parties are desirous of amending the Agreement as outlined herein;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the mutual covenants and agreements hereinafter set out, the parties agree as follows:

1.0 The Agreement is hereby amended by adding Article 4.1 immediately before Article 4.01:

"4.1 WorkplaceNL and the Occupational Health and Safety Division shall establish a Steering Committee to develop a framework for the efficient use of resources in coordinating a targeted approach to high risk workplaces.

- (a) The Steering Committee shall be comprised of the Chief Executive Officer of WorkplaceNL, the Assistant Deputy Minister responsible for the Occupational Health and Safety Division and such other representatives as deemed necessary by the Parties.
- (b) The Steering Committee shall approve the mandate and oversee the work of the Joint Technical Advisory Committees.
- (c) The Steering Committee shall evaluate the framework to ensure improved occupational health and safety outcomes and effective and efficient use of resources.
- (d) The Steering Committee shall report semi-annually to WorkplaceNL's Board of Directors and the Minister responsible for the Occupational Health and Safety Division.

2.0 The Agreement is hereby amended by adding paragraph (a) immediately after Article 8.01:

"(a) The Steering Committee shall ensure that WorkplaceNL and the Occupational Health and Safety Division continue their surveillance and monitoring of high risk work environments, including the collection and analysis of data to ensure an evidence based foundation for the development of strategic initiatives targeting the prevention of known occupational disease."

3.0 This Agreement is further amended by replacing all references to "the Commission" with "WorkplaceNL".

4.0 This Agreement is further amended by replacing all references to "Government Services" with "Service NL".

5.0 Subject to the terms and conditions outlined herein, the terms and conditions contained in the Agreement between the Parties shall remain in full force and effect throughout the term of the Agreement.

IN WITNESS WHEREOF WorkplaceNL and the Occupational Health and Safety Division have caused this Amending Agreement to be executed by their respective officers duly authorized in that behalf on the dates hereinafter set forth.

SIGNED, SEALED, AND DELIVERED
by the Workplace Health, Safety
and Compensation Commission
in the presence of:

WORKPLACE HEALTH, SAFETY
AND COMPENSATION COMMISSION



Witness





Date of Signature

SIGNED, SEALED, AND DELIVERED
by Her Majesty the Queen in Right of
Newfoundland and Labrador in the
presence of:

Her Majesty the Queen in Right
of Newfoundland and Labrador



Witness



Sean Dutton
Deputy Minister, Service NL



Date of Signature

[Handwritten signature]

THIS MEMORANDUM OF UNDERSTANDING made, in duplicate, this
29th day of December, 2010.

BETWEEN:

**WORKPLACE HEALTH, SAFETY AND COMPENSATION
COMMISSION**

(hereinafter referred to as "the Commission")

OF THE FIRST PART

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF NEWFOUNDLAND AND
LABRADOR as represented by His Honourable the Minister of
GOVERNMENT SERVICES**

(hereinafter referred to as "the Occupational Health and Safety Branch")

OF THE SECOND PART

RECITALS

- 1.01 Both the Commission and the Occupational Health and Safety Branch perform mutual and complementary roles in the promotion and maintenance of safe and healthy workplaces;
- 1.02 The Commission and the Occupational Health and Safety Branch of the Department of Government Services are required by statute to cooperate with each other, including the provision of information as required to give effect to the *Occupational Health and Safety Act* and to the Commission's prevention mandate under the *Workplace Health, Safety and Compensation Act*;
- 1.03 In August of 1996, the Commission and the Occupational Health and Safety Branch entered into a formal Information Sharing Agreement to assist in the investigation and reporting of workplace accidents by the Occupational Health and Safety Branch;

- 1.04 The Commission and the Occupational Health and Safety Branch wish to work in partnership to coordinate joint programming, manage data sharing and strengthen mutual accountability and communications.

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein, the Commission and the Occupational Health and Safety Branch agree as follows:

2.0 COMMUNICATION

- 2.01 Officials of the Commission and the Occupational Health and Safety Branch shall communicate openly and effectively on all matters relating to their mutual and complementary mandates to promote and maintain safe and healthy workplaces in the province.
- 2.02 The Commission and the Occupational Health and Safety Branch shall conduct an annual review of their Information Sharing Agreement to support their respective statutory mandates.
- 2.03 Management representatives of the Commission's Prevention Department and of the Occupational Health and Safety Branch shall meet at least quarterly to discuss operational issues arising out of the within Agreement and to develop strategies to address these issues.

3.0 TRAINING STANDARDS AND CERTIFICATION

- 3.01 The Commission and the Occupational Health and Safety Branch shall jointly identify the need for new occupational health and safety training standards.

- 3.02 The Occupational Health and Safety Branch shall consult with the Commission prior to adding requirements for training to the *Occupational Health and Safety Regulations*.

