



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I  
PUBLISHED BY AUTHORITY

Vol. 98

ST. JOHN'S, FRIDAY, SEPTEMBER 1, 2023

No. 35

## MINERAL ACT

### NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, RSNL1990 cM-12 as amended.

Mineral rights to the following mineral licenses have reverted to the Crown:

Mineral License held by	23797M Wayde Guinchard
Mineral License held by	24898M Darrin Hicks
Mineral License held by	25236M Shawn A. Ryan
Mineral License held by	25708M Triassic Properties Ltd.
Mineral License held by	25709M Triassic Properties Ltd.
Mineral License held by	25710M Triassic Properties Ltd.
Mineral License held by	25711M Triassic Properties Ltd.

Mineral License held by	25712M Triassic Properties Ltd.
Mineral License held by	25713M Triassic Properties Ltd.
Mineral License held by	25714M Triassic Properties Ltd.
Mineral License held by	25770M Maximos Metals Corp.
Mineral License held by	25772M Maximos Metals Corp.
Mineral License held by	25773M Maximos Metals Corp.
Mineral License held by	25778M Maximos Metals Corp.
Mineral License held by	26833M Triassic Properties Ltd
Mineral License held by	26834M Triassic Properties Ltd
Mineral License held by	26835M Triassic Properties Ltd

THE NEWFOUNDLAND AND LABRADOR GAZETTE  
September 1, 2023

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Mineral License held by	26836M Triassic Properties Ltd	Mineral License held by	33926M Patrick J. Laracy
Mineral License held by	26837M Triassic Properties Ltd	Mineral License held by	33927M Megan Laracy
Mineral License held by	26859M Provincial Energy Ventures Ltd (LLC)	Mineral License held by	33928M Karen Laracy
Mineral License held by	26860M Provincial Energy Ventures Ltd (LLC)	Mineral License held by	34092M Mike Noseworthy
Mineral License held by	26861M Provincial Energy Ventures Ltd (LLC)	Mineral License held by	34095M Perry MacKinnon
Mineral License held by	31407M Glenn Warren	Mineral License held by	34096M Neal Blackmore
Mineral License held by	31505M Blake Morgan	Mineral License held by	34098M Perry MacKinnon
Mineral License held by	32119M Blake Morgan	Mineral License held by	34099M Chad Kennedy
Mineral License held by	32165M Darrin Hicks	Mineral License held by	34104M James Rogers
Mineral License held by	32261M Stephen Tsang	Mineral License held by	34105M James Rogers
Mineral License held by	32273M Wheeler Resources Inc.	Mineral License held by	34115M Alex Bailey
Mineral License held by	32274M Wheeler Resources Inc.	Mineral License held by	34116M Alex Bailey
Mineral License held by	32275M Wheeler Resources Inc.	Mineral License held by	34120M George J. Mercer
Mineral License held by	32302M Triassic Properties Ltd	Mineral License held by	34124M Stephen Sheppard
Mineral License held by	32532M Stephen Sheppard	Mineral License held by	34126M Natasha Khan Fox
Mineral License held by	33117M Krinor Resources Inc.	Mineral License held by	34151M Chad Kennedy
Mineral License held by	33118M Amanda McCallum	Mineral License held by	34152M Darrin Hicks
Mineral License held by	33888M Dylan Oram	Mineral License held by	34153M Darrin Hicks
Mineral License held by	33890M Dylan Oram	Mineral License held by	34154M Darrin Hicks
Mineral License held by	33896M Dylan Oram	Mineral License held by	34155M Darrin Hicks
Mineral License held by	33896M Dylan Oram	Mineral License held by	34156M Stephen Sheppard

Mineral License held by	34166M Long Range Exploration Corporation
Mineral License held by	34173M Cameron Hicks
Mineral License held by	34175M Christopher Ryan Paul
Mineral License held by	34202M Alex Bailey
Mineral License held by	34203M Alex Bailey
Mineral License held by	34204M Alex Bailey
Mineral License held by	34261M Jeff Burke
Mineral License held by	36390M Anteros Metals Inc.

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/00, 36/01, 31/04, 78/06, 8/08, 28/09, 5/13, 3/17 and 12/22 and outlined on 1:50 000 scale digital maps maintained by the Department of Industry, Energy and Technology, will be open for staking after the hour of 9:00 a.m. on the 32<sup>nd</sup> clear day after the date of this publication.

DEPARTMENT OF INDUSTRY,  
ENERGY AND TECHNOLOGY  
Trina Adams, Mineral Claims Recorder

Sept 1

**ROYAL NEWFOUNDLAND  
CONSTABULARY ACT**

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE that pursuant to section 32 of the Royal *Newfoundland Constabulary Act, 1992*, a Public Hearing will commence on Monday, September 18, 2023, 1 :00 p.m., at the Beothuk Building, 20 Crosbie Place, St. John's, Newfoundland and Labrador.

Any member of the Public requiring further information should call the office of the RNC Public Complaints Commission at telephone number (709) 834-6171.

RNC PUBLIC COMPLAINTS COMMISSION  
Twila E. Reid, Commissioner

Sept. 1

**LANDS ACT**

**NOTICE OF INTENT, SECTION 7  
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Atlantic Ocean (Strong's Tickle), for the purpose of a recreational cottage.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto:centrallandsoffice@gov.nl.ca)
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: [westernregionlands@gov.nl.ca](mailto:westernregionlands@gov.nl.ca)
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: [labradorlandsoffice@gov.nl.ca](mailto:labradorlandsoffice@gov.nl.ca)

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Sept.1

**NOTICE OF INTENT, SECTION 7  
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (a) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Belleoram, for the purpose of an access road to quarry.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
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Sept.1

**NOTICE OF INTENT, SECTION 7  
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (a) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Belleoram, for the purpose of a wharf.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of

Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: [labradorlandsoffice@gov.nl.ca](mailto:labradorlandsoffice@gov.nl.ca)

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Sept.1

**NOTICE OF INTENT, SECTION 7  
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of an unnamed lake/Labrador, for the purpose of a boathouse and wharf.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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Sept.1

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**NOTICE OF INTENT, SECTION 7  
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of an Southwestern/ North West Brook/ Trinity Bay, for the purpose of floating docks.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
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- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: [westernregionlands@gov.nl.ca](mailto:westernregionlands@gov.nl.ca)
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0  
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Sept.1

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**WAREHOUSER'S LIEN ACT  
NOTICE OF PUBLIC AUCTION**

TAKE NOTICE that due to indebtedness incurred to Corner Brook Self Storage & Rental Ltd, pursuant to *The Warehouse's Lien Act*, bids will be accepted on the contents of Unit A-01 consisting of domestic items belonging to Raymond Frampton.

