



Code of Practice

**Fatigue Management in the
Atlantic Canada Offshore
Petroleum Industry**

February 2025

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1 Overview

This document titled *Fatigue Management in the Atlantic Canada Offshore Petroleum Industry* (the “code of practice”) is the culmination of a joint effort between offshore industry Operators, contracting companies, workers, and the regulators (the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) and the Canada-Nova Scotia Offshore Energy Regulator (CNSOER)).

This code of practice summarizes the requirements for defining and managing Fatigue and the related roles and responsibilities of Operators, Employers, Supervisors, and Employees for offshore Atlantic Canada and provides information on the process for requesting an exemption to the day of rest provision in section 22 (1) of the *Newfoundland and Labrador Labour Standards Act*. This code of practice does not apply to Workplace parties administered under a collective agreement. That said, it is the acknowledged intention of Operators subject to such collective agreements to incorporate the principles of this code of practice into their Workplaces.

This code of practice is designed to complement individual Operator documents. This code of practice is not intended to be a Fatigue Management program development guide as individual Operators, as part of their respective safety management systems, have Fatigue Management programs in place.

2 Purpose and Scope

This code of practice: defines Fatigue; summarizes the regulatory requirements applicable to, and the processes employed by Operators and Employers for managing Fatigue (including documentation and reporting of approved variances); and identifies the roles and responsibilities of Operators, Employers, Supervisors, and Employees with respect to Fatigue Management. This code of practice is intended to be applied in conjunction with the regulations and guidelines outlined by the CNSOER and C-NLOPB and applies to all Workplaces under an Authorization granted by the respective regulator.

Please refer to section 12 of this code of practice for additional resources in developing Fatigue Management programs such as the Energy Safety Canada Fatigue Risk Management: A Program Development Guide and Managing Fatigue in the Workplace, and the IPIECA, OGP Guide for Oil and Gas Industry Supervisors and Occupational Health Practitioners.

3 Terms and Definitions

For the purpose of this document, the following terms and definitions apply.

Accord Act(s)	Refers to the <i>Canada-Newfoundland and Labrador Atlantic Accord Implementation Act</i> the <i>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management Act</i> and the <i>Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act</i> and the <i>Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation and Offshore Renewable Energy Management (Nova Scotia) Act</i> ¹ Note: section numbers differ between the Nova Scotia and Newfoundland and Labrador Accord Act(s) and will be referenced as NL s. 205.001 (1) and NS s. 210.001 (1).
Ad-hoc, Temporary, or Casual Employee	An Employee assigned to be offshore for a specified period to execute a defined scope of work and/or to meet increased workloads.
Authorization	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Employee	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Employer	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Fatigue	Fatigue ² is the state of feeling very tired, weary or sleepy which may be a result of insufficient sleep, prolonged mental or physical work, or extended periods of stress or anxiety.
Fatigue Management	A strategy or process for managing the risks that can be caused by Fatigue, as part of overall safety management.
Fatigue Training	As described in Section 38 of the <i>Canada-Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations, SOR/2021-247</i> and Section 38 of the <i>Canada-Nova Scotia Offshore Area Occupational Health Safety Regulations</i> (the “OHS Regulations) SOR/OR/2021-248)

¹ All references made to the *Accord Act(s)* in this document will reflect the federal version.

² Canadian Centre for Occupational Health and Safety, “OHS Answers Fact Sheets: Fatigue,” <https://www.ccohs.ca/oshanswers/psychosocial/Fatigue.html>, (August 2017).

First Aider	As described in Section 1 (1) of the <i>Canada-Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations</i> , SOR/2021-247 and Section 1 (1) of the <i>Canada-Nova Scotia Offshore Area Occupational Health Safety Regulations</i> (the “OHS Regulations) SOR/OR/2021-248)
Imminent Hazard	A situation which, if not addressed in a timely manner, could result in potential impact to people, environment, or asset. This includes corrective maintenance of key systems that can affect safety of the Marine Installation or Structure.
Marine Installation or Structure	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Labour Standards Act	Newfoundland and Labrador - Any regulations made under the <i>Labour Standards Act</i> applies to the Newfoundland and Labrador offshore area and in respect of a Workplace in accordance with the <i>Accord Act(s)</i> NL s. 205.007 (1).
Labour Standard Code	Nova Scotia - Any regulations made under the <i>Labour Standards Code</i> applies to the NS offshore area and in respect of a Workplace in accordance with the <i>Accord Act(s)</i> NS s. 210.007 (1).
Marine Employees	Employees holding <i>STCW Certificate of Competence</i> as referred by the minimum manning document.
Medic	As described in Section 1 (1) of the <i>Canada-Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations</i> , SOR/2021-247 and Section 1 (1) of the <i>Canada-Nova Scotia Offshore Area Occupational Health Safety Regulations</i> (the “OHS Regulations) SOR/OR/2021-248)
Newfoundland and Labrador Minister	The minister of the Government of Newfoundland and Labrador who is responsible for the <i>Labour Standards Act</i> .

