



Labour and Advanced Education Response to Occupational Health and Safety Advisory Council Review

The Occupational Health and Safety (OHS) Advisory Council was established to advise the Minister of Labour and Advanced Education on OHS issues. The Council's role has shifted since it was established, for a variety of reasons, and depending on key issues and concerns at a given time. This review has helped identify ways for the Council to focus on what it was intended to do – provide strategic advice to the Minister and the department.

The department accepts all of the recommendations made in the review. LAE will establish a Transition Committee to support implementation and ensure all of the recommendations are reflected in the governance, structure, composition and administration of the Council going forward.

The department would like to thank the Occupational Health & Safety Advisory Council members and the various stakeholders who provided input during the review. The future direction of the Council could not have been developed without that participation and thoughtful feedback.

**Honourable Kelly Regan
Minister of Labour & Advanced Education**

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**NOVA SCOTIA DEPARTMENT OF LABOUR AND ADVANCED
EDUCATION**

**OCCUPATIONAL HEALTH AND SAFETY ADVISORY COUNCIL
REVIEW**

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OCCUPATIONAL HEALTH AND SAFETY ADVISORY COUNCIL REVIEW

NOVA SCOTIA DEPARTMENT OF LABOUR AND ADVANCED EDUCATION

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INTRODUCTION – MANDATE

Royer Thompson was asked by the Provincial Department of Labour and Advanced Education (LAE) on behalf of the Minister of Labour and Advanced Education to conduct a review of the current Occupational Health and Safety Advisory Council. Reporting to the Minister, the legislated mandate of the Council is set out under Sections 24, 25 and 26 of Chapter 7 of the Occupational Health and Safety Act 1996.

The purpose of the Advisory Council is set forth in the Act. The Occupational Health and Safety Act states that the Council may advise the Minister on:

- a. the administration of this Act and the regulations;
- b. occupational health and safety including, but not limited to, providing recommendations, giving advice and monitoring and reporting on occupational health and safety throughout the Province;
- c. the exclusion of any profession, employee, employer, workplace, project, owner, occupation, industry, self employed person or dependent contractor from all or part of the application of this Act or the regulations;
- d. any other matter relating to occupational health and safety.

The purpose of the Project was stated as follows in the Statement of Work issued by the Department of Labour and Advanced Education.

Purpose

To conduct an operational and governance review of the Occupational Health and Safety Advisory Council within the current health and safety environment in the province, and to identify recommended options so that the Council is best positioned to provide support to the Minister of Labour and Advanced Education, responsible for the Occupational Health and Safety Act. This review is an opportunity to integrate continual operational and governance enhancements into Council process, practices and outcomes and enhance working effectiveness and impact with OHS and LAE and to revisit how best to optimize the available resources in a strategic, sustainable, cost effective, accountable and supported fashion.

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METHODOLOGY

In conducting this review we examined

1. the history of the Advisory Council and how it has evolved,
2. its structure,
3. its membership and the appointment process and criteria for appointments,
4. its governance and operational frameworks and processes,
5. its interaction with the Department of Labour and Advanced Education and the effectiveness of the Department's support to the Advisory Council,
6. the perception of Advisory Council members and multiple stakeholders of the Advisory Council's overall impact and contributions on system wide Occupational Health and Safety policy and decision-making, and
7. comparable Advisory Council models currently in place in other Canadian jurisdictions.

This Review and Examination included an analysis of extensive documentation provided by the Advisory Council of agendas, meeting minutes of the Advisory Council and its subcommittees, and sample reports and discussion papers prepared by the Advisory Council.

We conducted 50 individual interviews with members of the Advisory Council, current and former staff (including Deputy Ministers) of the Department of Labour and Advanced Education, representatives of the Workers' Compensation Board including its CEO, and numerous representatives of industry and employee organizations either directly responsible for or having a major impact on occupational health and safety in the province.

