OFFSHORE HELICOPTER SAFETY INQUIRY February 9, 2010 Tara Place, Suite 213, 31 Peet Street St. John's, NL

#### February 9, 2010

#### PRESENT:

John F. Roil, Q.C./
Anne FaganInquiry Counsel
John Andrews/Amy Crosbie Canada-Newfoundland and Labrador Offshore 
Cecily Strickland/Ian Wallace Hibernia Management and Development Company (HMDC)
Denis Mahoney/D. Blair PritchettSuncor (Petro-Canada)
Alexander C. MacDonald, Q.C./ Stephanie Hickman
Jennifer Berlin Government of Newfoundland and Labrador
Jack Harris, MP (Self-Represented)
Norman J. Whalen, Q.C./ Michael CohenCougar Helicopters Inc.
Jamie MartinFamilies of Deceased Passengers
Gerald O'Brien, Q.Cagent on behalf of Douglas A. Latto for Lanouette Estate (Co-pilot)
V. Randell J. Earle, Q.CCommunications, Energy and Paperworkers Union 
David F. Hurley, Q.C Offshore Safety and Survival Centre, Marine Institute

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1	February 9, 2010	-	1	think we'll see that perhaps something of the
2	COMMISSIONER:		2	culture or the personalities of the people or
3	Q. Good morning, ladies and gentlemen. Now Mr	·.	3	whatever will make differences and that would
4	Roil, are you ready?		4	apply to any number of operators that we would
5	ROIL, Q.C.:		5	bring forward. So we're bringing forward two,
6	Q. As soon as my mike comes on, Commissioner,	I	6	once again as examples and not as a compare
7	will be. There we go. Yes, good morning,		7	and contrast game.
8	Commissioner. Just a few opening comments to	D I	8	So with that sort of opening comment, we
9	put the evidence for today in a bit of a		9	have, first of all, Mr. Murphy. Good morning,
10	factual context and so that we understand	1	0	Mr. Murphy.
11	where the three witnesses are coming from.	1	1 M	MR. MURPHY:
12	Today we have three representatives of CEP	1	2	A. Good morning
13	Local 2121. One is Mr. Brian Murphy, the	1	3 RC	ROIL, Q.C.:
14	gentleman who's seated in the witness chair	1	4	Q. And I understand that Mr. Murphy is going to
15	right now. He's from the Terra Nova FPSO and	1	5	be sworn.
16	he will be the first witness. The second is	1	6 CC	COMMISSIONER:
17	Mr. Sheldon Peddle who works on the Hibernia	1 I	7	Q. Yes. Good morning, Mr. Murphy.
18	GBS and he's seated in the front row next to	1	8 MI	MR. MURPHY:
19	Mr. Earle, and finally, Mr. Stan Hussey, who's	1	9	A. Good morning.
20	also from Terra Nova FPSO and he's seated next	2	20 мі	MR. BRIAN MURPHY, SWORN, EXAMINATION BY JOHN ROIL, Q.C.
21	to Mr. Peddle.	2	21 RE	REGISTRAR:
22	We have no witness or worker today from	2	22	Q. State your name, please.
23	the SeaRose. This, of course, as we know, is	2	23 мі	MR. MURPHY:
24	not a unionized workplace. The CEP, of	2	24	A. Brian Murphy.
25	course, would have no representatives there,	2	25 RE	REGISTRAR:
26	but we have noted the participation and	2	26	Q. Thank you.
		Page 2		Page 4
1	involvement of Mr. Mark Frost, who has be	een	1 RC	ROIL, Q.C.:
2	seated in the room for most of the time that		2	Q. Commissioner, Mr. Murphy has provided me with
3	we have been having these public hearing an	nd	3	some speaking notes that he intends to use and
4	if he has any concerns or any interest, I'm		4	refer to on the way through his evidence. It
5	sure he can bring them to my or to your		5	is not in the nature of a presentation like
6	attention.		6	some of the more formal presentations that
7	In terms of the evidence today, there		7	we've seen here, but by allowing me to have
8	will be Mr. Murphy will speak about the		8	access to his speaking notes, I can guide him
9	concerns of workers regarding various aspec	ts	9	and will from time to time perhaps interrupt
10	of helicopter travel. His focus will be on	1	0	and ask a question or ask a clarification. So
11	the various issues that are of concern to	1	1	if he's okay with that, that's the approach
12	workers and travellers. Mr. Peddle will speal	k   1	2	that we'll take. So Mr. Murphy, I think
13	primarily about the Occupational Health an		3	initially you're going to tell us a little bit
14	Safety regime at Hibernia and how helicopted	er 1	4	about your background and your experience and
15	issues are raised or are not raised, in the		5	your work at the Terra Nova FPSO. So let's
16	context of that regime, and then Mr. Husse		6	lead off with who is Brian Murphy and where
17	will speak of the corresponding regime at the		7	does he come from? Where do you call home?
18	Terra Nova facility and how helicopter issue	s 1	8 M	MR. MURPHY:
		1	9	A. I'm Brian Murphy and I'm Newfoundland born and
19	are dealt with in that organization.	I		
19 20	Again, I would caution everybody that by		20	bred.
	÷			bred. ROIL, Q.C.:
20	Again, I would caution everybody that by	ny 2		
20 21	Again, I would caution everybody that by displaying these two OHS regimes, it is not m	ny 2 m 2	21 RG 22	ROIL, Q.C.:
20 21 22	Again, I would caution everybody that by displaying these two OHS regimes, it is not m intention to compare them and contrast them	ny 2 m 2 2	21 RG 22	ROIL, Q.C.: Q. Okay.
20 21 22 23	Again, I would caution everybody that by displaying these two OHS regimes, it is not m intention to compare them and contrast then and to even argue or suggest that one is	ny 2 m 2 2 2	21 RO 22 23 M	ROIL, Q.C.: Q. Okay. MR. MURPHY:

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1 of vice-president of the CEP for the Terra	1 following year, the GF Grand Banks, which is
2 Nova bargaining unit for Local 2121.	2 currently working offshore for Husky, I
3 ROIL, Q.C.:	3 believe right now.
4 Q. How long have you held that position of vice-	
5 president?	5 Q. Yes, indeed.
6 MR. MURPHY:	6 MR. MURPHY:
7 A. Just over a year now.	7 A. And I worked on that when she was being refit
8 ROIL, Q.C.:	8 up in Halifax and again back here in
9 Q. Okay.	9 Newfoundland, went offshore on her for a short
10 MR. MURPHY:	10 period of time, and then in September of '03,
11 A. I worked in the oil and gas industry since	11 I started a fill-in position that an
12 starting my apprenticeship, a long, long time	12 electrician had moved on from the Terra Nova
ago. As a matter of fact, I was on the Come	13project and I started filling in for this guy
14 by Chance oil refinery, one of the first oil	14 and I've been working pretty well steady
15 projects that was ever introduced here in	15 rotations for the past six and a half years.
16 Newfoundland, and after achieving my	16 ROIL, Q.C.:
17 interprovincial journeyman ticket, I travelled	17 Q. So how many flights would you think you would
18to Alberta and worked on the tar sands for a	18 have made in that period of time? Anyway you
19 while, the oil sands projects up there. Lived	19 can estimate the number generally?
20 and worked in and around Calgary, and over t	
21 years, I've been working on projects, both	21 A. 16 times 6.
22 back and forth from Newfoundland and Alber	
23 ROIL, Q.C.:	23 Q. 16 a year times 6 years.
Q. But you decided you needed to come home, o	
25 you?	A. Times six and a half years, yeah.
26 MR. MURPHY:	26 ROIL, Q.C.:
	age 6 Page 8
1 A. We always come home.	1 Q. I'll let my math teacher figure that one out.
2 ROIL, Q.C.:	2 MR. MURPHY:
3 Q. Indeed, indeed.	3 A. Up until 491, they were pretty common place.
4 MR. MURPHY:	4 ROIL, Q.C.:
5 A. I worked on the Hibernia project for a short	5 Q. Yes.
6 time during its construction, but I did not go	6 MR. MURPHY:
7 offshore on that project.	7 A. You get on and read your book, you go to
8 ROIL, Q.C.:	8 sleep. Things have changed. I think I'd like
9 Q. Okay, and what kind of work were you doir	
10 there in the construction phase?	10 evidence I'm going to present to you today are
11 MR. MURPHY:	11 the concerns of the workers. They're the
12 A. It was with the electrical, electrical	12 concerns of the workers who fly offshore, not
13 construction.	13 just the unionized workers. There's one thing
14 ROIL, Q.C.:	14 that we all have in common and that's we fly
15 Q. Okay.	back and forth to our work, and I think if you
16 MR. MURPHY:	16 looked at the 350 or so questions that were
17 A. And on the Terra Nova FPSO, I was part of the	
18 commissioning team during its construction a	
19 the mating in the Bull Arm. I was also part	19 it's an overview of concerns of everybody
20 of the sea trials and the start up and when	20 working offshore.
21 she went offshore, I was part of the start-up	21 ROIL, Q.C.:
22 team, but I did not continue after first oil	22 Q. Have you actually gotten into a formal survey
23 on the Terra Nova. I moved on to other	23 or have you simply talked to your coworkers as
24 projects, and I worked on a couple of semi-	24 you've went about your duties?
25 submersible rigs, the Eirik Raude when it was	
being constructed up in Halifax, and the	A. I talked to the coworkers and I've gone over

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1 all these questions and one of the documen	ts 1 time to time perhaps.
2 that came out listed where these questions	2 MR. MURPHY:
3 come from.	3 A. If I come knocking on your door to mow your
4 ROIL, Q.C.:	4 lawn, yeah, be generous.
5 Q. Oh, this is the questions in the return to -	5 ROIL, Q.C.:
6 MR. MURPHY:	6 Q. I don't think we'll have any concerns there.
7 A. The 350 that -	7 MR. MURPHY:
8 ROIL, Q.C.:	8 A. No, I'm sure I won't.
9 Q return to service?	9 ROIL, Q.C.:
10 MR. MURPHY:	10 Q. No. You're certainly entitled and we
11 A that return to service narrowed them dow	n 11 encourage participation, so I'm glad to have
12 because of redundancy and repetition, the	· · ·
13 narrowed them down to, I think it was 125	or 13 MR. MURPHY:
14 so.	14 A. I'd like to try to explain just a couple of
15 ROIL, Q.C.:	reasons why we try so hard to get our concerns
16 Q. Right.	16 listened to and acted upon. All of us
17 MR. MURPHY:	17 offshore understand the hazards that are
A. But the original 350-380 questions, whatev	
19 that figure was, if you noticed from the	19 have a great deal of control over our working
20 original document, it states where they con	
21 from, the SeaRose or the Glomar, the Her	
22 Goodrich. So it's an overview of the conce	
23 of everybody who flies.	the control of work system which is
24 ROIL, Q.C.:	24 implemented there, a great system, with the
25 Q. Okay.	25 permit system, the toolbox talks, the step
26 MR. MURPHY:	back 5 by 5's, the hazard reporting cards, all
F	Page 10 Page 12
1 A. I'd also like to say here that some of the	1 the procedures that are in place to make our
2 people that come to me with their concerns	and 2 work safe. The bottom line is we are the ones
3 express them, when we were looking for	or 3 that are out there that are cracking the bolts
4 somebody to come up here, I suggested "v	
5 don't you do this?" but there was a concer	
6 for their livelihoods, to be honest with you,	6 and we're the ones dealing with the high
7 and I know that's a little bit archaic in this	7 temperatures, the high pressures and the
8 day and age to be thinking that way, but it i	
9 a concern. But at the same time, I'm here	
10 because I feel that these people need to have	
11 need to be heard, you know. They're	
12 concerned and -	and enjoy the rewards of our work. We have
13 ROIL, Q.C.:	13 the ultimate control of what we do and how we
14 Q. So you're not saying you agree that their	
15 concerns are well-founded, but they have th	
16 concerns?	16 Q. Okay. So you're saying that on the rig
17 MR. MURPHY:	17 itself, that you are a part of the workplace.
18 A. Absolutely. It's for somebody else to	18 You do some of the work, your coworkers do the
19 determine what can be done about it. This	
20 what we are concerned about, as worker	
21 offshore, flying back and forth, and also, I'i	
22 hoping as a union official, maybe I have a	
23 little bit of immunity of repercussions later	in place that enhance the safety and we do
24 on down the road.	24 that.
25 ROIL, Q.C.:	25 ROIL, Q.C.:
26 Q. You better speak to Mr. Earle about that fro	m 26 Q. The oil operators came here and they told us