Offshore Installation Manager (OIM)	As defined in the <i>Accord Act(s)</i> NL s. 193.2 (1) and NS s. 198.2 (1).
Operator	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Regular Rotational Employee	An Employee who is working a designated set rotational schedule.
Short Term Program	Any Program lasting less than six (6) months.
Supervisor	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Variance Report	A report, including a description of the work, the names of the persons performing the work, the hours/days worked and the risk assessment, prepared by the operator in the event a person is permitted to work in excess of the hours/days worked
Workplace	As defined in the <i>Accord Act(s)</i> NL s. 205.001 (1) and NS s. 210.001 (1).
Short Shift Change	Where an Employee moves from day shift to night shift, or vice versa, within a 24-hour period, where the Employee does not have a minimum of 11 hours off in between shifts and works more than 12.5 hours in a 24-hour period.

4 Regulatory Requirements

This section of this code of practice highlights the legislative and regulatory requirements that apply to Operators, Employees, Employers and Supervisors in the Canada-Newfoundland and Labrador offshore area (Can-NL offshore area) and the Canada-Nova Scotia offshore area (Can-NS offshore area) pertaining to the development of codes of practice and Fatigue.

- *Accord Act(s)* NL s. 205.016(1) and 205.021(1) and NS s. 210.016(1) and 210.021(1)
- *Newfoundland and Labrador Labour Relations Act*
- *Newfoundland and Labrador Labour Standards Act* and Regulations
- *Nova Scotia Labour Standards Code*
- *Canada-Newfoundland and Labrador Offshore Area Occupational Health and Safety Regulations*, SOR/2021-247 (the “OHS Regulations”)
- *Canada – Nova Scotia Offshore Area Occupational Health and Safety Regulations*, SOR/2021-248 (the “OHS Regulations”)
- *Canada–Newfoundland and Labrador Offshore Area Petroleum Operations Framework Regulations*, SOR/2024-25 (the “Framework Regulations”)
- *Canada–Nova Scotia Offshore Area Petroleum Operations Framework Regulations* (SOR/2024-26)

In accordance with the *Accord Act(s)* NL s.205.007 (1), Newfoundland and Labrador social legislation, including the *Labour Standards Act*, applies to and in respect of a Workplace in the Can-NL offshore area.

Sections 22, 23, and 24 of the *Labour Standards Act* outline the requirements for days of rest, daily maximum hours, and rest periods for all provincially regulated Employees.

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. In general, that section provides that Employees are to be granted 24 consecutive hours of rest per week and, where possible, that 24-hour period should be a Sunday.

In accordance with paragraph 22(3)(c) of the *Labour Standards Act*, the Newfoundland and Labrador Minister may upon request grant an exemption against the requirements of subsection 22(5).

Historically, any exemption granted by the Newfoundland and Labrador Minister has been in accordance with recommendations from C-NLOPB to permit work on a regular rotation due to the logistics of working in a remote offshore location. Although exemptions are approved on a case-by-case basis, this code of practice outlines the principles upon which C-NLOPB will provide recommendations to the Newfoundland and Labrador Minister.

In accordance with the *Accord Act(s)* NS s.210.001 (1), Nova Scotia social legislation, including the provisions of the *Labour Standards Code* apply to and in respect of a Workplace in the Can-NS offshore area.

Sections 61, 62, and 63 of the *Labour Standards Code* outline the requirements for days of rest, daily maximum hours, and rest periods for all provincially regulated Employees. In general, that section provides that Employees are to be granted 24 consecutive hours of rest per week and, where possible, that 24-hour period should be a Sunday. However, the Guide to the Nova Scotia Labour Standards Code, 2022 (pp 40-41), states that the day of rest rules (and the related exemption process) do not apply to offshore oil and gas workers under the CNSOER jurisdiction.

The CNSOER expects that days of rest practices will be consistent with established regular rotations due to the logistics of working in a remote offshore location and in accordance with this code of practice.

5 Fatigue Management

Fatigue may affect a person's ability to work safely and must be identified and managed just like any other hazard in the Workplace. Operators, Employers, Supervisors and Employees each have a role to play in making sure any risks associated with Fatigue are minimized.

