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September 24, 2009

"The Employer"

The Chief Compliance Officer is writing in response to the employer's letter dated September 14, 2008 requesting a deviation from Section 14 of the *Occupational Health and Safety Act* to organize a Joint Health & Safety Committee with one representative per location (32 locations), which would form a committee of 36 members.

The employer will note from Section 3(3) of the *Occupational Health & Safety Act* (see below) that the Chief Compliance Officer can only grant deviations from the provisions of the Regulations.

3(3) Where an employer applies, in writing, for an authorization to deviate from any provision of the regulations, the Chief Compliance Officer may give permission in writing for that deviation under such terms and conditions as he shall consider advisable

(a) in accordance with the standards, if any, prescribed by regulation for granting such deviations, or

(b) where no standards for granting deviations are prescribed by regulation, if he is satisfied that the deviation affords protection for the health and safety of employees equal to or greater than the protection prescribed by regulation.

As the employer is requesting a deviation from the provisions of the *Occupational Health & Safety Act*, the Chief Compliance Officer is unable to grant the employer's request for a deviation.

By copy of this letter, the Chief Compliance Officer has advised the WorkSafeNB staff of the decision.

Yours truly,

Chief Compliance Officer

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