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1 about these systems and Mr. Earle, your	-	so hard to get our voices heard here. When
2 counsel, was quite complimentary of them		the next one goes into the ocean, it's going
3 would you agree with that, that generally		to be full of us workers, offshore workers,
4 speaking there's good systems on board the	ese 4	and it seems likely to us that the likelihood
5 facilities?	5	of a ditching has increased significantly
6 MR. MURPHY:	6	since 491 and basically because of the
7 A. I will you'll never hear me argue against	7	directive that a similar set of events that
8 safety. It's just something that's inherent	8	happened in 491 in regards to the alarms, the
9 in us. At one point, we used to be fighting	9	type of alarms, they're going to ditch now.
10 for our safety. We used to fight with the	10	It's not they're going to try to avoid the
11 contractor. Not saying in just the recent	11	catastrophe crash. So when these alarms come
past, but in the past, we have had to fight	12	into effect now, the procedure is to go into
13 for safety implementation and when it's	13	the water in a controlled ditching.
14 brought to us, we embrace it.		IL, Q.C.:
15 ROIL, Q.C.:		Q. Are you aware of an actual policy at Cougar
16 Q. Okay. In the case of the offshore facilities,	16	that says that or is this the conversation as
17 the culture is there, is it?	17	between workers?
18 MR. MURPHY:	18 MR	. MURPHY:
19 A. Absolutely.	19	A. This is the conversation between workers. It
20 ROIL, Q.C.:	20	has been our understanding that this is the
21 Q. The culture of safety?	21	way this is going to work. There is a set
22 MR. MURPHY:	22	procedure and Sikorsky maybe can or Cougar
23 A. Absolutely.	23	can maybe clarify that, but it's our
24 ROIL, Q.C.:	24	understanding that when this same dry gearbox
25 Q. Okay.	25	alarm comes in, then it's put it down
26 MR. MURPHY:	26	wherever, wherever you can. Given that, we
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1 A. Time and time again we get into just person	0	want every possible impediment to survival and
2 discussions with guys and we talk about how		rescue removed.
3 use some of the safety culture at home, in or		IL, Q.C.:
4 workplace and in our home and at our cabi		Q. Okay. So you have a number of issues that you
5 and in things that we do. It is a culture and		think might assist you if you are in a
6 we do work with it.	6	ditching situation?
7 ROIL, Q.C.:	-	A. MURPHY:
8 Q. Good. I'm glad to hear that. However, yo		A. Yes, we do.
9 say that the situation is different with the		IL, Q.C.:
<ul> <li>say that the situation is different with the</li> <li>helicopters because you don't work on them</li> </ul>		Q. Okay. Lead on, please.
11 MR. MURPHY:		A. MURPHY:
12 A. When it comes to our transportation, we're		A. I'm trying.
13 the mercy of the operators, the providers, in		IL, Q.C.:
this case Cougar, and the manufacturer, in		Q. Take your time. We've got lots of time.
15 this case Sikorsky, TSB, C-NLOPB, Transport		A. MURPHY:
		A. Well, the first thing, you know, we're not
		experts on helicopters.
	17	
18 choppers.		IL, Q.C.:
19 ROIL, Q.C.:		Q. Right.
20 Q. Because you are not engaged in working on		A. MURPHY:
21 choppers themselves.		A. But we do Google the same as everybody else
22 MR. MURPHY:	22	and we do research and guys just take have
23 A. When it comes to our transportation, we		taken a great interest in what, in the
basically suit up, strap in and come what ma	•	machines that we're flying in and the way
25 There's another reason or another reason,	·	they're being flown, and you look for
26 probably the most important one, that we tr	ry 26	information and for example, there's an

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1 article that quotes a project manager. I gave		l	makes us uncomfortable. When we think of it
2 you some of these articles there in a meeting	2		as an obstacle, an impediment when it comes to
3 that we had.	3		egress in an emergency situation. It's for
4 ROIL, Q.C.:	4		somebody else to decide if it's going to stay
5 Q. Yes. We can refer to them in a second, yeah.	5		there, but I just want to get across to you
6 MR. MURPHY:	6		that we're not comfortable with it.
7 A. And it states on this, it's apparently the	-	7 ROIL,	
8 project manager for Sikorsky when they were			So if there's any option to move it outside,
9 explaining the added safety features for the	9		you would like that pursued?
10 new S-92, and he says one of the safety	-		URPHY:
11 features is that they've relocated the fuel	11		Absolutely.
12 tanks from beneath the passenger cabin out		2 ROIL,	•
13 onto the sponsons.	12		Okay.
_			URPHY:
14 ROIL, Q.C.:			
<ul> <li>Q. I don't know if you were here when Cougar ga</li> <li>their evidence, but I think that in the</li> </ul>			And it's been brought up time and time again by the workers offshore. The representatives
	16		•
17 assessment of the different airframes they	17		for the operators have been here and they've
18 were looking at, they did state that one of	18		been stating emphatically that flying in these
19 the selling features, if you will, of the S-92	19		helicopters is safe, and I don't disagree, up
20 was the fact that the fuel was outboard in the	20		until 491, it certainly was. Since the return
21 sponsons.	21		to service, there have been cases where the
22 MR. MURPHY:	22		workers have used their right to refuse unsafe
23 A. Correct.	23		work in regards to flying in the choppers with
24 ROIL, Q.C.:	24		these fuel tanks. These cases are then sent
25 Q. Okay. So we don't need to go to the web or	25		to C-NLOPB for an investigation and a ruling.
26 anywhere else for that. I think that fact has	26	5	In the report on this work refusal, the
	Page 18		Page 20
1 been established.	1		Board's decision states, and I'm quoting this
2 MR. MURPHY:	2		now, "upon investigation of the work refusal
3 A. Okay. There was another article that state	es 3	3	and recognizing that there are inherent risks
4 that there's an option for an exterior	4		associated with travel by helicopter, the
5 auxiliary fuel tank.	5		inclusion of an auxiliary fuel tank does not
6 ROIL, Q.C.:	6		result in an unacceptable increase in risk."
7 Q. Okay. Now in this case, I think that you h	ave 7	7	The phrase there "an inherent risks associated
8 referred me to an article that you've pulle	d 8	3	with travel by helicopter" come to mind when
9 off a website.	9	)	the operator say helicopter travel is safe.
10 MR. MURPHY:	10	)	But also, it appears that C-NLOPB acknowledges
11 A. Correct.	11	l	that the internal tank creates an increase in
12 ROIL, Q.C.:	12	2	risk, but not an unacceptable one.
13 Q. And I don't know whether you want me to	o call 13	3	This is how we as workers see it, you
14 it up for you now or whether you simply w	want 14	Ļ	know. Somebody will have to explain to us how
15 us to have access to it, but I think you've		5	it is safe to be there, how it should stay
16 said you're not an aviation expert, so you			there, but we see it as a risk and any risk at
17 can't say whether what's in the article is			all to me, if I'm going down in one of those
18 absolutely correct or not.	18		airframes, it's not acceptable.
19 MR. MURPHY:		, ROIL,	-
20 A. No, that's exactly right. There's a point			You'd rather not be sitting next to a tank
21 that I'm trying to get across here is that,	21		that may have some or a lot or be full of
22 you know, when we find information like			fuel?
you just can't help but ask why are we flyi			URPHY:
24 with this tank, with this auxiliary tank	23 23 24		I don't want it in that airframe, personally.
25 inside, inside the airframe. It's not	25		If I have to live with it, I have to live with
26 doesn't make us comfortable in our minds			it, but I don't want it there. If I'm in a
	· n  20	,	

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1 situation it's uncomfortable to even talk	1 ROIL, Q.C.:
2 about, but if I'm in a situation where I'm in	2 Q. Yeah.
3 that airframe and it's in the water and it's	3 MR. MURPHY:
4 upside down and I'm struggling for survival	- · ·
5 get out, I don't want anything in my way,	
6 anything that doesn't have to be there.	6 ROIL, Q.C.:
7 Given that ruling, the C-NLOPB lists the	7 Q. Right.
8 different areas that it went to for	8 MR. MURPHY:
9 information in regards to coming to that	9 A. Or else, it's over the tank.
10 ruling and considering what the Marine	
11 Institute testified to here in this Inquiry,	11 Q. So if the person next to you, for whatever
12 we find it troubling that C-NLOPB didn't talk	
13 to them when investigating the refusal to we	
14 based on this tank.	14 depending on the configuration of the -
15 ROIL, Q.C.:	15 MR. MURPHY:
16 Q. The C-NLOPB will be giving evidence next v	
17 and that issue will obviously come up.	17 out at the same time underwater, I'm taking
18 MR. MURPHY:	18 the nearest thing that I can get, and if it
19 A. They can explain themselves then, yeah, fo	
20 sure.	
21 ROIL, Q.C.: 22 Q. Agreed.	<ul><li>21 ROIL, Q.C.:</li><li>22 Q. But you see the tank as being one impediment</li></ul>
23 MR. MURPHY:	<ul><li>Q. But you see the tank as being one impediment</li><li>that you don't want?</li></ul>
	5
<ul> <li>A. Also another concern there with this tank is</li> <li>491 rolled onto its port side after it</li> </ul>	25 A. Absolutely.
crashed. At that time, that's where these	26 ROIL, Q.C.:
	Page 22 Page 24
1 tanks were positioned. This will always leav	
2 a shadow of a doubt in our minds regardin	
3 buoyancy stability with the tanks inside thes	8
4 airframes. The tanks don't supply a reference	- · · ·
5 point in an underwater situation, and I'm	5 MR. MURPHY:
6 talking about like the BST training there.	6 A. Yes, yeah, whether it be full -
7 One of your parts of your training is to get a	
8 reference point. If you know you're in	8 Q. Yes.
9 trouble and you get the ditching command, of	
10 of your what you're trained to do is take a	
11 reference point, which is a window frame.	11 on one side than the other. I'm not sure of
12 ROIL, Q.C.:	the conditions of the 491 incident, whether it
13 Q. Okay. So if you're seated in a double seat,	
14 in the current configuration, you know the	
15 current configuration where the tank is on th	-
right side, starboard to use those terms, you	-
17 sit on the port side, you're sitting next to	17 ROIL, Q.C.:
18 somebody.	18 Q. Okay. I think the Transportation Safety Board
19 MR. MURPHY:	19 may give us some guidance on that.
20 A. That's correct.	20 MR. MURPHY:
21 ROIL, Q.C.:	A. Absolutely. There seems to be resistance by
22 Q. Yeah. What points of reference, what possi	
23 exits are you looking at in the event of	tank and maybe that can be explained. It's
24 emergency?	24 not explained well enough to the workers
25 MR. MURPHY:	25 offshore.
A. The immediate ones?	26 ROIL, Q.C.:

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1 Q. I think the operator evidence was that it ha		/URPHY:
2 now been moved as the result of som		Oh joy. Yeah, if there's an airframe, if
3 additional thought and diligence they put i		there's a carrier out there that, you know,
4 it, but that either way, it offers some peopl		has an aircraft that is designed for our
5 who support it and some workers who d		specifications, we certainly would.
6 support it. Do you sense that there's som		-
7 people who are a little more comfortable w		Have you done any research on that? Are you
8 it being on that side as opposed to the side	e 8	aware of helicopters with a longer flying
9 that it used to be on or is it still an	9	range or not?
10 unhappy situation?		AURPHY:
11 MR. MURPHY:		No.
12 A. A worker who has no fear of flying and		
13 thoughts of the repercussions of an incider		I don't expect you to come with answers, and
14 of course, does not care. They're few and t		I'm trying to be fair to you here. I just
15 between. For the most part, everybody is a		wondered if you had some place that you could
16 or less realistic and they think in the future		point us in the direction that would help, but
17 and they say "well, if this happens, what i		-
18 my what will happen?" It can't help bu		AURPHY:
19 cross your mind, and so the general conser		No, I cannot with any authority point you in
20 is negative towards the interior auxiliary		any direction.
21 fuel tank.	21 ROIL	, Q.C.:
22 ROIL, Q.C.:		No, okay.
23 Q. So left versus right doesn't offer a whole	e 23 MR. N	AURPHY:
24 pile of benefit from your perspective or fro	om 24 A.	I'm sure they're there.
25 their perspective, as you understand it?	25 ROIL	, Q.C.:
26 MR. MURPHY:		Nevertheless, we have the ability to search
	Page 26	Page 28
1 A. No. It's in the way of an exit.		such items.
2 ROIL, Q.C.:		/URPHY:
3 Q. Okay.		In the return to service questions and
4 MR. MURPHY:	4	answers, there were in excess of 20 questions
5 A. It's not blocking don't get me wrong. It'		from all installations raised on this issue.
6 not blocking the exit. It's just there. It's	6	In so many answers to the various questions,
7 in the way. It's something that you have t		the standard answer is approved, for example,
8 deal with that maybe you shouldn't have		and I'm quoting again "auxiliary tank design,
9 If there's external tanks, as we've read in a		installation, maintenance and operation have
10 article, again I don't know if it's fact or	10	been specifically approved by FAA and
11 not, but if there is external fuel tanks	11	Transport Canada with consideration of
12 available, why not have them? If there are		potential for fuel leaks and egress through
13 external fuel tanks available, is there an	13	emergency exits and windows." Too often the
14 aircraft designed for our application that		answers that have been given to the workers'
15 does not require?	15	questions are that an item meets regulatory
16 ROIL, Q.C.:	16	requirements. We have to do better than the
17 Q. In other words, you're suggesting that th		minimum acceptable standard. That's the way
18 provider of service should look for a	18	the workers feel about some of those answers.
19 helicopter that doesn't require an additiona		We'd also like to point out here, when I
20 tank to get to its destination?	20	say 20 questions there, I'd also like to point
21 MR. MURPHY:	21	out that in regards to the questions submitted
22 A. Did I not hear Cougar say last week that		by the workers, I think it's fair to say that
they're going to be flying to the Flemish C	-	for each question raised, it is likely to be
24 with two interior -	24	indicative of the concerns of a group of
25 ROIL, Q.C.:	25	workers and it's also fair to say that a great
26 Q. You did indeed.	26	many workers feel this interior fuel tank is

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1 of grave concern.	1	А.	Yes, I do. This one is a personal one.
2 ROIL, Q.C.:	2		Personal in regards to I was on a flight I
3 Q. So can I take it the bottom line is, from the	3		was a passenger on a flight on January 18th,
4 workers' perspective, the first choice would	d 4		2006. When we came in sight of the Terra Nova
5 be have no internal tank?	5		FPSO, one of the helicopter engines had to be
6 MR. MURPHY:	6		shut down after an engine indicator light came
7 A. Correct.	7		on, and at that time, the pilot informed us
8 ROIL, Q.C.:	8		that he was returning to base.
9 Q. Okay. The second choice would be if it has	_	ROIL,	-
10 be internal, is there some way to make it	10		Was that an S-92 or a different airframe at
11 better?	11	Q٠	that time?
12 MR. MURPHY:		MR N	IURPHY:
13 A. There you go.	12		No, that was the S-92.
14 ROIL, Q.C.:		ROIL,	
		,	
15 Q. Okay.	15		That was the S-92, okay.
16 MR. MURPHY:			IURPHY: When we returned I'm meetty sure it was S
17 A. I think that would be safe to say that.	17	А.	When we returned I'm pretty sure it was S-
18 ROIL, Q.C.:	18		92. Now you caught be unawares there that
19 Q. So the fact that it's approved by the FAA or $100$			time.
20 Transport Canada doesn't give you 100 per		ROIL,	
assurance that that's a safe configuration for			That's okay.
22 your trip to your workplace?			IURPHY:
23 MR. MURPHY:	23		I don't want to be lying on the stand here.
A. You know, that brings me to a one of the		ROIL,	-
25 guys I work with just brought up, just in	25	Q.	No, exactly, and that's fine. You were on a
26 conversation, and he talked about a Chev			helicopter and -
	Page 30		Page 32
1 pickup that his father had at one time, and	1		IURPHY:
2 the fuel tank was right behind the driver's	2	А.	That's correct.
3 seat, right there between the cab and the		ROIL,	Q.C.:
4 driver's seat, and that was approved, but not	t 4	Q.	- the light came on and it caused it to turn
5 for long it had changed and they put it	5		around.
6 outside. They put it between the chassis and	d 6	MR. M	IURPHY:
7 the fender in this truck, but it didn't stay	7	А.	We turned around, and shortly after we turned
8 there either, because it still wasn't safe	8		around to head back to base, the engine
9 there and it moved. They moved it inside t	0 9		temperature indicator light came on and the
10 the safest place they could get it. And your	10		oil pressure indicator. They all went into
11 question reminds me of that little story.	11		alarm showing an engine problem, and at that
12 ROIL, Q.C.:	12		time, the pilot shut the engine down. So now
13 Q. I remember the Pinto.	13		we're down to 50 percent. Two engines on
14 MR. MURPHY:	14		these choppers and we just lost one of them.
15 A. We all remember that old Chev truck, don't	we? 15		We were required to return to St. John's
16 ROIL, Q.C.:	16		because the helicopter did not have the power
17 Q. Yeah. Okay, I think then you've made th			to properly and safely land on an
18 position quite clear with respect to the	18		installation. One of the questions that was
19 workforce on the issue of auxiliary fuel tank			raised afterwards is why did you fly for in
20 and I thank you for that.	20		excess of an hour and 15 minutes when you were
21 MR. MURPHY:	20		so close to the Terra Nova or you could have
22 A. Yeah.	22		gone to the Hibernia platform, and his answer
23 ROIL, Q.C.:	22		to that, the pilot answered that in saying
24 Q. Okay. Do we have another issue? I'm sure			that he has done a one-engine landing in a
25 do.	24 25		simulator. He didn't want to do it in real
26 MR. MURPHY:	25		life. So there was a problem.
	20		me. So mere was a problem.

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1 ROIL, Q.C.:		MURPHY:
2 Q. So his choice to how to risk manage that	2 A.	. If an aircraft is in trouble and returning to
3 situation was to fly back rather than attempt	3	base, it should be treated as a potential
4 to land?	4	ditching. In the absence of a dedicated
5 MR. MURPHY:	5	search and rescue helicopter in St. John's,
6 A. I would have to say the pilot's.	6	the standby helicopter should be immediately
7 ROIL, Q.C.:	7	moved into flight condition and lift off as
8 Q. The pilot's decision, yeah.	8	soon as possible after an incident is
9 MR. MURPHY:	9	reported. The standby helicopter should be
10 A. The return flight was in excess of an hour and		standing by in SAR mode.
11 15 minutes. Why wasn't the first response	11	All these suggestions would be even more
12 aircraft tasked to get in the air and meet us?	12	effective if we had dedicated SAR coverage
13 There was a debriefing on the FPSO on Januar	-	from the closest available air field, which is
14 22nd and I personally asked the question "did		St. John's, and I think this fact has been
15 Cougar notify anyone or make preparations for		recognized as far back as the Ocean Ranger
16 a ditching?" The response was, and I'm	16	disaster.
17 quoting again, "we had our first response	17	Something about that incident, before
18 techs called to base. Maintenance crew had	18	491, I was on this flight, I was in what they
19 hoisting equipment ready for quick connect to		refer to as the jump seat, which is back on to
20 aircraft, and we also had refuelling for the	20	the bulkhead of the passenger of the
21 aircraft on high standby alert." The aircraft	21	pilot's compartment.
22 was not refuelled and the hoist was not	22 ROIL	
23 installed. We know that minutes can make a	-	Yes.
24 huge difference to survival time in the water.		MURPHY:
25 We also know that engines have been replace 26 after chip lights have come on during flights.	ed 25 A. 26	. So I was facing the rest of the passengers. And I took it lightly, even though the
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1 There's been return to base for just chip	1	passengers I were looking at and some of
2 lights. The point we're making is that an	2	them weren't taking it very lightly. I could
3 aborted flight that has to return to base for	3	see them looking in to the doorway going into
4 a malfunction should not be treated as just	4	the pilot's compartment and they were watching
5 another nuisance light. So often, at that	5	everything that those and the pilots were
6 time, before 491, it was not uncommon for a		doing something that I couldn't see, because
7 flight to return for a chip light in the	7	these guys were very interested in how things
8 gearbox, a chip light in the engine, a chip		were being handled by the pilot and copilot
9 do you understand what I mean by chip light?		there. After 491, I thought we got off
<ul><li>10 ROIL, Q.C.:</li><li>11 Q. Yes. We've had evidence on chip lights.</li></ul>	10 11	that chopper and went in and had a lunch, got
12 MR. MURPHY:	11	on another chopper and went to work, except for a couple of guys who went home to their
13 A. Accumulation of metal on these detectors.	12	families. It affected them that hard. But I
14 ROIL, Q.C.:	13	think, no matter who you are now, when
15 Q. Yeah, right.	14	something goes awry, something goes amiss now,
16 MR. MURPHY:	15	it's not taken as lightly.
17 A. And they were referred to as nuisance lights,	10	An incident just a hitch or so ago, we
18 and many of these incidents were referred to	18	were leaving the FPSO coming home and we
19 that before 491.	19	talked about these suits before, they're not
20 ROIL, Q.C.:	20	comfortable, they are awkward. They're done
21 Q. Has that attitude changed since 491 by your	20	up, you're in an uncomfortable position, but
22 measurement?	22	it's mandatory to be in that position while
23 MR. MURPHY:	22	you're taking off from the installation,
24 A. My attitude certainly has.	23	landing and taking off from the installation.
25 ROIL, Q.C.:	25 ROIL	
26 Q. Yeah, thank you.		Landing and takeoff, yes.