Auction to be held Sept 14, 2023, at 5:00 p.m. Bidding details can be obtained at:

Corner Brook Self Storage & Rental  
6 Lundrigan Dr. Corner Brook, NL  
(709) 639-4292

Potential bidders are encouraged to call in advance in case indebtedness is resolved before auction.

Bidders must pre-register prior to 4:30 p.m. on Sept. 14, 2023.

CASH ONLY.

Sept. 1

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II  
SUBORDINATE LEGISLATION  
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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Vol. 98

ST. JOHN'S, FRIDAY, SEPTEMBER 1, 2023

No. 35

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## NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 64/23

NLR 65/23

NLR 66/23

NLR 67/23

NLR 68/23







**NEWFOUNDLAND AND LABRADOR  
REGULATION 64/23**

*Construction Industry Early and Safe Return to Work and  
Re-employment Repeal Regulations*  
under the  
*Workplace Health, Safety and Compensation Act*  
(O.C. 2023-207)

*(Filed August 31, 2023)*

Under the authority of paragraph 123(2.1)(b) of the *Workplace Health, Safety and Compensation Act*, the Workplace Health, Safety and Compensation Commission, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, August 30, 2023.

John Peddle  
Chairperson of the Workplace Health,  
Safety and Compensation Commission

Krista Quinlan  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

1. Short title

2. Repeal

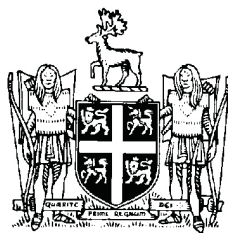
Short title

**1.** These regulations may be cited as the *Construction Industry Early and Safe Return to Work and Re-employment Repeal Regulations*.

Repeal

**2.** The *Construction Industry Early and Safe Return to Work and Re-employment Repeal Regulations, Newfoundland and Labrador Regulations 77/02* are repealed.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 65/23**

*Wind Energy Land Reserve Order (Amendment) No. 2*  
under the  
*Lands Act*  
(O.C. 2023-211)

*(Filed August 31, 2023)*

Under the authority of subsection 8(2) of the *Lands Act*, the minister, with the approval of the Lieutenant-Governor in Council, makes the following Order.

Dated at St. John's, August 30, 2023.

Elvis Loveless  
Minister of Fisheries, Forestry and Agriculture

Krista Quinlan  
Clerk of the Executive Council

**ORDER**

*Analysis*

1. Sch. R&S

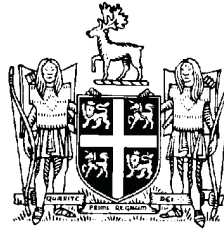
NLR 86/22  
as amended

**1. The Schedule to the *Wind Energy Land Reserve Order* is repealed and the following substituted:**

**SCHEDULE**

All that piece or parcel of land containing approximately 653,365 hectares, more or less, as depicted on the Provincial Land Use Atlas.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 66/23**

*Workplace Health, Safety and Compensation Administrative  
Regulations*  
under the  
*Workplace Health, Safety and Compensation Act, 2022*  
(O.C. 2023-209)

*(Filed August 31, 2023)*

Under the authority of section 150 of the *Workplace Health, Safety and Compensation Act, 2022*, the Workplace Health, Safety and Compensation Commission, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, August 30, 2023.

John Peddle  
Chairperson of the Workplace Health,  
Safety and Compensation Commission

Krista Quinlan  
Clerk of the Executive Council

## REGULATIONS

### *Analysis*

- |                                       |  |
|---------------------------------------|--|
| 1. Short title                        | 16. Compensation of surviving spouse                       |
| 2. Definitions                        | 17. Determination of benefits payable upon death of worker |
| 3. Approval required                  | 18. Commission to pay expenses                             |
| 4. Exclusions from Act                | 19. Limit to compensation                                  |
| 5. Commercial fishers                 | 20. Maximum compensable assessable earnings                |
| 6. Interpretative provision for Act   | 21. Occupational diseases                                  |
| 7. Determination of fisher's earnings | 22. Minimum assessment                                     |
| 8. Assessment of fishers              | 23. Statements of payroll                                  |
| 9. Payment to fisher protected        | 24. Fishing and logging industry reports                   |
| 10. Registration required             | 25. Payroll estimate adjustments                           |
| 11. Responsibility of vessel owner    | 26. Deductions from payroll                                |
| 12. Report of vessel's master         | 27. Statement  |
| 13. Vessel owner to pay expenses      | 28. Permanent disability benefits                          |
| 14. Educational institutions          | 29. Recovery of assessments                                |
| 15. Payment in death of worker        | 30. Commencement   |

Short title

**1.** These regulations may be cited as the *Workplace Health, Safety and Compensation Administrative Regulations*.

Definitions

**2.** In these regulations

(a) "Act" means the *Workplace Health, Safety and Compensation Act, 2022*;

(b) "commercial fisher" means

(i) a master or member of a crew of a licensed commercial fishing vessel,

(ii) a master or member of a crew of a vessel which is engaged in fish packing, fish collecting or fish buying for commercial sale or use, or

(iii) a fisher who in the opinion of the commission contributes to the catching or landing of fish for commercial sale or use and who

(A) in the course of the fisher's occupation as a fisher, contributes to the catching or landing of fish for

arrival in ports of the province for sale or use by a fish processing establishment or other commercial buyer or commercial recipient of fish,