Impairment due to Fatigue can create a safety hazard or risk. Therefore, Fatigue Management is a component of the operator's overall safety management system and is designed to identify, assess, and minimize or mitigate the risks associated with Fatigue in the Workplace in accordance with s. 37(1) of the OHS Regulations.

Implementing a strategy to prevent and reduce Fatigue may lead to:

- Improved health and safety outcomes;
- Fewer Workplace incidents and injuries;
- Reductions in absenteeism and staff turnover; and
- Better performance and productivity.

Employees should be provided Fatigue Training to be made aware of signs of Fatigue as well as the elements of the operator's Fatigue Management programs. This awareness includes the causes and symptoms that impact performance, the methods of recognizing signs of Fatigue in oneself and in others, as well as the processes for reporting Fatigue.

As part of their Fatigue Management programs, Operators identify:

- Clear requirements to ensure no Employee works when their ability to function is impaired by Fatigue.
- The requirement to report any circumstance that could be hazardous to the health and safety of Employees, including Fatigue, based upon self-assessment or observation of others.
- The role of Supervisors to take all reasonable precautions to protect the health and safety of Employees and how this relates to Fatigue Management.
- The effects, signs, symptoms and associated risks of Fatigue.
- Identification of possible causes of Fatigue in the Workplace.
- Fatigue prevention strategies like adequate breaks, exercise, healthy eating goals, tips for getting better sleep, stress management programs etc.

- Reference to this code of practice and the roles and responsibilities contained therein.

When managing Fatigue in the Workplace, consideration should be given to the following:

- Transportation to or from a Marine Installation or Structure via passenger craft (vessel or helicopter) including waiting time, disrupted sleep schedule, motion sickness, and the use of medication.
- An individual's level of Fatigue and the impact of jet lag, shift schedules, environmental factors (including noise levels, lighting levels, temperature) and sleeping environments.
- Workers on night shift tend to have shortened and disrupted sleep when compared to day shift, therefore consideration should be given to minimizing the impact of night shift work on Fatigue. For example, priority should be given for workers on night shift to be assigned such that cabins have no more than one worker on night shift.
- Workloads and type of activities being performed, sedentary positions, repetitive tasks, high risk activities etc.
- Fatigue as a potential factor for incident investigation.

6 Work Rotations and Hours of Rest

The work rotation schedule is established for each offshore Workplace in accordance with the exemption processes set out in the *Labour Standards Act* or *Labour Standards Code*, and as detailed in this code of practice. Traditionally, approval/acceptance has been granted for offshore Employees' work schedules which stipulate an equal time rotation of 21 days-on and 21 days-off (or 14 days-on and 14 days-off) with a work shift of up to 12.5 hours within a 24-hour period.

Work should be scheduled and organized such that Employees can avail of the approved schedule.

Studies have indicated that frequent changes in schedules disrupt circadian rhythms may lead to chronic Fatigue and other health problems. It is recommended that Employers avoid rotating between day and night shift within a single offshore rotation to the extent possible. If deemed necessary to move a worker between nights and days a minimum of 24 hours consecutive rest is recommended where possible but shall not be less than 11 hours in accordance with OHS Regulations s. 39(1). In addition, the Employer in consultation with the Employee can determine whether additional rest is necessary.

Short Shift Changes are not permitted as they do not provide the minimum of 11 hours of rest. In the case where an Employee moves from day shift to night shift or vice versa, the Employee is given a minimum of 11 hours off between shifts and will not work more than 12.5 hours in a 24-hour period.

However, in the event of extenuating circumstances Employer's may allow workers to work without the minimum rest period as long as the exemption process outlined in section 39 (2) of the OHS Regulations is followed.

7 Variances – Hours of Rest

In the event Employees engaged in work of an emergency nature that necessitates immediate remedial action or in the event of an Imminent Hazard, the *Labour Standards Act* or *Labour Standards Code* exemption approval and the OHS Regulations may allow an Employee to work in excess of the hours or without the complete rest period.

In these circumstances, the Operator must assess the risk associated with the Employee working the extra hours and determine that such work can be carried out without increased risk to safety or to the environment. The following variances to normal work hours / days required an approved exemption form:

- Any work beyond 12.5 hours.
- Any planned extension beyond the normal work rotation (typically 21-days).
- Any change in shift (example: day to night).

In such cases, the Operator shall ensure that an exemption form, including a description of the work, the names of the Employees performing the work, the hours worked, and the related risks are recorded. All exemption forms must be reviewed and approved by the Offshore Installation Manager (OIM). The OIM will approve such shift or rotation variations upon considering associated risks and Fatigue Management strategies. Any such approved exemptions will be included in summary form in providing Variance Reports to the applicable regulatory authority(ies).