We reviewed legislation across Canada that governs similar Councils and their functions, and we reviewed the findings of the 2008 review of the Nova Scotia Advisory Council conducted by a panel. In addition, we researched numerous publications that addressed the evolution of Occupational Health and Safety within the Province over the past thirty years that had either a direct or indirect impact on the functioning of the Advisory Council and its deliberations.

Once all of the interviews and the review of all information were complete we conducted a detailed analysis of all data and prepared the following findings and recommendations for the Minister and the Department of Labour and Advanced Education to consider in determining the future of the Advisory Council.

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FINDINGS

Context

In order to understand the evolution of the Advisory Council on Occupational Health and Safety and to better inform our analysis of its current and future role we believe it is critical to understand the genesis of the organization. The current Advisory Council, its structure and operations have a thirty-year history, and some of the methodologies and processes it uses had their foundation in the labour relations environment of the early 1980s in Nova Scotia.

Understanding this context is critical to ensure a fair and informed analysis of the framework that has supported it over the years, and is helpful in determining what changes or improvements need to be made if the Advisory Council is to have a meaningful role in the future and whether it can meet the challenges facing the Occupational Health and Safety System in the years ahead.

The Advisory Council was created in the mid 1980s by legislation. In the period 1985 - 86 the then government of Nova Scotia, increasingly sensitive to demands of organized labour in the Province, committed to the creation of a bipartite Advisory Committee as part of its amendments to the Occupational Health and Safety Legislation. In part, these demands were the result of a mine disaster in Cape Breton, a full 13 years prior to the high profile Westray Explosion in 1992. On February 24, 1979 a methane gas explosion hit the Number 26th Colliery in Glace Bay killing twelve miners and severely injuring four others. A subsequent Industrial Inquiry found that safety standards were lax within the mine. Three unions were impacted by these deaths and injuries: The United Mine Workers, The IBEW and CUPE. The explosion was followed by a series of studies in the Nova Scotia Mining Industry over safety issues. During this period there were significant Occupational Health and Safety improvements being made both legislative and operational across the Country.

Therefore, Nova Scotia was under significant pressure to improve its legislative and policy framework. Organized labour was also lobbying for change. The result was that the Occupational Health and Safety Act was amended and improvements were made in the 1985 - 1986 time frame. This included the creation of the bipartite Council.

The early 1980s was a time of major labour relations unrest in the Province. The longest Police and Fire strikes in Canadian history occurred in 1981 and 1982 respectively. The relationships between employers and employee organizations were conflicted. It is no surprise that the then Minister of Labour sought to bring Union and Management together on Occupational Health and Safety issues by creating this Council in the hope of building consensus and creating a vehicle for both sides to debate issues constructively.

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Today, stakeholders express frustration and surprise that the current Advisory Council still retains its thirty-year practice of separate caucusing at the beginning of each meeting, even though most decisions of the Advisory Council are usually the result of consensus. But it is important to recognize that the Advisory Council was formed out of adversarial relationships that existed at the time. The labour relations framework was very confrontational. This created suspicions that lasted for many years and, at times were reinforced e.g. by the Westray Mine Explosion, its Inquiry 1992 - 1997, and by the Auditor General's Findings expressing concern about the Department's capacity to conduct inspections in the years that followed.

While there has been tremendous improvements in Occupational Health and Safety in Nova Scotia over the last decade that have addressed these issues, and many advances have been made, it is not surprising that some symbols of a difficult and conflicted labour relations framework and history remain at the Advisory Council Table. While these symbolic processes may no longer add value, it is important to understand and respect that they also reflect not only conflict but also the efforts and the long struggle of many, both Employers and Unions, to ensure that Occupational Health and Safety became the priority it now is.

The Advisory Council, indeed, played a significant role in advancing the cause of Occupational Health and Safety, often enduring significant push back during its early years (1980s and 90s). Its work, and recommendations in the months following the Westray Mine Explosion altered the course of Occupational Health and Safety in this Province for the better. The Council helped set the foundation for improved Occupational Health and Safety in Nova Scotia.