- (B) in the course of the fisher's occupation as a fisher, receives payment in the province for fish or for the fisher's contribution to the catching or landing of fish from a person engaged within the province in transmitting payments to fishers as a result of the commercial sale or use of fish,
  - (C) has made arrangements with the commission for the payment of assessments calculated by reference to the fisher's earnings from fishing, or
  - (D) notwithstanding these regulations, would be both a worker as defined in the Act and a fisher;
- (c) "commercial buyer" means a person who buys fish for resale or commercial use but excludes a person who buys fish for personal or family consumption;
  - (d) "commercial recipient" means a person who receives fish for resale or commercial use but excludes a person who receives fish for personal or family consumption;
  - (e) "commercial sale" means a sale to a person who buys fish for resale or commercial use but excludes a sale to a person who buys fish for personal or family consumption;
  - (f) "fish" means a species of animal living in water;
  - (g) "fisher" means a person who contributes in any manner to the catching or landing of fish;
  - (h) "fishing vessel" means a vessel used in catching fish or collecting and transporting fish for landing;
  - (i) "off-season" means the period during which a fisher has ceased operations, with a reasonable period for preparing and concluding the season's work, unless emergency circumstances prevail;

(j) "permanent disability benefits" means permanent partial or permanent total disability benefits payable under the Act; and

(k) "reportable injury" means an injury required to be reported to the commission under section 65 of the Act.

Approval required

**3.** (1) Where an expenditure under section 11 of the Act equals or exceeds the amount of \$100,000, the approval of the Lieutenant-Governor in Council is required.

(2) For the purpose of this section, reference to an expenditure, is a reference

(a) in the case of an acquisition, sale or dealing, to each individual acquisition, sale or dealing; and

(b) in the case of a lease, to each individual payment in respect of the lease.

Exclusions from Act

**4.** The following types of employment and occupations are excluded from the application of the Act

(a) employment by a person in respect of construction or renovation of a private residence, where the residence is or is intended to be used as a private residence of the person;

(b) employment by a person in respect of a function in a private residence of the person; and

(c) professional sports competitors.

Commercial fishers

**5.** (1) Except to the extent varied by these regulations or other regulations made under the Act, all provisions of the Act relating to workers shall apply to commercial fishers.

(2) For the purpose of the Act, a commercial fisher's employment includes work activities directly related to the commercial fisher's occupation as a commercial fisher during the commercial fisher's normal fishing season but does not include off-season activities unless special coverage has been obtained from the commission.



(3) A commercial fisher is not to be considered to be in the course of employment during the off-season.

Interpretative  
provision for Act

6. (1) For the purpose of section 52 of the Act

(a) "employer" includes a person required to pay assessments under section 8 and a person included in section 11, but does not include a commercial fisher; and

(b) "worker" includes a commercial fisher.

(2) Section 59 of the Act does not apply to a commercial fisher.

(3) For the purpose of sections 65 and 98 of the Act, the employer in respect of a fishing vessel owned or chartered by a commercial buyer or commercial recipient of fish is the vessel owner or charterer.

Determination of  
fisher's earnings

7. Average earnings in respect of a commercial fisher shall be determined in accordance with section 89 of the Act with reference to earnings from fishing in relation to which assessments have been paid or are required to be paid to the time of injury.

Assessment of  
fishers

8. (1) Unless the commission otherwise determines,

(a) a fish processing establishment licensed or required to be licensed under the *Fish Inspection Act*, which directly or indirectly acquires fish from a commercial fisher, shall pay assessments on the fish acquired, except where the fish are acquired from another fish processing establishment;

(b) a commercial buyer or commercial recipient who acquires fish from a commercial fisher other than

(i) for resale to a fish processing establishment, or

(ii) as an agent for a fish processing establishment,

shall pay assessments on the fish acquired;

(c) a person who engages the services of a master or crew for a fishing vessel shall pay assessments on earnings of the

master or crew in respect of which assessments are not paid or payable under paragraph (a) or (b); and

(d) a person engaged within the province in transmitting payment to a commercial fisher from the commercial sale of fish landed outside the province shall pay assessments on the payment.

(2) Assessments shall be paid on the total wages, price or other payments made payable to or on behalf of a commercial fisher and shall be calculated and determined, and the commission notified, in the manner that the commission may require.

(3) Priority of the commission in respect of an assessment from a person referred to in subsection (1) vests in the commission

(a) in relation to a fish processing establishment, a commercial buyer or a commercial recipient, on the day the fish is acquired;

(b) in relation to a person engaging a master or crew, on the day the master or crew receive the earnings in respect of which the assessments are paid; and

(c) in relation to a person transmitting payment to a commercial fisher as described in paragraph (1)(d), on the day the commercial fisher receives the payment transmitted.

(4) The fish processor, the commercial buyer and the commercial recipient are liable for the amount of the assessment in respect of the value of the fish purchased and the commission may levy upon and collect the assessment from one or more of them.

Payment to fisher protected

**9.** A sum payable for assessments shall not be deducted from a payment due to a commercial fisher.

Registration required

**10.** A person required to pay assessments under section 8 shall register with the commission and provide information that the commission may require.

Responsibility of fishing vessel owner

**11.** (1) A fishing vessel owner shall comply with the Act and regulations and orders and directions issued under the Act in respect of fishing vessels.

(2) Notwithstanding subsection (1), in addition to or instead of the fishing vessel owner, the commission may require that one or more of the following persons comply with the Act and regulations and orders and directions issued under the Act in respect of fishing vessels:

- (a) the master of the fishing vessel;
- (b) a commercial fisher;
- (c) the fishing vessel charterer;
- (d) a person engaged in the construction, repair or maintenance of fishing vessels; or
- (e) another person who works in or contributes to the production of the fishing industry.

Report of master of  
fishing vessel

**12.** Where the master of a fishing vessel receives a report under section 65 of the Act, or becomes aware that a member of the crew has died or sustained an injury, the master of the fishing vessel shall immediately report the death or injury to the owner or charterer of the fishing vessel or, where that is impracticable, to the commission.