4.0 JOINT TECHNICAL ADVISORY COMMITTEES

- 4.01 The Commission and the Occupational Health and Safety Branch shall establish Joint Technical Advisory Committees to set, monitor and maintain training standards in first aid, diving, mines rescue, power line hazards and in other areas which may be added from time to time.
- 4.02 The mandate of each Joint Technical Advisory Committee shall be to identify, evaluate and prioritize health and safety issues related to the industry or topic, provide recommendations for potential resolution of issues, provide advice based on scientific evidence and promote the continuous improvement of workplace safety in Newfoundland and Labrador.
- 4.03 The membership of each Committee shall include representatives of the Commission and the Occupational Health and Safety Branch, as well as experts from the relevant industry.
- 4.04 The Commission in consultation with the Occupational Health and Safety Branch shall conduct an annual review of the Terms of Reference for each Committee and shall review annually the requirement to establish additional committees.

5.0 JOINT TRAINING INITIATIVE

- 5.01 The Commission and the Occupational Health and Safety Branch will participate

jointly in the development and delivery of occupational health and safety workshops focusing on increasing the awareness of workplace hazards and occupational health and safety legislation.

5.02 The Commission and the Occupational Health and Safety Branch will collaborate and share opportunities for the professional development and training of health and safety advisors and officers.

5.03 The Commission and the Occupational Health and Safety Branch will collaborate and share opportunities for the promotion of safe and healthy workplaces, awareness of workplace hazards and occupational health and safety legislation through participation on the sectoral councils funded by the Commission.

6.0 JOINT PUBLICATIONS

6.01 The Commission and the Occupational Health and Safety Branch will consult and cooperate with respect to the development and publication of workplace hazard alerts and applicable joint publications.

7.0 SECTORAL COUNCILS

7.01 For the purposes of this Agreement the term "sectoral council" shall have the meaning ascribed by the "Sectoral Council Funding Guidelines" approved by the Commission December 16, 2008 which can be accessed at www.whscc.nl.ca

7.02 The Occupational Health and Safety Branch shall appoint a representative to participate in a non-voting capacity on all established sectoral councils.

8.0 OCCUPATIONAL DISEASE INITIATIVES

- 8.01 The Commission shall establish a Steering Committee to promote awareness, education and prevention of known occupational disease.
- 8.02 The Steering Committee shall include representatives of the Commission's Prevention, Compensation and Health Care Services departments, as well as, representatives from the Occupational Health and Safety Branch.
- 8.03 The Steering Committee may require the services of or consult with experts in occupational disease prevention or other technical resources that the Steering Committee identifies from time to time to achieve its mandate.
- 8.04 The Steering Committee may establish working groups as required from time to time to achieve its mandate.

9.0 NOTICE

- 9.01 Any notice required to be given by either party under this Agreement, unless otherwise specified herein, shall be effectively given and deemed to have been received as follows:
- a) if delivered personally, on the day of delivery;
 - b) if sent by ordinary, certified or registered mail, on the seventh day after mailing; and,
 - c) if faxed to the other party on the next business day.

In the event of an actual or threatened postal strike or interruption, service shall be by personal delivery or fax only. The names and addresses of the authorized representatives of the Parties are as follows:

to the Commission: Executive Director, Employer Services
146-148 Forest Road
P.O. Box 9000
St. John's, NL A1A 3B8

Fax: (709) 778-1564
Tel: (709) 778-1561
Attention: Brenda Greenslade

to OHS Branch: Assistant Deputy Minister
Occupational Health and Safety
Government Services
P.O. Box 8700
St. John's, NL A1B 4J6

Fax: (709) 729-4151
Tel: (709) 729-5544
Attention: Kim Dunphy

10.0 TERM

10.01 This Agreement shall remain in effect from January 1, 2011 to December 31, 2011 inclusive and shall be automatically reviewed yearly from January 1 to December 31 subject to Article 10.02 herein.

10.02 Either the Commission or the Occupational Health and Safety Branch may terminate this Agreement or any automatic renewal hereof by giving six (6) monthly prior written notice to the other party.

11.0 AMENDMENTS

11.01 This Agreement may be amended at any time on the mutual written consent of the parties.

12.0 GOVERNING LAWS

12.01 This Agreement shall be governed by and interpreted in accordance with the laws of the Province of Newfoundland and Labrador.

IN WITNESS WHEREOF the Commission and the Occupational Health and Safety Branch have caused this Agreement to be executed by their respective officers duly authorized in that behalf on the dates hereinafter set forth.

SIGNED, SEALED, AND DELIVERED

in the presence of:

WENDY MARTIN
A Commissioner for Oaths in and for
the Province of Newfoundland and Labrador.
~~My commission expires on December 31, 2014.~~
Wendy Martin
SIGNED, SEALED, AND DELIVERED

**WORKPLACE HEALTH, SAFETY AND
COMPENSATION COMMISSION**
[Signature]
(acty CEO)

in the presence of:

JOHN J. CORCORAN
A commissioner for Oaths in and for
the Province of Newfoundland and Labrador.
My commission expires on December 31, 2012.
[Signature]

**HER MAJESTY THE QUEEN IN RIGHT
OF NEWFOUNDLAND AND
LABRADOR as represented by His
Honourable the Minister of
GOVERNMENT SERVICES**

[Signature]