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1 MR. MURPHY:	1	
2 A. As soon as you get in the air, everybody i	s 2	fly. We believe that full 24/7 coverage with
3 unzippering those, and in this particular	3	
4 instance that I'm going to tell you about is	6 4	
5 we lifted off from the helideck and we star		
6 to move and stopped and just like backing		
7 into the garage, we came back and land		
8 again, and the pilot came on and he said		
9 "okay, we had an indicator light then. W		
10 rebooted the computer. We're good to go"		) ROIL, Q.C.:
11 we did. We lifted off and left, but nobody		
12 was very quick to unzipper that suit this		
13 time, and it's just an indication of the	13	
14 change of attitudes in the people that fly in	14	
15 these aircraft. We're more nervous.	15	
16 ROIL, Q.C.:	16	
17 Q. Um-hm.	17	
18 MR. MURPHY:	18	3 MR. MURPHY:
19 A. Still talking about ditching, we want to say	y 19	A. I'm talking to the guys that plucked Mr.
20 here that on behalf of the workers that we		
commend the SAR people and the job they		ROIL, Q.C.:
22 March 12th, 2009. We know they were a		
top of their game that day and their selfless		3 MR. MURPHY:
efforts did not go unnoticed by those of u		
25 who fly out there. The fact remains that wh		5 ROIL, Q.C.:
26 491 went down, in regards to ideal condition		-
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and they might not have been perfect, but t	<b>U</b>	
2 weren't too bad considering what we go th	-	
3 out there.	3	
4 ROIL, Q.C.:		MR. MURPHY:
5 Q. You mean in terms of weather and atmosp		
6 conditions?	-	5 ROIL, Q.C.:
7 MR. MURPHY:	7	
8 A. Moderate sea state. I think it was like a two		3 MR. MURPHY:
9 metre swell, and it wasn't a choppy swell.		
10 was just a swell of rolling ocean. It was a		
11 clear day. It was early in the day. It was	11	
12 close to land. There's going to be a next		2 ROIL, Q.C.:
13 time. That's the way we feel. When 49		
happened, too many of us said law of avera		
15 bound to happen. It was overdue. You kn	-	
16 we weren't exactly surprised. We wer		
17 disappointed and we were disheartened an		
18 were sad, but we weren't exactly surprise		-
And is it going to happen again? Right arou		
20 that time that 491 went down, over a few n		
21 period in the North Sea, across the pond as		
22 say, the phrase we were using was they'r		
23 dropping like flies over there. They had		3 MR. MURPHY:
24 several ditchings around that same time. S		
is it going to happen again? What are sea		
states going to be? It won't be the same, an		
	L.	Page 27 _ Page 40

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1 is not back to bas	se by then, yes, go meet it,	1	А	A. Correct.
2 escort it back to t		2	ROII	IL, Q.C.:
3 ROIL, Q.C.:		3		Q. I think the second point you make here is that
4 Q. Okay, yeah.		4		you believe that the service in St. John's
5 MR. MURPHY:		5		should be a dedicated search and rescue
	ed seriously. It is serious	6		service, whoever provides it?
7 enough to abort.	Ş	7	MR.	. MURPHY:
8 ROIL, Q.C.:		8		A. Yes, sir.
	cation on that day was that	9		IL, Q.C.:
-	e serviced, but it wasn't	10		Q. I think we heard a lot of evidence about that
-	ts weren't taken out. The	11		last week and what's available in the
	t in. You think that all that	12		marketplace.
-	n anticipation of a problem			. MURPHY:
	nt should leave, the rescue	14		A. Again, the point we're getting at, you know,
÷	ve if the flight is not back	15		we're going to be out there and we're going to
16 at base at that tin	-	16		be sitting in that water waiting for rescue.
17 MR. MURPHY:		17		If we survive the ditching and the escape, if
	hat I'm saying there. Just	18		it's not a catastrophic crash I don't think
-	notice there, when we came in	19		things could have changed too much with 491.
		20		It was so catastrophic. But if in a
	-	21		controlled ditching and we survive the
-		22		ditching and if we get out of the aircraft and
		23		now we're bobbing around out there in the
	_	24		water in God knows what condition and I just
	rt, the ambulances and the	25		want to get out of that right now, and want to
-		26		go home.
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1 said "that's just	standard procedure," you	1	ROIL	L, Q.C.:
-	s maybe only then that I	2		Q. And if that could be a minute earlier, you
	llances, you know, it was	3		want it to be a minute earlier?
	by the crew at the airport,	4	MR.	. MURPHY:
	maged aircraft coming in to	5	А	A. Absolutely.
	at about it was with the one	6		L, Q.C.:
-	n why he couldn't land on the	7		Q. Thank you. Okay. I think you can move on now
e e	that you need more power in	8		to the next point.
	Like you can picture a	9	MR.	. MURPHY:
10 helicopter landin	-	10	А	A. Going to talk about sea states. The offshore
11 ROIL, Q.C.:		11		workers want a standard for sea state that is
12 Q. If it lands totally	vertically.	12		based on its effect on rescue of the
13 MR. MURPHY:	2	13		passengers of a down helicopter. We know that
14 A. The way we had	to land in that case with one	14		the fast rescue craft is limited by sea
-	n normal fixed wing aircraft.	15		states. The floatation on the helicopter is
16 ROIL, Q.C.:		16		presently limited to a moderate sea state of
17 Q. You had to taxi i	n to the ground.	17		sea state five, even though the operators are
18 MR. MURPHY:	-	18		looking at providing the helicopters with a
	nd that was the difference	19		sea state of six floatation, sea state of six,
20 that day.		20		and that's useable up to, I think it's six
21 ROIL, Q.C.:		21		metres. Now does that mean that we're not
		22		going to fly in sea states that are over six
-		23		metres? Currently we do. As of now, to my
		24		understanding, Hibernia declines to fly in sea
taxi on the facilit		25		states exceeding seven metres, and to my
26 MR. MURPHY:	-	26		knowledge, this seven metre sea is not a
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1 consideration to other installations. I'm not	•	A.	If the fast rescue craft I'm not sure if it
2 sure why Hibernia does that. Somebody els	se is 2		was explained to you, but when a helicopter
3 going to have to answer that question.	3		lands on an installation, we take our supply
4 We as workers can't help but ask if it is	4		vessel, our standby supply vessel and move it
5 not safe for them, then why is it safe for us	? 5		in to an approximate range.
6 If somebody is not doing something out the		ROIL,	· · ·
7 what is the reason? Is it a safety reason?	7	Q.	Yes, we've had evidence on that.
8 And why is it that they're not doing it, but	8	MR. M	IURPHY:
9 we are.	9	А.	You've had evidence to that?
10 ROIL, Q.C.:	10	ROIL,	Q.C.:
11 Q. So even though the installations are differe	ent 11	Q.	Yeah.
12 types of facilities, the workers don't see	12	MR. M	IURPHY:
13 that as necessarily affecting their safety in	13	А.	In certain sea states, they can't launch their
14 terms of sea state?	14		fast rescue craft.
15 MR. MURPHY:	15	ROIL,	Q.C.:
16 A. No, absolutely.	16	Q.	No, and I think we've had evidence on that as
17 ROIL, Q.C.:	17		well.
18 Q. Okay.	18	MR. M	IURPHY:
19 MR. MURPHY:	19	А.	You've had evidence on that as well.
20 A. And we, as the workers, are we're ma	de 20	ROIL,	Q.C.:
21 anxious by the apparent variability in the	21	Q.	Yeah.
22 rules from operation to operation. It's too	22	MR. M	IURPHY:
23 often operational requirements require that	we 23	А.	So if we could get into trouble while we're
do this or do that. What we're looking at i	s 24		landing and we're in the water and they can't
25 rescue ability, and it's obvious that it's	25		launch the fast rescue craft, then do they
26 much more difficult to rescue people in	a 26		just look at us there, you know?
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1 severe sea state. There does not appear to b	be 1	ROIL,	Q.C.:
2 any consideration of rescue difficulty in	2	Q.	I think the explanation was they can use other
3 setting sea state limitation on helicopter	3		facilities, other paraphernalia to extract a
4 flights. There are limitations now. The	4		person from the ocean directly into the supply
5 present flying sea state limitations seems to	D 5		boat.
6 be related to the effect of the sea state on	6	MR. M	IURPHY:
7 the helipad on a particular installation.	7	A.	Good luck with that.
8 ROIL, Q.C.:	8	ROIL,	Q.C.:
9 Q. So sea state right now has to do with landing	ng, 9	Q.	You're not comforted by that?
10 not with ditching or anything else?	10	MR. M	IURPHY:
11 MR. MURPHY:	11	A.	No, I'm not.
12 A. Correct, yeah. Has to do with vessel, and i	in 12	ROIL,	Q.C.:
13 our case, not Hibernia's case of course who	ere 13	Q.	Okay.
14 they're fixed, but in our case, vessel motio	n, 14	MR. M	IURPHY:
15 pitch and heave and roll.	15	A.	Perhaps if the sea state limitations were
16 ROIL, Q.C.:	16		addressed by regulatory authorities and not
17 Q. And you accept those as being reasonab	ole 17		solely by individual installations operational
18 considerations for that aspect, that there	18		requirements, there would be a more well-known
19 should be some limits for landing purposes	s? 19		and consistent pattern amongst the operators.
20 MR. MURPHY:	20		We understand the operational requirements of
21 A. Correct.	21		these installations. I mean, we're out there
22 ROIL, Q.C.:	22		to do the work for the oil companies to make
23 Q. But you're saying they should not be	23		their money, to produce oil, and everybody's
24 necessarily the same limits as for flying fro			happy, but we want to do it we want to be
25 here to there?	25		taken care of while we're doing it is the
			basic thing. Set a limit that works for your