Fishing vessel  
owner to pay  
expenses

**13.** Where a person transports an injured fisher in accordance with section 98 of the Act, the expense of transporting the injured fisher shall be paid by the owner of the fishing vessel on which the fisher is injured or, where the fishing vessel is chartered, by the charterer of the fishing vessel on which the fisher is injured or, in default of payment by the owner or charterer of the fishing vessel, the master of the fishing vessel.

Educational  
institutions

**14.** For the purpose of subsection 49(1) of the Act, the following are educational institutions:

- (a) Memorial University of Newfoundland;
- (b) College of the North Atlantic;
- (c) Centre for Nursing Studies;
- (d) Western Regional School of Nursing; and
- (e) a school as defined by the *Schools Act, 1997*.

Payment in death of  
worker

**15.** (1) Where the death of a worker results from an injury, a dependent spouse who survives the worker is entitled to

(a) a lump sum payment equal to 26 times the worker's average weekly net earnings at the time of injury or \$15,000, whichever is greater; and

(b) for the period

(i) from July 1, 1996 to March 31, 2018, compensation in an amount equal to 80% of the worker's average weekly net earnings at the time of the injury less a survivor's pension payable to the surviving spouse under the Canada Pension Plan or the Quebec Pension Plan, payable periodically until the date that the worker would have reached 65 years of age, and

(ii) after March 31, 2018, compensation in an amount equal to 85% of the worker's average weekly net earnings at the time of the injury less a survivor's pension payable to the surviving spouse under the Canada Pension Plan or the Quebec Pension Plan, payable periodically until the date that the worker would have reached 65 years of age.

(2) Where the death of a worker results from an injury and the worker is survived only by one or more dependent children, in addition to compensation payable under section 80 of the Act, the dependent children are entitled to share equally in a lump sum payment equal to 26 times the worker's average weekly net earnings at the time of injury or \$15,000, whichever is greater, and the payment shall be paid to the guardian of the property of the children.

(3) Where a surviving spouse in receipt of a benefit under this section dies leaving one or more dependent children of the worker under the age of 18 years, the compensation payable under paragraph (1)(b) shall be paid to the guardian of the property of the children until the youngest child reaches the age of 18 years.

(4) Notwithstanding subsections (1) and (2), where the worker is 63 years old or more at the time of death, the periodic compensation under paragraph (1)(b) shall be provided for a period of not more than 2 years following the death of the worker.

(5) Nothing in this section affects the right of a dependent to continue to receive benefits to which the dependent was entitled to before July 1, 1996 and to increases to those benefits which may be provided under subsection 75(2) of the Act.

(6) This section applies where the death of a worker results from an injury that occurred after June 30, 1996.

Compensation of  
surviving spouse

**16.** (1) A surviving spouse who is receiving or has previously received periodic compensation in respect of the death of a worker, regardless of the date of the injury, shall be entitled to a minimum level of compensation from September 1, 1998, payable periodically until

(a) the surviving spouse reaches 65 years of age, where the death of the worker results from an injury which occurred on or before June 30, 1996; or

(b) the date that the deceased worker would have reached 65 years of age, where the death of that worker results from an injury which occurred after June 30, 1996,

and after that, a surviving spouse may continue to receive compensation, if payable, according to the system of survivor's benefits applicable to the worker's fatality.

(2) The minimum compensation payable shall be equivalent to \$200 per week less

(a) the gross weekly value of a survivor's pension payable to the surviving spouse under the Canada Pension Plan or the Quebec Pension Plan; and

(b) the gross weekly value of a survivor's pension payable to the surviving spouse under an employer-sponsored pension plan.

(3) The amount payable to a surviving spouse under this section may be reviewed and adjusted to reflect changes in the survivor's pensions payable to the surviving spouse.

(4) To be eligible to receive the minimum compensation a surviving spouse shall provide proof satisfactory to the commission of the receipt or non-receipt of the survivor's pensions referred to in subsection (2).

(5) Notwithstanding subsection (1), a surviving spouse shall not be entitled to the minimum compensation if

- (a) the surviving spouse was only eligible for lump sum compensation in respect of the death of a worker; or
- (b) the surviving spouse's periodic compensation was terminated for reasons other than the date of birth or age of the surviving spouse, the worker or the worker's dependent children.

Determination of  
benefits payable  
upon death of  
worker

**17.** Where a worker dies from an injury, the benefits payable to a dependent of the worker on the worker's death shall be determined according to the regulations in force at the time the worker sustained the injury causing death.

Commission to pay  
expenses

**18.** (1) Notwithstanding section 17, where a worker dies as a result of an injury, the commission shall pay expenses for the burial of the worker or for a memorial service held for the worker, up to a maximum of \$10,000 where the death occurs on or after January 1, 2019.

(2) Notwithstanding section 17 and subsection (1), where a worker dies as a result of an injury, the commission shall pay expenses for the burial of the worker or for a memorial service held for the worker, up to a maximum of \$5,000 where the death occurred on or after May 28, 1998 but before January 1, 2019.

Limit to  
compensation

**19.** (1) A surviving dependent spouse, entitled to compensation by reason of the death of a worker, is not entitled to further compensation as a dependent of another worker.

(2) Notwithstanding subsection (1), a person who is in receipt of compensation as the result of the death of a previous spouse is entitled to receive the compensation payable as a result of the death of the person's current spouse where the present value of that compensation exceeds the present value of the compensation the person is receiving, calculated by the commission as of the date of death of the current spouse.

(3) Where compensation is paid under subsection (2), compensation being paid as a result of the death of a previous spouse shall cease.

(4) Where compensation is not paid under subsection (2), compensation being paid as a result of the death of a previous spouse continues where the person continues to be entitled to receive it and the commission may pay the amount specified in the applicable regulation for burial or memorial expenses.

(5) Compensation payable to a person under subsection 75(3) of the Act shall cease when a person becomes entitled to compensation as a surviving spouse of a worker.