Examples of variances which do not require an approved exemption form include:

- Participation in emergency response drills, exercises, or actual events regarding hours of work variances.
- Participation in departmental safety meetings or participation in occupational health and safety related meetings provided that they do not occur more frequently than weekly.
- Weather holdover days. Although these do not require an approved exemption form days are to be tracked and Supervisors are to monitor effected workers with consideration to Fatigue Management, including providing additional rest periods if needed.

8 Reporting Hours of Rest Variances

Examples of variances that are required to be tracked and Variance Reports submitted to the applicable regulatory authority (i.e. in the Can-NL offshore area the Newfoundland and Labrador Minister and the C-NLOPB and in the Can-NS offshore area the CNSOER) include:

- Imminent Hazard. The Variance Report should also include details of the Imminent Hazard, how/when it became known, and best efforts to remedy the Fatigue aspects.
- Any extenuating circumstances beyond the control of the Operator. The Variance Report should also include details on the nature of the situation, how/when it became known, and best efforts to remedy the Fatigue situation (e.g. for essential work required during unexpected Employee absence/unavailability, describe best efforts to replace the absence)

- Delays due to weather or transportation.

Exemption forms must be made available to regulatory OHS Officers upon request. Exemption forms should reflect discussion of risk and acknowledge there will be no hazardous impairment due to Fatigue. Employees have the right to refuse where “there is reasonable cause to believe that the performance of the activity constitutes a danger to themselves or others” (*Accord Act(s)* – NL s. 205.05 and NS s. 210.05) and the Employer “must ensure that no Employee at a Workplace under its control is permitted to work if their ability to do so is impaired in a manner that is likely to be hazardous to their health or safety or that of any other person at the Workplace” (OHS Regulations s. 37(2)).

Reporting Hours of Rest Variances

Operators should have a process in place to manage deviations to the regular work schedule while taking into account Fatigue Management. Operators will ensure a Variance Report summarizing the variances is submitted to the applicable regulatory authority (i.e. in the Can-NL offshore area the Newfoundland and Labrador Minister and the C-NLOPB and in the Can-NS offshore area the CNSOER) at the following frequencies:

- Short-term projects – monthly.
- All other projects – quarterly.

Variance Reports summarizing the variances are to be submitted to the applicable regulatory authority within 30 days of the end of the period being reported on.

9 Rest Day Requirements for Ad Hoc, Temporary or Casual Employees

It is recognized that situations, circumstances, and abbreviated work scopes arise when it is not practical to apply an equal-time rotation (e.g. 21 days-on, 21 days-off). The purpose of establishing minimum rest days is to ensure Fatigue Management in these circumstances while affording Employees the flexibility to work during peak activity or demand periods and providing the flexibility to avail of special technical services.

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. It is important to note, that Ad-hoc, Temporary, or Casual Employees who are filling the position of a Regular Rotational Employee on a recurring 21-day rotation on a Marine Installation or Structure is expected to comply with the days of rest requirements as though they were a Regular Rotational Employee for the time that they are filling that position. For example, if an Ad-hoc, Temporary, or Casual Employee is filling a role for a pre-determined, specified period on a rotational basis the expectation would be that they would follow the equal time off rule while doing that, and not spending time on other installations in their off time.

Table 1 – Minimum Days of Rest of Marine Installation or Structure

Offshore Days Worked	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Minimum Days of Rest	1						2						4						6		7

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. Rest day count begins the day the Employee arrives onshore.

10 Short-term Programs (lasting up to six months)

Employees assigned to short-term projects generally have well-established existing rotations of different lengths that take into consideration Fatigue Management and should not be disrupted.

The typical shift duration/time off on a Marine Installation or Structure is 4 weeks on / 4 weeks off. However, the C-NLOPB or CNSOER may consider support for an equal time rotation of up to six weeks on/six weeks off, provided the workforce on the Marine Installation or Structure have been consulted and agreed to the schedule prior to issuance of the Authorization.

For the Can-NL offshore area, evidence of this must be included with the exemption application to the Newfoundland and Labrador Minister.

10.1 Marine Employees on Vessels for Short-term Programs

Typically, Marine Employees on Marine Installation or Structures (that are Marine vessels) operate under the concurrent jurisdiction of the flag state (i.e. Transport Canada) and the requirements for daily/weekly work/rest periods as defined in the International Maritime Organization International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention).

Marine Employees subject to flag state requirements for Marine Employees and/or the STCW Convention are required to meet those requirements in addition to the regulatory requirements of the Labour Standards Act or Labour Standards Code, and as detailed in this code of practice. For Short Term Programs, the C-NLOPB and CNSOER may support applications for exemptions to allow continuance of pre-existing schedules that follow the STCW Convention for daily/weekly hours of rest requirements for Marine Employees only.