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STAKEHOLDERS' VIEWPOINTS

During our discussions with stakeholders it was apparent that there was a diversity of opinion about the Advisory Council and its effectiveness. There was also clear evidence that knowledge of the Advisory Council's activities over the years and its historical mandate was not necessarily well understood by all. Examples of these misconceptions are as follows:

- Several seasoned stakeholders were convinced that the genesis of the Advisory Council was the Westray Inquiry (they were unaware or had forgotten that it was established in 1985 - 1986).
- Several stakeholders, in good faith, believed that the Advisory Council was filled with retired individuals (only two current members are "retired" from full time employment and the most recent retirement occurred last month).
- Some believe that the Union representatives outnumbered Employer representatives. (There are an even numbers of representatives from both Employer and Employee groups).

While a minority of stakeholders believe that their organizations should provide advisory services to the Minister and take on the Council's Legislative role, and are concerned about the labour-management structure framework that historically underpinned its functions, a majority have a different perspective.

They express the view that the Advisory Council has the potential to provide important and critical advice to the Minister that would enhance the Occupational Health and Safety system. Even those that did not have a lot of interface with the Advisory Council articulated a need for a group of "experts" who could provide differing views on system issues that would add additional value to the advice currently being given to the Department from a myriad of industry, employee stakeholders and the WCB.

But these same stakeholders also believe that to provide effective advice to the Minister the Advisory Council's Governance structure must change, and its operational processes and policies must be improved. There was genuine concern that the current structure and make-up of the Council no longer "fits" the realities of the Occupational Health and Safety environment in the 21st Century.

While there is some divergence around the nature of the changes required to make the Advisory Council a more effective Ministerial Advisory Body there was consensus around issues such as term limitations for appointments, clearer delineation of the criteria for appointment to the Advisory Council, and more consistent and committed support from the Departmental Staff.

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COUNCIL MEMBERS' VIEWPOINTS

Council Members are proud of their involvement in the Council. They are deeply committed to ensuring that Occupational Health and Safety remain a priority in the Province.

Members feel they have and are making a contribution to improved policy but, at the same time, indicated disappointment over what they see as the lack of clarity around their role and the lack of issues being brought forward for them to review and comment on.

The Council Members articulated that the Department of Labour and Advanced Education has, in the past few years, brought little of substance to the table for Members to consider. For example, a regulatory review that they would have been part of has been put on hold. They also expressed frustration around the lack of consistency in the provision of administrative services being provided to them by the Department. They acknowledge that this has led to conflict between individual Council Members and Department staff. They feel isolated and readily acknowledged that they have not had regular contact with or consultations with the various stakeholders involved in the Occupational Health and Safety System.

Overall they would like to be given the opportunity to address critical system wide Occupational Health and Safety issues, are open to a restructuring of the Governance processes and procedures that are currently in place, and would welcome stronger and more consistent support in their relationship with the Department. They indicated a desire to have more open dialogue with the Minister as well.

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RECOMMENDATIONS

MANDATE AND GOVERNANCE MODEL

1. The Occupational Health and Safety Advisory Council should be retained as an Advisory Group and its legislated responsibility to advise the Ministers as defined under Sections 24, 25, and 26 of Chapter 7 of the Occupational Health and Safety Act should continue.
2. The legislative mandate of the Advisory Council is to advise the Minister on Occupational Health and Safety. It is a broad mandate that ensures that the Minister, in his/her discretion can refer any matter to the Council for review and comment and that the Council can comment on or advise on all Occupational Health and Safety issues.

Since its inception, the Council's efforts have included broad strategic initiatives such as the Discussion Paper and subsequent review of Legislative amendments post Westray, to numerous but more narrowly defined issues, e.g. the analysis of specific and targeted regulations.