Maximum  
compensable  
assessable earnings

**20.** The maximum compensable assessable earnings for 2015 and each year after that shall be calculated annually in accordance with the following formula:

$$\text{MCAE} = (\text{PMCAE} \times (\text{Percent change in CPI}/100))$$

where

MCAE means the maximum compensable assessable earnings

PMCAE means the maximum compensable assessable earnings for the previous year

Percent change in CPI means the percent difference, rounded to one decimal place, between

- (i) the average monthly Consumer Price Index as published for Canada by Statistics Canada for the 12 month July to June period immediately preceding the year of the maximum compensable assessable earnings calculation, and
- (ii) the average monthly Consumer Price Index as published for Canada by Statistics Canada for the 12 month July to June period immediately preceding the period referred to in subparagraph (i).

Occupational  
diseases

**21.** (1) For the purpose of subsection 104(2) of the Act, the commission has set out the following occupational diseases and associated processes:

<b>Occupational Disease</b>	<b>Description of Process</b>
1. Pneumoconiosis caused by sclerogenic mineral dust (silicosis, anthraco-silicosis, asbestosis) and silicio-tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2. Bronchopulmonary diseases caused by hard metal dust.	All work involving exposure to the risk concerned.
3. Bronchopulmonary diseases caused by cotton dust (byssinosis), or flax, hemp or sisal dust.	All work involving exposure to the risk concerned.
4. Occupational asthma caused by sensitizing agents or irritants both recognized in this regard and inherent in the work process.	All work involving exposure to the risk concerned.
5. Extrinsic allergic alveolities and its sequelae caused by the inhalation of organic dusts, as prescribed by national legislation.	All work involving exposure to the risk concerned.
6. Diseases caused by beryllium or its toxic compounds.	All work involving exposure to the risk concerned.
7. Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
8. Diseases caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
9. Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
10. Diseases caused by manganese or its toxic	All work involving exposure to the risk concerned.



compounds.

11. Diseases caused by arsenic or its toxic compounds. All work involving exposure to the risk concerned.

12. Diseases caused by mercury or its toxic compounds. All work involving exposure to the risk concerned.

13. Diseases caused by lead or its toxic compounds. All work involving exposure to the risk concerned.

14. Diseases caused by fluorine or its toxic compounds. All work involving exposure to the risk concerned.

15. Diseases caused by carbon disulfide. All work involving exposure to the risk concerned.

16. Diseases caused by the toxic halogen derivatives of aliphatic or aromatic hydrocarbons. All work involving exposure to the risk concerned.

17. Diseases caused by benzene or its toxic homologues. All work involving exposure to the risk concerned.

18. Diseases caused by toxic nitro and amio-derivatives of benzene or its homologues. All work involving exposure to the risk concerned.

19. Diseases caused by nitroglycerin or other nitric acid esters. All work involving exposure to the risk concerned.

20. Diseases caused by alcohols, glycols or ketones. All work involving exposure to the risk concerned.

21. Diseases caused by asphyxiants including  
(a) carbon monoxide;  
(b) hydrogen cyanide or its toxic derivatives; or  
(c) hydrogen sulfide. All work involving exposure to the risk concerned.

22. Hearing impairment caused by noise. All work involving exposure to the risk concerned.

23. Diseases caused by vibration (disorders of muscles, tendons, bones, joints, peripheral blood vessels or peripheral nerves).	All work involving exposure to the risk concerned.
24. Diseases caused by work in compressed air.	All work involving exposure to the risk concerned.
25. Diseases caused by ionizing radiations.	All work involving exposure to the action of ionizing radiations.
26. Skin diseases caused by physical, chemical or biological agents not included under other items.	All work involving exposure to the risk concerned.
27. Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risk concerned.
28. Lung cancer or mesotheliomas caused by asbestos.	All work involving exposure to the risk concerned.
29. Infectious or parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) health or laboratory work; (b) veterinary work; (c) work handling animals, animal carcasses, parts of those carcasses, or merchandise which may have been contaminated by animals, animal carcasses, or parts of such carcasses; and (d) other work carrying a particular risk of contamination.
30. Cancer of the esophagus and cancer of the larynx caused by exposure to metal working fluids.	All work involving exposure to the risk concerned.

(2) In the application of the Table in subsection (1), the degree and type of exposure should be taken into account when appropriate.

Minimum  
assessment

**22.** Where an assessment at a provisional or adjusted rate would be less than \$50, an employer shall be assessed a minimum assessment of \$50.

Statements of  
payroll

**23.** (1) Under subsection 123(2) of the Act, certified statements of payroll shall be signed by the employer or manager of the business or, where the employer is a corporation, by an officer of the corporation having a knowledge of the matter in the declaration, and shall be submitted to the commission no later than

- (a) 30 days after becoming an employer under the Act; and
- (b) the last day of February of each subsequent year.

(2) An employer who fails to comply with subsection (1) shall be liable for an additional assessment in accordance with the following table:

<b>Amount of Assessment Payable</b>	<b>Penalty</b>
\$50 - \$999	\$50
\$1,000 - \$4,999	\$100
\$5,000 - \$49,999	\$500
\$50,000 - \$99,999	\$1,000
\$100,000 - and over	\$2,000

(3) In addition to a penalty imposed under subsection (2), the commission may impose a penalty of 10% of that penalty for each day during which the failure to comply with this section continues.

(4) A penalty imposed on an employer under this section may be added to the employer's assessment and payment enforced under section 140 of the Act.

Fishing and logging  
industry reports

**24.** (1) Notwithstanding section 23, an employer in the fishing industry shall submit a certified statement with respect to fish purchases, and an employer in the logging industry shall submit a certified statement with respect to pulpwood and logging production, to the commission

- (a) for the first quarter of the year, not later than April 15;

- (b) for the second quarter of the year, not later than July 15;
- (c) for the third quarter of the year, not later than October 15;  
and
- (d) for the fourth quarter of the year, not later than January 15.

(2) An employer who fails to comply with subsection (1) shall be liable for an additional assessment in accordance with the following table:

Quarterly Assessment Amount	Penalty
\$12.50 - \$249.99	\$12.50
\$250.00 - \$1,249.99	\$25.00
\$1,250.00 - \$12,499.99	\$125.00
\$12,500.00 - \$24,999.99	\$250.00
\$25,000.00 - and over	\$500.00

(3) In addition to a penalty imposed under subsection (2), the commission may impose a penalty of 10% of that penalty for each day during which the failure to comply with this section continues.