For the Can-NL offshore area, this information must be included with the exemption application to the Newfoundland and Labrador Minister.

Note: The above exemption considerations do not apply If the marine vessel is sailing under the flag of a non-signatory to the STCW Convention and the Marine Employees are subject to the requirements of this code of practice.

10.2 Non-Marine Employees on Vessels for Short-term Programs

Non-Marine Employees or “technical” crew on Marine vessels operating as Marine Installation or Structure are subject to regulatory requirements outlined in this code of practice or, for NL, as otherwise approved by the Newfoundland and Labrador Minister.

11 Responsibilities of Operators, Supervisors, Employers and Employees

11.1 Operators

With respect to managing Fatigue, Operators are required to meet all regulatory requirements pursuant to the Accord Act(s) NL s. 205.012 and 205.013 and NS s. 210.012 and 210.013.

As part of overall safety planning and management, Operators:

- Provide Fatigue Training to Employees including instruction and training on the factors that contribute to Fatigue, procedures for identifying and reporting Fatigue and the role and duties of Employees in managing Fatigue.
- Manage Variance Reports in accordance with this code of practice.
- Develop, maintain, and ensure Employers, Employees and Supervisors are compliant with the Operator's Fatigue Management program.
- Ensure adequate resources are available for implementation of program.
- Ensure Fatigue, hazards and risks are assessed, controlled and monitored.

11.2 Employers

With respect to managing Fatigue, Employers are required to meet all regulatory requirements pursuant to the Accord Act(s) NL s. 205.018 and 205.019 and NS s. 210.018 and 210.019.

Employers are responsible for:

- Fatigue Management of its Employees and other individuals at a Workplace under its control.
- Fatigue Management of its Employees at a Workplace that is not under its control, to the extent that it controls their activities at the Workplace.
- Advising Employees of their right to refuse work where they feel Fatigue may factor into safe performance of their required duties.
- Tracking rest day requirements for Ad-hoc, Temporary, or Casual Employees pursuant to this code of practice, including Table 1 – minimum days of rest on a Marine Installation or Structure.

11.3 Supervisors

With respect to managing Fatigue, Supervisors are required to meet all regulatory requirements pursuant to the Accord Act(s) NL s. 205.024 and 205.025 and NS s. sections 210.024 and 210.025.

Every Supervisor shall take all reasonable measures to ensure that Fatigue is managed for Employees and other individuals that they supervise at a Workplace.

Supervisors are responsible to:

- Identify and assess Fatigue in Employees that may lead to impediment in performing work safely.

- Anticipate situations where Employees may be subject to shift/rotation variations and identify preventative measures to eliminate or minimize the necessity for requiring a variation.
- Mitigate Fatigue using the Operator's safety management system, policies and programs.
- Support and promote Fatigue prevention strategies.

11.4 Employees

With respect to managing Fatigue, Employees are required to meet all regulatory requirements pursuant to the Accord Act(s) NL s. 205.026 and 205.027 and NS s. 210.026 and 210.027.

Employees are responsible for:

- Considering Fatigue in pre-job planning.
- Identifying and assessing Fatigue in self and other Employees.
- Reporting Fatigue or any impediment/impairment to performing work safely to their immediate Supervisors.
- Complying with Operator's safety management system, policies, and programs, including those related to managing Fatigue.
- Reporting the use of any Medications to Medic or First Aider as these may have impacts on managing Fatigue.
- Initiating their right to refuse work where they have reasonable cause to believe the variation may present a risk to health, safety, environment, or property.
- Supporting and participating in Fatigue prevention strategies.

11.5 First Aider or Medic

Recall that with respect to Fatigue, a First Aider or Medic is also an Employee and required to meet all regulatory requirements pursuant to the Accord Act(s) NL s. 205.026 and 205.027 and NS s. 210.026 and 210.027.

The First Aider or Medic is responsible for making Supervisors aware of any Employee under their care who may be impaired due to Fatigue in order to protect their own health and safety and that of others.

Consideration should also be given to the impact of sleep disorders, shift schedules, environmental factors and sleeping environment.

12 Other Useful Resources

- Canada-Newfoundland and Labrador Offshore Petroleum Board - www.cnlopb.ca
- Canada-Nova Scotia Offshore Energy Regulator – www.cnsoer.ca
- Energy Safety Canada - www.energysafetycanada.com
- Government of Newfoundland and Labrador - www.gov.nl.ca

- Government of Canada - www.gc.ca
- Canadian Association of Petroleum Producers - www.capp.ca