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1 operational requirements, but also works for	1	is an available option on the S-92s since it		
2 our safety.	2	went into service, and I think the auto hover		
3 ROIL, Q.C.:	3	has been explained to everybody in regards to		
4 Q. And you're saying that limit should be set by	4	you need this to judge position in the night		
5 somebody outside the industry?	5	time.		
6 MR. MURPHY:	6 ROIL,	Q.C.:		
7 A. Well, that's an option. I'm not sure about	7 Q.	Yes, I think the people from Cougar gave a		
8 the exact answers to that, but that is an	8	very good explanation of how auto hover works.		
9 option there, you know, and post it there so	9 COMM	MISSIONER:		
10 that we can see it and we have means to go and	10 Q.	I don't know if you noticed it, but you		
11 see what the sea state is. It's being	11	remember Cougar the other day said that auto		
12 recorded all the time. But it's just so	12	hover for the S-92, they expect to be approved		
13often, you just don't know. Are they pushing	13	by Transport Canada, I think he said, around		
14 the limit and what is the limit? It's in a	14	about July of this year.		
book somewhere in somebody's office. I think	15 MR. M			
16 it should be more well-known.		Okay.		
17 ROIL, Q.C.:		MISSIONER:		
18 Q. Okay. So your position is that the sea state	-	Am I correct?		
19 level should be established based on retrieval	19 MS. F.			
20 and floatation issues and extraction issues,	20 Q.	That's correct.		
21 not based on simply helipad issues?		MISSIONER:		
22 MR. MURPHY:	22 Q.	Yes, Mr. Fagan said that's correct, that's		
23 A. Correct.	23	what he said.		
24 ROIL, Q.C.:	24 MR. N			
25 Q. Which are perhaps more operational, which is		Okay, that's good. This night flying and the		
26 where that word comes from.	26	auto hover is a concern, particularly in light		
Page 5	50	Page 52		
1 MR. MURPHY:	1	of the fact that DND has an increased response		
2 A. That's correct.	2	time at night. If you're going to go down at		
3 ROIL, Q.C.:	3	night time, Cougar I'm not picking on		
4 Q. Okay, I think you've made that point very	4	Cougar or anything, but the S-92, we'll say,		
5 clear.	5	that they're using now does not have the		
6 MR. MURPHY:	6	capabilities to take you out of the water, so		
7 A. Now we'll talk about night flights, a	7	you have to depend on DND to take you out.		
8 contentious issue.	8	Also with the auto hover capacity, the absence		
9 ROIL, Q.C.:	9	of visual references, it makes a controlled		
10 Q. We've heard a bit about it and some people are	10	ditching at night very difficult.		
11 doing it and some are not, so tell us what	11 ROIL,			
12 your view is on night flights. I think it's		So it has two impacts; one on the SAR or the		
13 worth exploring.	13	search and rescue process, you're saying, and		
14 MR. MURPHY:	14	it also has an impact on the ability of the		
15 A. We've always been told by the operators that	15	flight the injured flight, if you will, to		
16 Cougar is our primary search and rescue.	16	get down safely?		
17 Since this accident with the 491 incident, we	17 MR. M			
18 discovered that Cougar does not have the		Correct. We perceive that there's a		
19 capacity to rescue at night because they do	19	difference between the operator's attitudes on		
20 not have what's commonly referred to as auto	20	night flying. A comparison of the number of		
21 hover.		flights by the operators during night hours		
22 ROIL, Q.C.:	22	since March 12th will tell if our perception		
23 Q. Yes.	23	is correct. This has been mentioned		
24 MR. MURPHY:	24	previously, why is it that they are not flying		
A. In the documents that we've uncovered, you	25	at night, but we are. Even in the controlled		
26 might say, or the documents that we read, this	26	ditching situation, there are studies that		

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1 show that the fatality rate will be around 15	5 1	l	facilities now have different rules with
2 percent in the day time in a controlled	2		respect to night flying?
3 ditching, but the same studies tell us that a	3		MURPHY:
4 controlled ditch at night, the fatality rate	4	4 A.	On the facility that I work on I think
5 increases to in the 40 percent range, closer	4	5	Hibernia was pretty adamant on not flying at
6 to 50 percent.	6		night after 491, after return to service after
7 ROIL, Q.C.:			491.
8 Q. I understand that you've taken those numb		3 ROIL	
9 from some research that was done by Dr. C			Yes, I think we had evidence more or less to
10 Brooks?	1(		that effect.
11 MR. MURPHY:			MURPHY:
12 A. Correct, correct.	12		Other installations did fly at night for
13 ROIL, Q.C.:	13		whatever the reason, operational requirements.
14 Q. Yes.	14		The question was posed to them why, why are
15 MR. MURPHY:	15		they not flying for one, was one question, and depending on that answer, if it's a safety
16 A. I think you're familiar with his research. 17 ROIL, Q.C.:	16		reason, why are we flying, why are we ignoring
17 Koll, Q.C 18 Q. We are familiar with them here at the Inqui			it, and the answer that we were given back,
19 indeed.	19		and I'm going to touch on that a little bit
20 MR. MURPHY:	20		later on in regards to communication, and the
21 A. This risk can be avoided, we feel. Night			answer we were getting back was all the
22 flights should be restricted to emergency			operators are on the same page, they are not
23 circumstances, and that would take care o			doing anything that we are not doing and vice
that. With the stats on the survivability, we			versa, we are all on the same page in our
25 wonder why if an operator decides to fly a			procedures. If they didn't fly at night it
26 night, why they wouldn't make arrangement			was because they had reasons to not fly at
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1 with DND in Gander to be on standby for the	<u> </u>	l	night, we're all on the same page, the same
2 duration of that flight. We understand that		2	procedures. That was the official answer, but
3 Gander stands down at 6 p.m. I think it is.		3	in reality one operator didn't fly at night
4 ROIL, Q.C.:	4	1	and one operator did. I don't know.
5 Q. In the evening hours, it is clear that the	4	5 ROIL	, Q.C.:
6 response time of guaranteed to be less than		5 Q.	Do you have a perception that there are more -
7 two hours, as opposed to the day time of	f   7	7	- sorry, that there are less night flights now
8 guaranteed to be less than 30 minutes.	8	3	after March 12th last year?
9 MR. MURPHY:			MURPHY:
10 A. So if the operator decides they need a night			It's sporadic now. There are less, there's
11 flight for whatever reason, Gander may be a			more consideration given to it, but there is
12 should be brought in and put on standby fo			night flights.
13 the flight. Anything at all to help us if we		ROIL	
14 get in trouble.	14		Okay, and I think your point is similar to the
15 ROIL, Q.C.:	15		point on sea state that if it's an industry,
<ul><li>Q. So again I take two points from what you sa</li><li>One is that night flights are riskier because</li></ul>	ay. 16		that the industry should have a similar approach and not have differences between
			installations?
18 of the inability of the travelling helicopter 19 to use the auto hover feature, and the	18		MURPHY:
increase in the risk is also associated with	20		We can't help but question. I mean, We flying
21 the ability of the extraction helicopter to	21		these at night, and if our operator is telling
have auto hover?	22		us, okay, look, your flight is scheduled and
23 MR. MURPHY:	23		it's going to be in the dark, and you look
24 A. Correct.	24		around at the other installation and those
25 ROIL, Q.C.:	25		guys are going home, their flight has been
26 Q. And is it your understanding that different			cancelled because it's going to be in the

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1 dark. We can't help but question.	1	A.	And all of us, whatever about the sea states,
2 ROIL, Q.C.:	2		the type of seas you have, I mean, the cold,
3 Q. That's worthy of some investigation, so that	nk 3		we've all stuck our foot in that water out
4 you for drawing it to our attention.	4		there, it ain't good. It seems unlikely that
5 MR. MURPHY:	5		people can survive for hours waiting for a
6 A. I'm not going too long for you, am I?	6		helicopter in these conditions, no matter how
7 ROIL, Q.C.:	7		good the survival suit is supposed to be. The
8 Q. No, you're doing just fine.	8		response time we think is critical.
9 MR. MURPHY:	-	ROIL,	*
10 A. Search and rescue response time, again w			Okay. So do I take it then from the workforce
11 searched for information about the work the			perspective, whether DND provides it or
12 we do and how we do it and our transportati			whether a private operator provides it, is not
13 Search and rescue in the North Sea has bee			as big an issue as bring down the response
able to achieve a wheels up time of 15 minu			time to the lowest possible time that can be
			achieved out of St. John's?
• •			
<ul><li>wheels up time of one hour, and while a bet</li><li>time than that was achieved on March 12th</li></ul>			IURPHY: Perfectly put. I think a phrase that we often
18 last year, 2009, the time was still nearly	18		say to each other when we're talking about
19 half an hour longer than the North Sea time			this is I don't care who provides it. If I'm
20 Gander DND SAR achieves a better than 3			in that water, I don't care who's coming, come
21 minute time for wheels up fro 8 a.m. to 4 p.			and get me, as long as somebody does and
22 So between their working hours, dayligh			somebody does it in a timely fashion.
23 working hours, they can do a 30 minute who		ROIL,	
24 up. The flying time from Gander to offsho			Thank you.
25 St. John's has to be added in when measuri	ing 25		IURPHY:
26 response time.	26	А.	Training improvements. You have a double-
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1 ROIL, Q.C.:	1		edged sword talking about that one, I think.
2 Q. Yes.	2	ROIL,	Q.C.:
3 MR. MURPHY:	3	Q.	Yeah, I suspect you would have to walk some
4 A. The Inquiry has heard that the wheels up tim	ne 4		treacherous waters here.
5 after 4 p.m. and before 8 a.m. is 70 minutes	. 5	MR. M	IURPHY:
6 This puts DND helicopter off St. John's an	ı 6	А.	Yeah, yeah. The BST training, basic survival
7 hour and 40 minutes after an incident. Our			training, it's not that it just trains you how
8 offshore industry workers are entitled to as	8		to escape and survive, but it teaches that
9 much protection as the workers in the Nort			it's possible, and we've seen personally that
10 Sea. That's how we feel about that.	10		even in a catastrophic crash that there are
11 Personally, I kind of like the phrase one of			chances.
12 our politicians who is quoted as saying whe		ROIL,	
13 he said, "The offshore oil and gas industry			You've taken the BST training?
14 workers deserve world class protection", ar			IURPHY:
15 so whatever it takes to get that, I think is	15		Absolutely, yeah.
16 what should be a focus where our worke		ROIL,	
are concerned, a focus of this Inquiry. The			And you feel that it has improved your
<ul> <li>present SAR structure would simply leave us</li> </ul>			opportunities for survival as opposed to have
19 the water too long. Good conditions offsho			taken no training at all?
20 would involve seas of two to three meters, a			IURPHY:
			Absolutely, yeah, no question.
		ROIL,	-
23 documentation there from the operators.	23		So there's real value in it?
24 ROIL, Q.C.:			Absolutely as question on that we sugging
25 Q. Yes.	25		Absolutely, no question on that, no question
26 MR. MURPHY:	26		on that. To get in and get your feet wet,