(4) A penalty imposed on an employer under this section may be added to the employer's assessment and payment enforced under section 140 of the Act.

Payroll estimate adjustments

**25.** (1) Where the actual payroll of an employer is more than 125% of the estimated payroll provided by the employer under paragraph 123(2)(b) of the Act, the employer shall pay a penalty equal to 10% of the difference between the actual assessment and 125% of the estimated or provisional assessment.

(2) The penalty referred to in subsection (1) shall be added to the employer's assessment.

(3) Notwithstanding subsection (1), where the amount of the penalty calculated in accordance with subsection (1) is less than \$50 the employer is not required to pay a penalty.

Deduction from payroll

**26.** In calculating and adjusting the amount of the payroll of an employer under section 124 of the Act, an amount in excess of the maximum assessable compensable earnings paid to a worker shall be

deducted from the amount of the payroll and the assessment shall be based on the payroll as reduced.

Statement

**27.** At the end of each year, a principal shall provide a statement to the commission which shall include the names of all persons to whom contracts were given during the previous year and details of those contracts in the form required by the commission.

Permanent  
disability benefits

**28.** (1) Where permanent disability benefits are being paid to a worker in respect of an injury which occurred before January 1, 1984, those benefits may, after December 31, 1985,

(a) where there is no loss of earnings as a result of the injury, be converted to a lump sum payment based on the capitalized reserve established to sustain the permanent disability benefits, subject to the conversion being acceptable to the injured worker;

(b) where there is a demonstrated or considered loss of earnings as a result of the injury, be integrated into loss of earnings benefits; or

(c) where necessary or appropriate, be determined by using a combination of paragraphs (a) and (b).

(2) In no case shall the conversion of benefits under subsection (1) result in a decrease in the amount of benefits being paid immediately before the conversion.

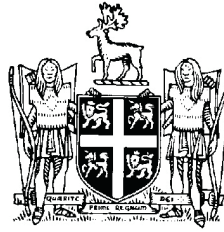
Recovery of  
assessments

**29.** All penalties, assessments and amounts that may be assessed, imposed or recovered under these regulations may be recovered in the name of the commission in a court, but the commission, where satisfied that a default referred to in these regulations was excusable, may relieve the employer in whole or in part of a penalty.

Commencement

**30. These regulations come into force on September 1, 2023.**

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## NEWFOUNDLAND AND LABRADOR REGULATION 67/23

*Workplace Health, Safety and Compensation Regulations, 2023*  
under the  
*Workplace Health, Safety and Compensation Act, 2022*  
(O.C. 2023-208)

*(Filed August 31, 2023)*

Under the authority of section 149 of the *Workplace Health, Safety and Compensation Act, 2022*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, August 30, 2023.

Krista Quinlan  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |   |   |
|---|---|
| 1. Short title  | 7. Volunteer search and rescue members        |
| 2. Definitions  | 8. When search and rescue members are covered |
| 3. Volunteer firefighters                               | 9. Auxiliary constables                       |
| 4. When volunteer firefighters are covered              | 10. When auxiliary constables are covered     |
| 5. Volunteer ambulance service                          | 11. Lump sum payment                          |
| 6. When volunteer ambulance service members are covered | 12. Service periods                           |

- |                                  |                             |
|----------------------------------|-----------------------------|
| 13. Documentation required       | 16. Additional assessment   |
| 14. Late payment penalty         | 17. Recovery of assessments |
| 15. Deferred payment arrangement | 18. Repeal                  |
|                                  | 19. Commencement            |

Short title                    **1.** These regulations may be cited as the *Workplace Health, Safety and Compensation Regulations, 2023*.

Definitions                    **2.** In these regulations,

   (a) "Act" means the *Workplace Health, Safety and Compensation Act, 2022*;

   (b) "CASARA-NL" means the Civil Air Search and Rescue Association of Newfoundland and Labrador; and

   (c) "NLSARA" means the Newfoundland and Labrador Search and Rescue Association Inc.

Volunteer firefighters                    **3.** The commission may apply the provisions of the Act in the manner set out in section 4 to a volunteer fire department or brigade where the municipality in which the volunteer fire department or brigade is located and serves applies to the commission requesting that the Act apply.

When volunteer firefighters are covered                    **4.** (1) For the purpose of the Act, where the commission has admitted a volunteer fire department or brigade

   (a) the members of the department or brigade who are certified as that by an official of the municipality shall be considered workers; and

   (b) the municipality that makes the application for admission of the department or brigade shall be considered the employer.

(2) The members of a volunteer fire department or brigade are considered to be in the course of their employment from the time they leave their residence or place of employment to respond to an emergency call until they have completed those activities required to respond to that emergency call.

(3) The members of a volunteer fire department or brigade are also considered to be in the course of their employment while

   (a) carrying out duties and responsibilities assigned by their employer or its delegate;



- (b) repairing and maintaining firefighting equipment on the premises of the department or brigade; and
- (c) attending educational and training sessions which have been sanctioned by the Office of the Fire Commissioner.

(4) The members of a volunteer fire department or brigade are not considered to be in the course of their employment while involved in fundraising activities on behalf of the department or brigade.

(5) An employer shall annually, before January 1 and at the other times that the commission requires, notify the commission of the number of members of the volunteer fire department or brigade certified under paragraph (1)(a).

Volunteer  
ambulance service

5. The commission may apply the provisions of the Act in the manner set out in section 6 to a municipally-sponsored or independent community volunteer ambulance service certified under the *Motor Carrier Act* and regulations where the municipality in which the volunteer ambulance service is located and serves applies to the commission requesting that the Act apply.

When volunteer  
ambulance service  
members are  
covered

6. (1) For the purpose of the Act, where the commission has admitted a volunteer ambulance service

- (a) the members of the service who are designated as that by an official of the Department of Health and Community Services shall be considered workers; and
- (b) the ambulance service that makes the application for admission of the ambulance service shall be considered the employer.