We recommend that the Advisory Council continue to be an Advisory Committee to the Minister on matters involving Occupational Health and Safety. We believe that the best use of the Council would be to provide comment on, suggestions for and constructive criticism of major system wide initiatives, concerns, or problems rather than on more narrow issues that would be better handled by sector specific Safety and Health Associations or Organizations, e.g. industry specific regulation reviews. In addition, the Department of Labour and Advanced Education should be encouraged and enabled through the Minister to bring matters to Council for consideration, in particular when they are contemplating major changes to Legislation, or when a major industry focus or new initiative is considered. This could include utilizing the Council when deemed appropriate to conduct major stakeholder consultations supported by the Department. The Council therefore is an Advisor to the Minister and to the Department.

We also recommend that the Council Co-Chairs, specifically, continue to participate as members of WSIS to ensure it is fully integrated within the Occupational Health and Safety framework and is fully knowledgeable and aware of and fully aligned with the current Safety Strategy.

3. The makeup of the Advisory Council, given the evolution and strengthening of the Occupational Health and Safety system over the past decade, should be altered and its membership chosen not only on the basis of a primarily labour-management representative framework, but

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also on the basis of "expertise and knowledge" of the Occupational Health and Safety system from a variety of points of view that reflect the complexity of the 21st Century workplace. Members should be appointed as a result of their commitment to Occupational Health, their understanding of the system, and not be seen as nor operate solely as a spokesperson of any one industry or group. This should not, however, preclude the Advisory Council from addressing issues of occupational health and safety impacting one industry or a specific group of employees.

4. Given the expansive number of organizations currently committed to and involved in Occupational Health and Safety e.g. numerous safety associations, employee and employer focused organizations and other significant partners and players it is not realistic to try to ensure that all interested groups should sit on the Advisory Council. Much of the current criticism of the Advisory Council is based on the fact that organizations who do not sit on the Advisory Council often see it as not "representing" their members' interest. It is clear that continuing a model which is supposedly reflective of labour, management, and a myriad of industry sectors etc., is no longer viable. We are recommending a model that is more flexible and where members are appointed who will focus on workplaces that are both unionized and non-organized, small or large, high tech or labour intensive.
5. It should be remembered that, in the end, the highest level of accountability for Occupational Health and Safety in the Province remains with the Minister and through their Department their paramount accountability is to ensure that the entire system acts in the public interest. While this does not detract in any way from the critical responsibilities, accountabilities, and contribution of all other players, it does reinforce the need for an Advisory Council that will bring an additional level of expertise, objectivity, and constructive criticism to inform the Minister's deliberations and those of the Department. Accordingly we are recommending that the current criteria for membership on the Advisory Council be amended and should include the following, (no one individual will possess all of the criteria but together the Council as a whole will):
 - a. A solid track record in improving Occupational Health and Safety on a worksite or worksites across the Province as a Business Owner, Manager, an Employee or Union representative, or Consultant on Occupational Health and Safety.
 - b. Expertise specific to Occupational Health and Safety including extensive research and knowledge of best practices across Canada.

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- c. Currently employed and up-to-date on issues impacting Occupational Health and Safety.
- d. Highly respected in the Occupational Health and Safety field or seen as an outstanding leader with a deep commitment to employees and the building of safe and productive work environments.
- e. Awareness of and knowledgeable about workplaces where there remains a significant requirement for additional efforts to improve standards and increase prevention initiatives.
- f. A clear understanding and respect for the role of government in providing oversight based on direct knowledge of public sector decision-making and consultation processes.
- g. Experience serving on multi stakeholder Boards or Committees and/or experience leading or participating in stakeholder consultation processes.
- h. An understanding and ability to interpret the legal frameworks under which the current Occupational Health and Safety Systems operate.
- i. Knowledge of the current labour relations environment that can significantly impact Occupational Health and Safety in unionized environments.
- j. An appreciation for the challenges facing some small businesses and the non-unionized employees whose concerns may not be strongly articulated through the formal Occupational Health and Safety System.