1 2 3	Pag	Te 61			
2					Page 63
	your face wet, you know, get in that chopper	-	1		closeness as possible to actual conditions,
3	and actually you know, the simulator, and		2		waves, rain, wind, cooler water, all that
	to do the dunk, I've only known one person		3		should be a part of the training?
4	personally that stood up and looked at it and		4 N		IURPHY:
5	just took his suit off and walked away and		5	A.	To a fine line, yes. It should be better, it
6	that was the end of his career in regards to		6		can be better, and I think it has to be looked
7	offshore industry. He's still working, of		7		at. Where exactly do you take it is for
8	course. So it is of great value, no doubt		8		somebody else to decide, but we feel that we
9	about it, and it teaches that it can be done		9		can use some more training, some more
10	and there is a survivability there, and		10		realistic training. It's interesting to note
11	another catch phrase, you know, "just kiss		11		there that one of my colleagues just got a
12	your derriere good-bye if you're going down"	',	12		call yesterday from one of the operators to go
13	but that's not necessarily so. We've seen		13		on a suit test Thursday, I think it is,
14	that now, even in the most difficult		14		Thursday or Friday, in Halifax, because their
15	catastrophic crash, there is survivability.		15		pool is better equipped for testing these
16 ROIL			16		suits. It just goes to say something there.
17 Q.	Mr. Decker has proved that for us.		17		They have different circumstances, different
18 MR. 1	MURPHY:		18		realistic they can do things in the pool
19 A.	Absolutely, but we still feel that this asset		19		that you can't do here.
20	can be lost and can be minimized if the actual		20 F	ROIL,	•
21	conditions at the time of the incident are		21	Q.	Have you been to that facility?
22	totally unlike anything that's been		22 N		IURPHY:
23	experienced by the worker. We're aware that	t i	23	A.	No, I have not. Also in regards to training,
24	training in other locations tries to provide		24		there's also always a question that's
25	conditions both in the environment and the		25		always been raised, and sea day for training,
26	equipment that is much closer to the reality		26		for the BST training, we've trained in the
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1	of an incident. Training should approach		1		pool in the helicopter dunk and everything
2	reality as closely as is safely possible, and		2		else with our flight suits, but when we
3	I'm going to underline that, as safely as		3		actually go out into the ocean for our sea day
4	possible.		4		is what we call it, our sea day training,
5 ROIL	-		5		we'll go in and they'll implement some of the
	In other words, your understand that there are	;	6		things we've learned at the facility up there
7	risks in training?		7		in Foxtrap and we utilize them, actually go
8 MR. 1	MURPHY:		8		out through the narrows out there in
9 A.	Absolutely, yes, and the bottom line is		9		Freshwater Bay or down in Torbay and we jump
10	safety. Yes, you need to go through this BST,		10		into the salt water and we float around and do
11	but can it be tweaked, I think we think it		11		the different exercises and climb back aboard,
12	can as workers, we think it can be tweaked to	,	12		but we do them in the Fitzwright immersion
13	you know, help us be a little bit more		13		suit.
14	realistic, but safety is the bottom line there		14 F	ROIL,	Q.C.:
15	as well. I know it's a double-edged sword and		15		That's the immersion suit that they have on
16	it's not for me to tell somebody how to do it,		16		the facilities for evacuating the facility, is
17	but there's great minds out there working at		17		it?
18	this, I'm sure it can be done.		18 N		IURPHY:
19 ROIL			19		Correct, we have that's the abandonment
	÷				
					• •
26	is that from your perspective, fidelity,			ROIL,	
20 Q. 21 22 23 24 25	I think we've used the expression "fidelity", that the training should be as life like as possible to the conditions that you undertake. Other people have said, no, we're trying to teach you approaches and the fidelity isn't important. I think what you're saying to us	, , , , , , , , , , , , , ,	20 21 22 23 24 25		suit, but a lot of guys have questioned why we're not using our flight suits to give them the test. There's answers for that that somebody else can give you, I'm not sure wh exactly, or if it's the right answer that we're getting when we ask it.

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<ol> <li>Q. So you're saying if we're tested in the colder</li> <li>salt water in the abandonment suit, why dor</li> <li>we also have an opportunity to be tested in</li> <li>the water in the transportation suit?</li> <li>5 MR. MURPHY:</li> </ol>	n't 2 n 3 4 R 5	Page 67 The unit that crashed on March 12th does not appear to have been replaced. At the time of 491 there were four units. OIL, Q.C.: Q. Okay, and at that point in time those four
<ul> <li>A. Correct. A little pet thought of mine is that perhaps if I was to go, or somebody, you kr under supervision, go to Cougar, go to the checkout, go to the counter, get my flight usit, leave Cougar, go to a pool, put it on and jump in, and then I can come back and look, the suit I'm flying in is good, I did not get wet in it, but right now I do not know what will happen.</li> <li>ROIL, Q.C.:</li> <li>Q. What was your experience with the Fitzwri suit? You were in the sea day and used the Fitzwright suit, the abandonment suit, you used that in the ocean?</li> <li>MR. MURPHY:</li> <li>A. And you won't sink in them, no. You may wet, you may get damp, but they're a bette suit for the practice that we do out there.</li> <li>ROIL, Q.C.:</li> <li>Q. But I think what you're telling me is at leas you have comfort in knowing what that su</li> </ul>	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	<ul> <li>units were serving what number of facilities?</li> <li>IR. MURPHY:</li> <li>A. To my knowledge, at that time it would have been one, two, three - three oil producing installations and at least one semi-submersible, and that varies out there. I stand to be corrected on that.</li> <li>OIL, Q.C.:</li> <li>Q. I think we've heard that there's been as many as two semi-submersibles and the three production facilities.</li> <li>IR. MURPHY:</li> <li>A. Yeah, and at other times there's other facilities as well being can take helicopter landings.</li> <li>OIL, Q.C.:</li> <li>Q. Ships and things, other yeah, we've heard about other facilities that come in on a more sporadic and short term basis.</li> <li>IR. MURPHY:</li> <li>A. Yeah.</li> </ul>
F 1 will perform like in the ocean, and you don	Page 66 't 1 R	Page 68 OIL, Q.C.:
<ul> <li>2 get that opportunity to see how the helicopt</li> <li>3 transport suit will perform?</li> <li>4 MR. MURPHY:</li> <li>5 A. That's exactly what I'm saying. We don't get to see exactly what that suit does. My</li> </ul>	3 4 5	<ul> <li>Q. So the number of facilities varies, but it's at least the three production, plus some drilling activity, and usually some exploration or seismic activity?</li> <li>IR. MURPHY:</li> </ul>
<ul> <li>7 colleague will see it next Friday, I guess,</li> <li>8 when he goes up to Halifax. They'll be abies</li> <li>9 to do some tests on it, but we don't see it in</li> <li>10 our suits that we use, no.</li> <li>11 ROIL, Q.C.:</li> </ul>	9	<ul> <li>A. Uh-hm.</li> <li>OIL, Q.C.:</li> <li>Q. Okay.</li> <li>IR. MURPHY:</li> <li>A. At the time of 491 there was four units, four</li> </ul>
Q. I think you've as I take it, there's two points here. One is the realism of the training is, in your view, an important aspect of the training, and the second thing is if you're trained in one suit to be in the water, why wouldn't there be an opportunity to al	12 13 ct 14 15 , 16	A. At the time of 491 there was four times, four helicopters. In the return to service Q & A, the question was raised, was four enough, anyway, and, of course, the answer was yes, four was adequate. It was also asked, you know, will you replace the 491 airframe and that was also answered in the affirmative,
<ul> <li>18 go in the other suit, if for no other reason,</li> <li>19 but to increase your level of confidence that</li> <li>20 the suit will do what it's supposed to do?</li> <li>21 MR. MURPHY:</li> <li>22 A. Correctly put again. We wonder about</li> <li>23 helicopter resources. We're concerned that</li> </ul>	t 18 19 20 21 t 22	yes, it would be replaced, and it hadn't been there have been some changes offshore in regards to the amount of helicopters in recent months. The Stena Carron, a drilling ship, south of St. Pierre and Miquelon. OIL, Q.C.:
<ul> <li>there's simply not enough helicopters to</li> <li>provide the services needed. The activity o</li> <li>the Grand Banks now is getting quite prolif</li> </ul>	24 25 M	Q. Yes, down in the Laurentian Basin down there. IR. MURPHY: A. It's flying from has a helicopter and it's

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1	flying from the Cougar facility.	Ū I	1		bringing to us. One is, is there enough
2 ROIL,			2		equipment there to provide the service is one
3 Q.	Yeah, I think we heard evidence that that wa	is	3		issue without overloading the service and
4	a dedicated helicopter used to service that		4		causing, as you say, night flights and
1	particular installation.		5		situations where there might be pressure, and
6 MR. M	URPHY:		6		I'm not suggesting there is real pressure, but
7 A.	That's correct, which leaves us basically		7		there's a perception at least there's pressure
8	since the return to service with three		8		to fly to get people home?
9	airframes that we've been using to service of	ur	9	MR. M	IURPHY:
10	area of the Grand Banks. So that puts the		10	А.	Correct.
11	number of helicopter now one per operator,	and	11	ROIL,	Q.C.:
12	at the same time Husky now has three		12	Q.	If not for operational reasons, I take it,
13	installations out there; the Sea Rose, of		13		that the workers certainly want to get home
14	course, and I believe the Henry Goodrich is	s	14		when their shift is over?
15	drilling for her, and if the Glomar GFS Grand	1	15	MR. M	IURPHY:
16	Banks is not there now, she's in for a refit,		16	А.	Another double edged sword that you know,
17	if it's not there right now, it will shortly		17		when you're out there for 21 days, you're
18	be on station out there. So the activity is		18		anxious, will you allow yourself to be pushed
19	getting quite a bit, and while the semis are		19		to the limit in regards to, you know, if the
20	under contract in regards to they come and g	, jo,	20		operator says we're going to fly at night,
21	it is rare when at least one of the operators		21		there's a flight coming, do you want to get on
22	does not have a semi under contract out ther	e.	22		it, very few refuse. After 21 days, we want
23	Now we agree that the weather and the se	a	23		to leave, and if you get backed up, now you're
24	state limits the number of flights to and from	1	24		out there 22/23 days, you're even more
25	the installation, they can't fly because of		25		anxious, exponentially the longer you're out
26	weather and that, and there's no doubt that a		26		there.
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1	backlog of the personnel on the installations		1	ROIL,	Q.C.:
2	the personnel on the installations, when it		2	Q.	And the second issue I hear you saying is that
3	gets backlogged out there, those workers wh	ho	3		you don't like the idea of what we called when
4	are entitled to come home, the whole situation	on	4		we're talking about flying airplanes, a milk
5	creates an atmosphere of pressure to fly.		5		run, you don't like the fact that one flight
6	That is where you see you get night flights a	.s	6		will go out and go to several installations.
7	being an example of such pressure, and we f	eel	7		Now as I understand it, one of the arguments
8	that additional helicopter resources will help	,	8		against that is that you have 19 people or 17
9	reduce this pressure. It is understood that		9		people who want to try to get somewhere, and
10	the highest potential for an accident with a		10		ten are going to one place and seven are going
11	helicopter is during takeoff and landing.		11		to another place, that if you have one flight
12	Flights with multiple stops expose workers t	o	12		that is full, you have one flight that is at
13	increased risk, and we feel that increased		13		risk. If you send two helicopters out with
14	helicopter resources should reduce the need	ł l	14		the same people, each going to a separate
	for multiple stops and allow flights to be		15		location, that would increase the risk. Has
16	direct, non-stop. The more helicopters, the		16		that issue ever been considered by the
	less wear and tear on the individual		17		workers?
	helicopters if you're operating with three as		18		IURPHY:
	opposed to four, or two as opposed to four,		19	А.	It happens and it's going to happen that you
	and those two are constantly moving. We ju		20		do go to multiple installations. We just
21	question as workers we just question, do v	ve	21		wonder is it happening more often because they
1	have enough helicopter resources to operate	e	22		just don't have enough helicopters to service
1	safely offshore.		23		the offshore. Perhaps somewhere somebody
24 ROIL,			24		could is there an amount of flights per
1	As I understand it again, within this one		25		helicopter, is there a rule of thumb or a
26	issue you have two concerns that you're		26		standard. I don't know, but it seems to us