(2) The members of the volunteer ambulance service are considered to be in the course of their employment from the time they leave their residence or place of employment to respond to an emergency call until they have completed those activities required to respond to that emergency call.

(3) The members of a volunteer ambulance service are also considered to be in the course of their employment while

- (a) carrying out duties and responsibilities of a member of a volunteer ambulance service as assigned by their employer or its delegate;
- (b) repairing and maintaining ambulance or other equipment related to the ambulance service; and
- (c) attending educational and training sessions which have been sanctioned by the Department of Health and Community Services.

(4) The members of a volunteer ambulance service are not considered to be in the course of their employment while involved in fundraising activities on behalf of the volunteer ambulance service.

(5) An employer shall annually, before January 1 and at the other times that the commission requires, notify the commission of the number of members of the volunteer ambulance service designated under paragraph (1)(a).

Volunteer search  
and rescue members

7. The commission may apply the provisions of the Act in the manner set out in section 8 to NLSARA or CASARA-NL where the Department of Justice and Public Safety applies to the commission requesting that the Act apply.

When search and  
rescue members are  
covered

8. (1) For the purpose of the Act, where the commission has admitted NLSARA or CASARA-NL

- (a) the members of NLSARA or CASARA-NL who are designated by an official of the Department of Justice and Public Safety shall be considered workers; and
- (b) the Department of Justice and Public Safety shall be considered the employer.

(2) The members of NLSARA or CASARA-NL are considered to be in the course of their employment from the time they leave their residence or place of employment to respond to an emergency call as tasked by the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police until they have completed those activities required to respond to that emergency call.

(3) The members of NLSARA and CASARA-NL are also considered to be in the course of their employment while

- (a) carrying out search and rescue activities including evidence searches as tasked by the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police; and
- (b) attending educational and training sessions which have been sanctioned by the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police.

(4) The members of NLSARA and CASARA-NL are not considered to be in the course of their employment while involved in fundraising activities on behalf of NLSARA or CASARA-NL.

(5) The employer shall annually, before January 1 and at the other times that the commission requires, notify the commission of the names of the members of NLSARA and CASARA-NL designated under paragraph (1)(a).

Auxiliary  
constables

**9.** The commission may apply the provisions of the Act in the manner set out in section 10 to Royal Canadian Mounted Police auxiliary constables operating in the province where the Department of Justice and Public Safety applies to the commission requesting that the Act apply.

When auxiliary  
constables are  
covered

**10.** (1) For the purpose of the Act, where the commission has admitted the Royal Canadian Mounted Police auxiliary constables

- (a) the auxiliary constables who are designated as that by an official of the Department of Justice and Public Safety shall be considered workers; and
- (b) the Department of Justice and Public Safety shall be considered the employer.

(2) The auxiliary constables are considered to be in the course of their employment while

- (a) carrying out duties and responsibilities of an auxiliary constable as assigned by the Royal Canadian Mounted Police; and

(b) attending educational and training sessions which have been sanctioned by the Royal Canadian Mounted Police.

(3) The employer shall annually, before January 1 and at the other times that the commission requires, notify the commission of the names of the Royal Canadian Mounted Police auxiliary constables designated under paragraph (1)(a).

Lump sum payment

**11.** A lump sum payment referred to in paragraph 82(1)(b) of the Act shall be no less than \$1,000 and no greater than the maximum compensable earnings prescribed in section 19 of the *Workplace Health, Safety and Compensation Administrative Regulations*.

Service periods

**12.** For the purposes of paragraph 109(2)(a) of the Act, the minimum cumulative periods of service for the listed diseases are as follows:

primary site brain cancer	10 years
primary site bladder cancer	15 years
primary site colorectal cancer	20 years
primary site esophageal cancer	25 years
primary leukemia	5 years
primary site lung cancer	15 years
primary site kidney cancer	20 years
primary non-Hodgkin lymphoma	20 years
primary site testicular cancer	20 years
primary site ureter cancer	15 years
primary site breast cancer	10 years
primary site penile cancer	15 years

primary site pancreatic cancer	10 years
primary site thyroid cancer	10 years
multiple myeloma	15 years
primary site prostate cancer	15 years
primary site cervical cancer	10 years
primary site ovarian cancer	10 years
primary site skin cancer	15 years
an injury to the heart that manifests within 24 hours after attendance at an emergency response	None

Documentation  
required

**13.** An employer shall provide the following information to the commission in relation to a firefighter or volunteer firefighter who is diagnosed with a listed disease:

- (a) the number of fire scenes, other than forest fire scenes, that the firefighter or volunteer firefighter attended;
- (b) the firefighter or volunteer firefighter's years of service as a firefighter or volunteer firefighter; and
- (c) any other information the commission considers necessary.

Late payment  
penalty

**14.** (1) Where under subsection 121(1) of the Act an assessment is due and payable on January 1 and is not paid by April 1 in that year, the employer shall pay as a penalty a percentage, determined in accordance with subsection (4), of the amount unpaid for each month after March, where the default continues.

(2) Where under subsection 121(2) of the Act an assessment is due and payable after January 1 and is not paid

- (a) by April 1 in that year, in the case where the worker is employed after January 1 but before March 1, the employer shall pay as a penalty a percentage, determined in

accordance with subsection (4), of the amount unpaid for each month after March, where the default continues; or

- (b) within 30 days after the date on which the assessment becomes due and payable, in the case where the worker is employed after the last day of February, the employer shall pay as a penalty a percentage, determined in accordance with subsection (4), of the amount unpaid for each month after the 30 days where the default continues.

(3) Where under section 139 of the Act an assessment or special assessment is not paid when it is due and payable, the employer shall pay as a penalty a percentage, determined in accordance with subsection (4), of the amount unpaid for each month after 30 days where the default continues.

(4) For the purpose of subsections (1) to (3), the percentage shall be the sum of

- (a) the prime rate in effect with the commission's banking institution on January 1 of that year; and
- (b) 5%,

divided by 12, rounded off to the nearest 1/100 of 1%.

(5) The penalty for default is to be applied even though the amount in default may include a penalty previously imposed.