6. The Role of The Workers' Compensation Board

During our deliberations we noted that the Workers' Compensation Board (WCB) currently has two members sitting on the Advisory Council, a Board Director and a Senior Staff person representing the CEO of the organization. We also interviewed both individuals and it was clear that the level of commitment of these individuals and their desire to contribute to the deliberations of the Council was high.

However, we also noted that the WCB has, over time, developed an outstanding partnership with the Department of Labour and Advanced Education that has resulted in a province wide Safety Strategy. Its CEO is a member of WSIS and has regular contact with the Deputy Minister of Labour and Advanced Education and Senior Staff. Given that the role of WCB is both the insurer and also the lead in prevention and education

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there is significant more alignment of strategy between the Department and WCB and its staffs then in the past. In addition, WCB has an active Board with a strong governance model and has regular access to bring forward its point of view to Government.

Given this evolution we do not believe there is a requirement for two WCB representatives to sit in full time attendance on a Minister's Advisory Council. There are ample opportunities for WCB representatives to advise the Department and the Minister, and solicit opinions from partners and stakeholders without two representatives attending Advisory Council meetings on a regular basis.

Furthermore, since the Advisory Council is part of WSIS and currently provides a System Coordinating Committee, and there is a WSIS Fall Stakeholders Meeting and an Annual Meeting there is ample opportunity for the Advisory Council through its Chairs and the WCB Board through its Chair to exchange information and ensuring collaboration and alignment without two WCB representatives sitting full time on the Advisory Council. We are therefore recommending that the WCB no longer have two members on the Council and that the CEO or designate alone should be their representative on Council.

7. Number of Advisory Council Members

Currently, the Advisory Council is comprised of 8 members representing employers and 8 members representing employee groups. In addition there are two individuals from the Workers' Compensation Board and a Senior Staff person from the Department of Labour's OHS Division.

We recommend a reduction in the size of the Council from 16 members representing employer/employee groups to 10 individuals who are chosen because of their expertise and knowledge of Occupational Health and Safety on a multitude of worksites in the Province. In addition, the Executive Director of the OHS Division of the Department of Labour will remain a member of the Council.

The current practice of having two Co-Chairs should remain. However, the Co-Chair structure should be adjusted to ensure that:

1. They are appointed by the Minister.
2. They together have the experience and knowledge to ensure that the Council addresses both the concerns of employers and employees and that all voices are respected at the Council table.
3. Each Co-Chair has a sound knowledge of governance, effective processes and a reputation for building consensus.

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8. Board Decision-Making

We recommend that the Council continue to operate on a consensus model with differing points of view, when they do occur, be included in the advices to the Minister and the Department. Decision-making will be inclusive in this Council model so caucusing among members is no longer required or desired.

9. Terms of Appointment

Currently members are appointed to the Council for three year terms and there is no limit to the number of terms an individual can hold. We recommend a change in this process to ensure that members, with the exception of the Co-Chairs, be appointed for an initial three year term which can be extended by the Minister for another three years. However, no individual can serve on the Council as a member for more than two terms (six years). This ensures

1. that various points of view are heard over time,
2. that membership of the Advisory Council remain current and reflects knowledge of the issues and priorities in Occupational Health and Safety that often evolve and change overtime.

We recommend that the Co-Chairs of the Advisory Council should be appointed by the Minister for a five-year term to ensure consistent leadership and governance of the Council. The Co-Chairs can be reappointed for an additional five-year term at the discretion of the Minister. No Co-Chair can serve more than two terms.

10. Operation of the Advisory Council

Currently, the Advisory Council meets once a month and has three permanent Subcommittees. The workload of the Advisory Council and the Committees vary and during our deliberations it became clear that given the number of stakeholders actively working in the Occupational Health and Safety area, the strategic approach taken with the creation of WSIS, and the evolution of a more aligned approach between the Workers' Compensation Board and the Department, there is no longer a requirement that it be mandatory for the Council to meet every month or that it have three permanent Subcommittees.

We recommend, as an alternative, that the Advisory Council meet on a mandatory basis quarterly, and that the three permanent Subcommittees be disbanded to be replaced by expert Committees who may be required from time to time to work with the Council. These Committees should be issue specific and have a limited time frame in which to operate. This

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does not preclude the Council from meeting more frequently if questions, concerns or advice requested by the Minister and the Department requires it.

Currently, the Council is supported by Staff of the Department of Labour and Advanced Education. Over the past few years there has been inconsistency in the quality and quantity of the administrative support.

We recommend that all support to the Council be provided by the OHS Division and accountability for maintaining this support rest with the Division on a go-forward basis. It ensures that staff of the Department who have direct responsibility for Occupational Health and Safety and are focused on the Occupational Health and Safety Agenda work directly with the Council members on a continuous basis.

11. Communications Recommendations

The work of the Advisory Council is not well known and information about its members, structures, mandates etc. are not widely distributed or accessible.

We recommend that more detailed information on the Council be included on the Department of Labour and Advanced Education's website and be easily accessible.

A yearly Report to the Minister outlining the work done by the Council should be prepared in each fiscal year. This Report should be distributed to all stakeholders.

The Co-Chairs of the Council should provide information updating the WSIS on the activities of the Council at each WSIS meeting and the Co-Chairs should meet with the Chair of the Workers Compensation Board and the CEO on an annual basis to share information.

All documentation on Agendas, Meeting minutes, reports and Recommendations from the Advisory Council meetings should be regularly updated and maintained.

The Advisory Council should meet, at minimum once annually with the Minister and the Deputy Minister to review the work of the Advisory Council.

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APPENDIX A

List of Interviewees

Advisory Council Members:

Harris McNamara, Co-Chair – Employer – Director, Safety Emera

Rob Wells, Co-Chair – Employee – NSFL

Lisa Anderson, Advisory Council Member – NS Fishers Sector Council

Sheldon Andrews, Advisory Council Member – NSFL

Karen Butterworth, Advisory Council Member – Cape Breton Regional Municipality

Harold Carroll, Advisory Council Member – Executive Director, OHS Division, LAE

Rick Clarke, Advisory Council Member – NSFL

Kathy Dauphney, Advisory Council Member – NSFL

Wendy Griffin, Advisory Council Member – Workers' Compensation Board

Peter Hollett, Advisory Council Member – Halifax Harbour Bridges

Stuart MacLean, Advisory Council Member – CEO, Workers' Compensation Board

Catherine MacLeod, Advisory Council Member – NS Public Service Commission

John MacNeil, Advisory Council Member – NSFL

Martin MacPhee, Advisory Council Member – NSFL

Sheldon Miner, Advisory Council Member – Atlantic Crane

Phil Veinotte, Advisory Council Member - Workers' Compensation Board

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Nova Scotia Department of Labour and Advanced Education:

Duff Montgomerie, Deputy Minister

Lora MacEachern, Associate Deputy Minister

Christine Penney, Senior Executive Director – Safety Branch

Karen McMahan, Director SPRM – Safety Branch

Marjorie Davison, CEO – Apprenticeship Board

Kenny LeBlanc, Worker Advisers Program

Stewart Sampson, Director - Professional Services

Stakeholders:

John Amirault, Engineer - Mining Association of Nova Scotia

Bruce Collins, General Manager – Nova Scotia Construction Safety Association

Graham Conrad, Executive Director – Retail Gasoline Dealers Association

Linda Corkum, Executive Director – Nova Scotia Trucking Safety Association

Jim Cormier, Director Atlantic Canada – Retail Council of Canada

Susan Dempsey, Executive Director – AWARE NS

Chip Dickison, Training Coordinator – Nova Scotia Boat Builders Association

Sherry Donovan, Acting CEO – Nova Scotia Home Builders Association

Luc Enjavec, VP Atlantic Canada – Restaurants Canada

Darlene Grant-Fiander, Executive Director – Nova Scotia Tourism Human Resource Council