(6) A penalty imposed on an employer under this section may be added to the employer's assessment and payment enforced under section 140 of the Act.

Deferred payment  
arrangement

**15.** (1) Notwithstanding section 14, an employer is not liable for the penalty required by that section where the employer

- (a) satisfies the conditions set by the commission;
- (b) enters into an arrangement to pay the assessment for the current year in equal instalments between April 1 and December 31; and

(c) makes the payments in the manner and at the time required by the arrangement referred to in paragraph (b).

(2) Where, during the year, the assessment due and payable by an employer for the current year changes, the amount payable under the arrangement entered into by the employer with the commission under subsection (1) shall be adjusted as required and the employer shall pay the balance of the assessment for the year, as adjusted, in equal instalments beginning on the next scheduled payment date immediately following the assessment adjustment and ending on the final scheduled payment date.

(3) Where an employer who has entered into an arrangement with the commission under subsection (1) defaults in making a payment in the amount or manner or at the time required under the arrangement with the commission, section 14 applies to the full outstanding balance.

Additional  
assessment

**16.** (1) An employer who fails to comply with the provisions of section 65 of the Act may, in addition to other penalties that may be applicable, be assessed

(a) in respect of a claim for health care, an amount of \$100; or

(b) in respect of a claim for lost time, an amount of \$200.

(2) In addition to an assessment imposed under subsection (1), the commission may impose a penalty of \$25 for each day during which the failure to comply with section 65 of the Act continues to a maximum of

(a) \$500, in respect of a claim for health care; or

(b) \$1,000, in respect of a claim for lost time.

(3) A penalty imposed on an employer under this section may be added to the employer's assessment and payment enforced under section 140 of the Act.

Recovery of  
assessments

**17.** All penalties, assessments and amounts that may be assessed, imposed or recovered under these regulations may be recovered in the name of the commission in a court, but the commission, where satisfied

that a default referred to in these regulations was excusable, may relieve the employer in whole or in part of a penalty.

Repeal

**18. The *Workplace Health, Safety and Compensation Regulations, Consolidated Newfoundland and Labrador Regulation 1025/96* are repealed.**

Commencement

**19. These regulations come into force on September 1, 2023.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 68/23**

*Workplace Health, Safety and Compensation Review Board  
Regulations  
under the  
Workplace Health, Safety and Compensation Act, 2022  
(O.C. 2023-210)*

*(Filed August 31, 2023)*

Under the authority of section 151 of the *Workplace Health, Safety and Compensation Act, 2022*, the Workplace Health, Safety and Compensation Review Board, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, August 30, 2023.

Suzanne Hollett  
Chief Review Commissioner of the Workplace Health,  
Safety and Compensation Review Board

Krista Quinlan  
Clerk of the Executive Council

## REGULATIONS

### Analysis

- |                                       |                                 |
|---------------------------------------|---------------------------------|
| 1. Short title                        | 5. Information not provided     |
| 2. Definition                         | 6. Witness                      |
| 3. Reassignment of review             | 7. Order by review commissioner |
| 4. Information and evidence in review | 8. Repeal                       |

Short title                    **1.** These regulations may be cited as the *Workplace Health, Safety and Compensation Review Board Regulations*.

Definition                    **2.** In these regulations, "Act" means the *Workplace Health, Safety and Compensation Act, 2022*.

Reassignment of review                    **3.** The chief review commissioner may reassign a review from one review commissioner to another review commissioner before evidence is taken on a review.

Information and evidence in review                    **4.** (1) The review commissioner may order production of all information that was before the commission in making its decision.

(2) Where the commission receives evidence subsequent to the rendering of a decision and the commission advises the review commissioner that it has considered the evidence for which a review has been requested before a decision is made by the review commissioner and it does not alter its decision, the review commissioner may accept that new evidence as part of the decision being reviewed.

Information not provided                    **5.** Where a review commissioner orders a party or the commission to provide certain information by a particular date and that information is not provided by that date, the review commissioner may, in the review commissioner's discretion, proceed to make the decision without that information.

Witness                    **6.** (1) Where a party wishes to call a person as a witness at a review, the party may serve the person with a subpoena in the form provided by the review board requiring the person to attend at a time and place stated in it and, where required, to produce certain documents at the review.

(2) A subpoena referred to in this section shall be

(a) issued by the review board; and

(b) served in accordance with the *Rules of the Supreme Court, 1986*.

(3) A copy of the subpoena with proof of service shall be filed with the review board.

Order by review  
commissioner

7. Where, after examining both a request for review and the decision of the commission, the review commissioner determines that the commission failed to decide a question that the Act required the commission to decide, the review commissioner may issue an order returning the matter to the commission for a decision.

Repeal

**8. The *Workplace Health, Safety and Compensation Review Division Regulations, Consolidated Newfoundland and Labrador Regulation 1117/96*, are repealed.**

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### PART II

#### CONTINUING INDEX OF SUBORDINATE LEGISLATION

<b>Title of Act and Subordinate Legislation made thereunder</b>	<b>CNLR or NL Reg.</b>	<b>Amendment</b>	<b>NL Gazette Date &amp; Page No.</b>
<b>Workplace Health, Safety and Compensation Act</b>			
Construction Industry Early and Safe Return to Work and Re-employment Repeal Regulations	NLR 64/23	Repeals NLR 77/02  Extraordinary Gazette Aug. 31, 2023	Sept. 1/23 p. 471
<b>Lands Act</b>			
Wind Energy Land Reserve Order (Amendment) No. 2	NLR 65/23	Amends NLR 86/22 Sch. R&S	Sept. 1/23 p. 473
<b>Workplace Health, Safety and Compensation Act, 2023</b>			
Workplace Health, Safety and Compensation Administrative Regulations	NLR 66/23	New	Sept. 1/23 p. 475
Workplace Health, Safety and Compensation Regulations, 2023	NLR 67/23	R&S CNLR 1025/96	Sept. 1/23 p. 493
Workplace Health, Safety and Compensation Review Board Regulations	NLR 68/23	R&S CNLR 1117/96	Sept. 1/23 p. 503

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