Stewart Franck, Executive Director – Fisheries Service Association of Nova Scotia

Judith Ferguson, VP Corporate Affairs, Nova Scotia Power, Former Deputy Minister, Nova Scotia Department of Labour and Advanced Education

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William Lahey, Professor of Law – Dalhousie University

Mary Lloyd, President & Larry Mahoney, VP – Pictou County Injured Workers Association

Sandra McKenzie, Deputy Minister, Education and Early Childhood Development, Former Deputy Minister, Nova Scotia Department of Labour and Advanced Education

Jordi Morgan, VP Atlantic Canada – Canadian Federation of Independent Business

Mary Morris, Executive Director – Office of the Employer Advisor

Sherri Robbins, Executive Director – Community Sector Council of Nova Scotia

Shelly Rowan, Delivery – Workers' Compensation Board

Brad Smith, Executive Director – Mainland Building Trades

Trent Soholt, Executive Director – Nova Scotia Construction Sector Council

John Sutherland, Executive VP – Nova Scotia Automobile Dealers Safety Association

Shannon Trites, Executive Director – Nova Scotia Automotive Human Resource Sector Council

Dean Tupper, Counsellor – Office of the Worker Counsellor

Carolyn Van Den Heuvel, Farm Safety Coordinator – Farm Safety Association of Nova Scotia

Duncan Williams, President – Construction Association of Nova Scotia

Brian Young, Former Nova Scotia Minister of Labour

Stakeholders unable to be interviewed or did not respond to requests for interview:

All Angrignon, Manager – Forestry Safety Society of Nova Scotia

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George Abraham, President – Cape Breton Injured Workers' Association

Michael Montgomery, Executive Director – Atlantic Home Building & Renovation Sector Council

Janet Everest, Executive Director – Health Care Human Resource Sector Council

Kelly Henderson, Executive Director – Trucking Human Resource Sector Council

Ulrike Bahr-Gedalia, President & CEO – Digital Nova Scotia

Catherine MacDonald – Aerospace & Defense Industries Association of Nova Scotia/Ocean Technology Council of Nova Scotia

APPENDIX B

Questionnaires

I. QUESTIONNAIRE FOR ADVISORY COUNCIL MEETING OCTOBER 2ND

1. Tell me a bit about the issues you address and which most commonly form the basis of your recommendations beginning in particular how Occupational Health and Safety issues come to the Council table.
 2. How do you choose those items that you want to address? Do you bring forth items individually, or by consensus, or as a result of a consultation process with stakeholders you represent?
 3. What type of feedback tools and approaches do you use to seek input or responses on issues from stakeholders? How do you stay, as a full Board, on top of and current on issues in Nova Scotia impacting Occupational Health and Safety? Describe those methodologies.
 4. How do you as a Council see your overall mandate? Do you feel confident that you are able to fill it?
 5. With regard to your governance structure, are you confident that your current makeup is sufficient to speak to Occupational Health and Safety issues for the diverse number of employers and employee groups in Nova Scotia?
 6. How many formal meetings do you have, monthly, etc.? How many Committees do you have, how is each Committee structured and how many members sit on each Committee? Is there a specific mandate for each Committee and how does information and communication flow between the Council and Committees? How often do Committees meet?
 7. Do you feel as a Council that you receive adequate financial, and Occupational Health and Safety information? For example, information that allows you to make informed recommendations to the Minister.
 8. How much of this information comes from Department Staff, Council Members and Stakeholders directly?
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9. How do you as a Council determine how an issue and or a recommendation fits within your legislative mandate?
10. Do you feel that the Council recommendations have been effective and what is the percentage that have been implemented say over the past two years?
11. What methodologies do you use to determine the effectiveness of your recommendations when implemented? What evidence based tools do you use to determine whether they have actually improved Occupational Health and Safety within the Province?
12. Do you receive effective, efficient and quality administrative services from staff of the Department?
13. How would you describe your relationship with Department staff overall?
14. How much regular communication do you have with Department staff and what are examples of the information, research, etc. you receive from them?
15. Do you meet regularly with the Minister?
16. How much Governance training have you received as a Council and have you as a full Council conducted an Evaluation of your performance in the past?
17. How much regular interface as a Council do you have with similar Advisory Councils across the country?
18. How does the Council come to a decision, by vote? Majority vote 50 plus 1: or by consensus. What processes are in place to deal with conflict or disagreements on Council whenever they arise?
19. Have you had situations in the past two years when any of your recommendations were rejected? How do you handle this as a Council?

Finally, is there anything else you wish to add which might be important to this process?

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NOVA SCOTIA DEPARTMENT OF LABOUR AND ADVANCED EDUCATION

II. INDIVIDUAL ADVISORY COUNCIL MEMBERS' QUESTIONNAIRE

1. Tell me how long you have served on the Council. When were you appointed and what kind of appointment process did you undergo? How much longer is your term?
2. Can you tell me about your background and experience and describe other roles and positions you fill or have filled other than your role as a member of Council? Do you sit on other Boards, Councils or Committees?
3. Can you describe your interest in Occupational Health and Safety and how it has evolved over the years?
4. What do you see as your major role as a member of the Council, and what do you see as your individual mandate? How does that fit with the legislative mandate of the Council as a whole? Are there specific areas of interest or concern that you feel are critical for you to raise or address as a Council member?
5. How would you describe the overall role of Council: policy, advisory, etc.? Do you believe the Council has an effective governance model that allows it to present informed recommendations for the Minister? How has it evolved over the years? Do you believe it is an effective forum for you to represent the interest of your industry, unions or stakeholders?
6. When have you felt the Council to be most effective? What are the key recommendations that Council has made that have been implemented over the past three to five years?
7. What have been the recommendations that have been either rejected or delayed and why?
8. What is the Council's relationship with Government, specifically the Minister, been like over the years and how would you describe it currently?
9. How has the relationship with the Department staff evolved over the years? Would you describe it a good, excellent, fair or poor? If there are conflicts from time to time when and on what issues do they occur normally and how are they resolved?

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10. Staff of the Department provides logistics and administrative services to the Board. How is this working? Are you getting strong administrative support? How can it be improved?
11. How do you personally go about keeping current on OH&S issues that impact on employers, employee groups and stakeholders? Do you regularly seek input or solicit feedback from them? Personally or is that done through the Council as a whole?
12. Are you satisfied that the decision-making process used by the Council is effective?
13. In your personal opinion are there issues that the Council needs to address that it is not addressing, and are there issues they are addressing that are not appropriate to the Council's mandate?
14. How do you measure the effectiveness of the Council? What recommendations has it made that you believe directly resulted in improved Occupational and Health systems, processes and/or statistics in Nova Scotia over your term as a member?

Finally, is there anything else you wish to add which might be important to this process?

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III. QUESTIONNAIRE FOR INDIVIDUAL STAKEHOLDERS

1. Tell me how much interface have you had with the Council over the years. Were you involved in or consulted on its composition?
 2. What, in your view, is the mandate of the Council? Are they effectively delivering on that mandate? Should this mandate be revised? How?
 3. What are the most pressing Occupational Health and Safety issues that your industry, group or organization is dealing with? Has the Council helped you to address this issue or issues? In what way?
 4. Could the Council improve on its operations and on the quality of its recommendations?
 - e.g. Better appointment process?
 - Better feedback and consultation processes?
 - Alternate or amended structure?
 5. What are the strengths of the Council and what are its weaknesses?
 6. Is there a better model for delivering Occupational Health and Safety recommendations to the Minister and what would it look like?
- Finally, is there anything else you wish to add which might be important to this process?