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1 that we had four pieces of equipment and the	hen 1		the operators saying, well, Helly Hansen was
2 we operated on three, and there's more	e   2	2	fitting people when suits first came in, I
3 installations there now than there was then	n. 3	;	asked around and I couldn't find anybody that
4 Are we overtaxing our equipment, ou	ı <b>r</b> 4	Ļ	had been fitted for it, you know. So
5 resources.	5	i	communications there seemed to be lacking
6 ROIL, Q.C.:	6	i	somehow.
7 Q. If there is an explanation, I take it that it	7	ROIL,	Q.C.:
8 hasn't been explained to your satisfaction			Uh-hm.
9 you don't understand what the explanation		MR. N	IURPHY:
10 for that change in the configuration of the		) A.	We're concerned that the operators believe
11 fleet?	11		that they did not get feedback from the
12 MR. MURPHY:	12	2	workers after they answered the return to
13 A. No.	13		service questions. Workers did responded and
14 ROIL, Q.C.:	14		many indicated that they were not satisfied
15 Q. Okay. I think we have one other issue that			with the answers given. In the past, workers
16 you want to bring to our attention.	16		have been on aborted flights and not known
17 MR. MURPHY:	17	,	why, and the anxiety caused by this practice
A. Communication with the workforce. I'll be	the 18	}	is extreme. The workers have pushed harder to
19 first to admit that things have changed in	19	)	have the HUEBA put in place. If they had
20 this regard since the crash of flight 491.	20		known that C-NOPB were saying about it and
Just last week, we were advised that a Coup			that it was under consideration for so long, I
22 Sikorsky helicopter was having its gearbo	-	2	guess we never knew because we weren't really
23 replaced because a crack was found in th			privy to a lot of that communication. If they
24 gearbox in the mounting feet, and we were			were asked if we asked about it, we were
that the very next day. One guy did complexity of the complexity o		i	told, hey, it's in the works. It's almost an
that he heard it on the news first, but that's		5	attitude of, you know, it's our business,
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1 not unusual, but the communication was the	•		we're taking care of it, and you'll find out
2 and it was quick and it was in depth, and	2	2	when the time comes.
3 that's what we need. That's what we're	3	ROIL,	Q.C.:
4 looking for. We have to know. I mean, wh	nat 4	Q.	Is that the same way on the you're talking
5 can we do about it, I don't know, but at leas	t 5	i	about issues that relate to the transportation
6 we were informed. We can make an infor	med 6	j.	piece of your work. Is the same communication
7 decision when we get aboard the aircraft.	7		issue in the workplace once you're out there,
8 Many people were complaining about the fi	t of 8	}	because we've heard a lot of evidence from the
9 their flight suits for 10, maybe 12 months	9	)	operators about how there is good open
10 before the crash. These complaints did not	t 10	)	communication on the facility?
11 register for whatever reason. The complaint		MR. M	/URPHY:
12 did not register as being a problem with the	2 12	Α.	I guess that's a yes and no on that one. The
13 seal of the suits. The operators appear to	13		way the communication is, the operator will
14 believe that the suits when they were first	14		say, okay, we're bringing in this practice or
15 initiated were being fitted at the heliport,	15	i	this standard or this method, and that's
16 the crews were being fitted with the new	16	i	communicated, but the input that we've had on
17 suits. I personally wasn't. At the time of	17		it is probably negligible or none at all. So
18 the introduction of the suits, I was working			if that's communication, if that's what the
19 at the office in there in maintenance plannin	-		operators call good communication, that's not
and when I went back offshore, they were			exactly what I'm talking about. What I'm
21 new suits. I went to the counter and the guy			talking about is that we need more from both
says, yeah, you're a medium. I sat down and			sides; from the workers, from the operators,
23 put it on and everything it was awkward			and it's not just here it is, this is the way
24 putting on because it's very different than	24		it's going to be, now go do it.
the original Mustangs that we were using, b		ROIL,	
26 no, I wasn't fitted for it, and when I heard	26	6 Q.	We've heard about these cards, you know, the

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1	Step Back, and the Five by Five, and all those	1	ROII	, Q.C.:
2	kinds of processes which engage workers in	2	2 Q	. Okay, we've gone beyond the break time, but I
3	talking about and communicating their concern	s   3	3	think you only had a concluding statement, so
4	about their work before they perform it, so	4	Ļ	perhaps we can do that and then we'll take a
5	they really understand, yes, it's safe; yes,	5	5	break before
6	I've done the risk management, yes. That's	6	5 MR.	MURPHY:
7	not what I'm hearing from you. I don't know	17	A	. Then I can get off the hotseat maybe.
8	if there's a difference here. I think what	8	8 ROII	L, Q.C.:
9	you're telling me is that there's information	9	) Q	. Not quite that easy, but I'm sure
10	being provided, but it's not a dialogue type	10	MR.	MURPHY:
11	information, this is the way things should be	11	A	. I didn't think so. Up until the crash of
12	done, now let's go forward together and do it.	12		Cougar Flight 491, the offshore oil industry
13	MR. MURPHY:	13	;	appeared to have achieved an outstanding
14	A. The operators have a whole department down	ı 14	ŀ	safety record following the Ocean Ranger
15	there called ESS, ES & SR, and they are	15		disaster. We are here because of events that
16	constantly looking for ways and it's	16		happened in the past, but we're here about the
17	safety, nobody is going I told you that	17		future. The one great value of the past is
18	before, nobody is going to argue that, I'm the	18		what it tells us about what we can do to make
19	first proponent of that, but where they get	19		the future better. The post-crash period has
20	their programs and their systems, it's	20		identified problems with night flights, flight
21	unbeknownst to me, but they seem to feel that	21		suits, selection and implementation of an
22	this is going to work if you use it, and they	22		underwater breathing device, response times
22	bring it out and they say, here you go, and	23		for search and rescue, and helicopter defects.
23	that's fine, we learn to use it and we go	24		Changes are being made. More need to be made.
	ahead and use it. There's no argument. Like			The largest challenge is to understand that
25 26	any system, there can be flaws in it, but they	25 26		the biggest problem is how these issues went
20			)	
<sub>1</sub>	Page			Page 80
1	don't necessarily want to know that there's			undetected or not responded to, and we have to
$\begin{vmatrix} 2 \\ 2 \end{vmatrix}$	flaws in it, just do it the way that we tell	2		make changes which will prevent this situation
3	you to do it, and it will work.	3	5	from happening again, and we as workers
	ROIL, Q.C.:			offshore, this is what we're hoping will come
5	Q. Is that communication different with respect	-		from this Inquiry. We're hoping that you can
6	to the helicopter portion or is it the same?	6		make realistic and real changes to make it
I	MR. MURPHY:			safer for us to travel back and forth to our
8	A. I think it comes down to attitude, I think.	8		jobs, and in that regard, we welcome this
9	I'm not sure, I'm giving you a personal	9		Inquiry. The end.
10	opinion here now.		) ROIL	
	ROIL, Q.C.:	11		. Thank you, Mr. Murphy, thank you very much. I
12	Q. Yes.	12		think it's probably time for our break.
13	MR. MURPHY:	13		(RECESS)
14	A. It comes down to attitude, do it, we're taking	14		MISSIONER:
15	care of business, and this is our business,	15	5 Q	. Now, Mr. Roil, you've finished your
16	and this is what you need to know, go ahead	16	5	questioning, have you?
17	and do it. So the communication, I don't	17	ROIL	, Q.C.:
18	think is as free flowing as maybe it should	18	3 Q	. Yes, thank you, Mr. Commissioner, yes, we're
19	be. Can it be improved? Has it improved;	19	)	finished.
20	absolutely. Can it improve some more;	20	O COM	MISSIONER:
21	absolutely.	21	Q	. Okay, well, I'll go through the you're
22	ROIL, Q.C.:	22	2	ready to take questions, Mr. Murphy?
23	Q. So you've seen an improvement since you bega	n 23	MR.	MURPHY:
24	to work with the industry?	24	A	Yes, sir.
25	MR. MURPHY:	25	б СОМ	MISSIONER:
25				

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1 MS. CROSBIE:		1	my name is Jack Harris, I'm a member of
2 Q. Thank you, we have no questions.		2	Parliament for St. John's East, and thank you,
3 COMMISSIONER:		3	Mr. Murphy, for your excellent presentation
4 Q. Thank you. Counsel for Transport Canada	, no.	4	and information as to the concerns that
5 Counsel for CAPP or representative of CAPP	<b>b</b> .	5	workers have flying back and forth. I am
6 MR. MANNING:		6	principally here to talk about search and
7 Q. Thank you, no questions.		7	rescue, so I'll focus on that aspect of
8 COMMISSIONER:		8	helicopter safety, and I was particularly
9 Q. Okay, thank you. Counsel for HMDC.		9	interested in your issues that you raised
10 MR. WALLACE:	1	10	about night flying and the safety issues that
11 Q. Thank you, Mr. Commissioner, Ian Walla	ce for 1	1	are different because of that. One thing I
12 HMDC. Mr. Murphy, no questions. I'd like		12	need to understand first of all, I think when
13 thank you on behalf of HMDC for your	r  1	13	you talked about the difficulties that the
14 participation in the Inquiry this morning.	1	14	current helicopters used by Sikorsky or by
15 For the issues that you've outlined on beha		15	Cougar have, is that the absence of the auto
16 of the workforce, which I think are also	1	16	hover was one issue in terms of being able to
17 issues in common for the Commissioner, a		17	remain stable and that's a question that's ben
18 your articulate and helpful presentation this	s 1	18	discussed, but you also mentioned that there
19 morning. Thank you.	1	19	was, either because of the auto hover or other
20 MR. MURPHY:	2	20	equipment, that it was difficult for the
21 A. Thank you, sir.	2	21	Cougar helicopters to actually do a controlled
22 COMMISSIONER:	2	22	ditch at night in a way that was not the same
23 Q. Thank you, Mr. Wallace. Suncor?	2	23	as during the day. Could you elaborate on that
24 MR. MAHONEY:	2	24	a little bit?
25 Q. No questions.	2		MURPHY:
26 COMMISSIONER:	2	26 A.	Again not being a helicopter expert or
	Page 82		Page 84
1 Q. And Husky.		1	engineer or anything, it's our understanding
2 MACDONALD, Q.C.:		2	from researching the information that we've
3 Q. No questions.		3	dug up, that in order for a controlled
4 COMMISSIONER:		4	ditching, as you can picture, it's coming from
5 Q. Now counsel for Cougar.		5	an altitude down to the water, the auto hover
6 WHALEN, Q.C.:		6	gives like a GPS reference of where you are in
7 Q. No questions. Thank you, Commissioner.		7	relation to the water. In the night time,
8 COMMISSIONER:		8	there is there are no reference points.
9 Q. Thank you, Mr. Whalen. Helly Hansen is not		9	This auto hover doesn't eliminate a chopper
10 here. Counsel for Memorial University of		10	from landing on a vessel or landing back at
11 Newfoundland, Mr. Hurley.		1	the airport, it's in the dark with no
12 HURLEY, Q.C.:		12	reference points, no horizon, nothing to give
13 Q. No questions, thank you, Mr. Commissioner.		13	the pilot something to take for references in
14 COMMISSIONER:		14	regards to landing, and this is where this
15 Q. Okay, thank you. For the Government of		15	auto hover, to my knowledge, comes into
16 Newfoundland and Labrador?		16	effect. So it would affect his ability to
17 MS. BERLIN:		17	safely ditch.
18 Q. No questions, Mr. Commissioner.			RIS, Q.C.:
19 COMMISSIONER:			So this aspect of auto hover is important. I
20 Q. Mr. Harris, I see you're here. Do you have		20	don't know, and perhaps you don't, but is it
21 any questions?		21	possible that this particular GPS type
22 HARRIS, Q.C.:		22	referencing could be available even without an
23 Q. Yes, I have just a couple of questions.		23	auto hover?
24 MR. BRIAN MURPHY - EXAMINATION BY JACK HARRIS, C	·		AURPHY:
25 HARRIS, Q.C.:			I would not know that.
26 Q. Thank you, Mr. Commissioner. For the record	, 2	26 HARF	RIS, Q.C.:

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1 Q. You wouldn't know that, and I don't eith		and fifteen minutes, I think, or was it more
2 but that was the aspect of the auto hover the		than that, to get to St. John's itself?
3 was important for a controlled ditching fr		MURPHY:
4 your point of view?	4 A	. That's right, and you're getting into a couple
5 MR. MURPHY:	5	of hours before you can expect to see a SAR
6 A. To my knowledge.	6	aircraft.
7 HARRIS, Q.C.:		RIS, Q.C.:
8 Q. Okay, the other aspect of flying at night, o		. I think you said an hour and 40 minutes to
9 course, and I guess it goes back to your		arrive to get as far as St. John's?
10 concern, the concerns of the workers that		MURPHY:
11 there is a ditching situation and, you know		. Uh-hm.
12 we would all hope obviously a much mor		RIS, Q.C.:
13 very different kind of crash than happened		. Now that's 70 minutes, I think we understand,
14 491, the there would be considerably m		was an average response time. So it could be
15 than in this case two people in the water, i		more than that, it could be less.
16 we were in the best of all possible worlds		MURPHY:
17 there could be as many as 18 people in t		. This is what we heard from it's the
18 water. So we've got two situations we'		standard.
19 dealing with. First of all, I think, as the		RIS, Q.C.:
20 Commissioner is concerned about, the fi	-	. It has to be two hours, but the average is 70
21 response time and the Cougar situation that		minutes, and even with that, it's an hour and
have here, and I think you've recommende		40 minutes to get to St. John's, and then to
23 15 minutes be the standard for getting		go from there to wherever the incident is is
24 something in the air the same as the Nor		additional to that, and possibly refuelling?
25 Sea. I would suggest to you, and I'm sure	-	MURPHY:
26 mentioned yourself about DND, DND		. Correct.
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1 availability, and that would also presuma	•	RIS, Q.C.:
2 be way more important as a second respon	-	. So your ability to get people out of the
3 a backup, even assuming you have a 15 n		water, for example, even in a controlled
4 response from St. John's. So is that part -		ditching at night, you may have someone there
5 would that be part of what you would req		in 15 minutes, and even if it's fully equipped
6 and see as important to helicopter safety		as is recommended, I guess that response can
7 flying at night?	7	only do so much so fast.
8 MR. MURPHY:		MURPHY:
9 A. Absolutely. The flying at night, the		. And your question is?
10 survivability right off the bat is going to b difficult in a ditabing situation at night		RIS, Q.C.:
<ul><li>difficult in a ditching situation at night.</li><li>The availability to locate and extract the</li></ul>		And the question is, are you opposed to in these circumstances where we're talking about
12 The availability to locate and extract the 13 survivors, and it comes down the botto		a possible or a second response, a possible
14 line, it comes down to time, how long an		time of an average of an hour and 40 minutes
15 going to be there, and every minute is goi		to get to St. John's, plus whatever it takes
to make a world of difference to someboo	-	to get to st. John's, plus whatever it takes to get to the incident, in those circumstances
17 that situation, and this is our concern about	-	would you oppose flying at night at all?
18 our search and rescue capabilities.		MURPHY:
19 HARRIS, Q.C.:		Yes, if the response times if we had search
20 Q. So if we can go through the scenario in		and rescue here in St. John's, if we had a DND
21 helicopters indeed are going to be allowed		quality response here in St. John's, even at
22 fly at night, and even in the best of possible		that, it's not safe to fly at night. The
23 worlds with a 15 minute response time fro		statistics show that a ditching at night is
24 John's, your estimate of the availability o		going to be towards 50 percent fatality,
25 backup from DND would be, given that a		possibility of towards 50 percent fatality,
26 minute response to, that it would take an h		and that speaks for itself, but if I had to
		1 , , , , , , , , , , , , , , , , , , ,

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1 fly at night, I would want search and rescue		1 C	O'BRIEN, Q.C.:	
2 in St. John's.		2	Q. No quest	
3 HARRIS, Q.C.:		3 C	COMMISSIONER:	
4 Q. Now what I think the other point is		4	-	nk you. All right then, Mr. Earle,
5 obvious. We all know that response time is		5		to you again very quickly.
6 pretty critical. Do you see finding people in				PHY - EXAMINATION BY RANDELL EARLE, Q.C.:
7 the water as an issue from a search and rescue	;		EARLE, Q.C.:	1 4 1 1 4 4 4 4 4
8 point of view? Is that something that		8		phy, the helicopter transportation
9 concerns the workers as well?		9		uit and I'm talking now in terms
10 MR. MURPHY:		10	-	the crash of Flight 491, can you
11 A. There was a question on the PLBs, the persona		11	-	sense what people offshore, the
12 locator beacons, from 491, how they operated		12		offshore, what their understanding was
13 We've been assured that they did operate.		13		how, the kind of protection that that
14 Without it happening again and learning from		14 15		d give them? What was the general
<ul><li>experience, we have to assume that this</li><li>electronic equipment works. Is it going to be</li></ul>			feeling? //R. MURPHY:	
<ul><li>electronic equipment works. Is it going to be</li><li>a problem, you know it for sure. If you get</li></ul>		10 N		was touted as being the latest and
17 a problem, you know it for sure. If you get 18 17 people bobbing around out there in any kir		17		suit that you could use in the
19 of a sea, and more particularly at night, it		19	-	situation that we would find
20 is going to be a problem, yes, of course.		20		in in the offshore in regards to
21 HARRIS, Q.C.:		20		egards to floatation, the thermal
22 Q. So another issue, I presume, that reflects on		22		when I say "cold", the flotation and
23 whether or not night flying it's harder to		23	-	us problem, of course, is water
24 find people at night, I presume.		24		and this was supposed to be the
25 MR. MURPHY:		25	-	greatest suit available.
26 A. Yeah.			EARLE, Q.C.:	
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1 HARRIS, Q.C.:		1	0. Could ve	bu give the Commissioner a sense of the
2 Q. Without the right kind of electronic		2	- •	n people offshore when they found out,
3 equipment. The locator beacons would be par	rt	3	-	rough picking it up by talk around or
4 of that. I understand there was some evidence		4		it through the evidence of this
5 about radar capabilities as well that could		5	Inquiry,	could you give us a sense of the
6 identify people in the water through some sort	t	6		on people of the news that Robert
7 of heat sensing radar. Have you heard about		7	Decker's	body temperature had gone down to 28
8 that?		8	degrees	celsius in the period of approximately
9 MR. MURPHY:		9	an hour	and fifteen minutes that he was in the
10 A. No, I have not.		10	water?	
11 HARRIS, Q.C.:		11 N	AR. MURPHY:	
12 Q. All right, those are all my questions, Mr.		12	A. Surprise	and shock. It was disappointing,
13 Commissioner. I just wanted to underscore		13	that who	le situation that we were flying in
14 those points.		14	suits tha	t wouldn't be of great benefit. I'm
15 COMMISSIONER:		15	-	g to say there was no benefit because
16 Q. Thank you, Mr. Harris. Now normally Mr	.	16		at all, but it was disappointing that
17 Earle, I would ask you now, but as this is		17		ened, that we were flying for so long
18 your witness, would you like to go last?		18	and so o	ften in suits that really wouldn't
19 EARLE, Q.C.:		19		e us a great deal of good in that
20 Q. Shot rock this morning.		20	situation	
21 COMMISSIONER:			EARLE, Q.C.:	
22 Q. Yes, okay. Mr. Martin, for the families.		22	-	ou very much, Mr. Murphy.
23 MR. MARTIN:			COMMISSIONE	
24 Q. I have no questions.		24	-	bu. Mr. Murphy, to me, your evidence
25 COMMISSIONER:		25		ning was very, very valuable. Just to
26 Q. Ms. O'Brien, or Mr. O'Brien this morning.		26	talk abou	at a couple of things, auto hover, as

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1	I understand it, is at night, if you're going	C	1		seriously or as seriously as it should have
2	to rescue someone who's in the water, that t	the	2		been. This is why it just struck me that, you
3	auto hover which is like an automatic pilot	t 🛛	3		know, we should have been we should have
4	holds the helicopter in position so that you		4		been treated like we were going to go in the
5	stay over the person, or, you know, and the	n	5		water, and they should have been prepared for
6	are able that holds you in position in a		6		that and preparing for that, but it didn't
7	finer way than a hand controlled, and then	ı	7		seem to be happening.
8	you're able to lower down a person or a cab		8	COMM	AISSIONER:
9	or whatever, and helps to get the person up		9		I see, okay, it's a good point. Have you
10	Now I don't know in a ditching if it would	d l	10		heard of the forward looking infrared device
11	help or not, I really don't know. This is the		11		that was talked about last week, and that can
12	first time I've heard that concept mentioned		12		sense through heat a person, for instance,
13	but that's something I'll find out about, you		13		through temperature, some sort of radar like
14	know. The other thing that I thought well		14		equipment, you know, three or four kilometres
15	to tell you the truth, this whole business and		15		away at night, but, of course, the helicopter
16	the things you've talked about this morning		16		that has that on board, it's externally
17	have to say to you when I open my eyes in t		17		mounted and then there's a man in the back or
18	morning, I'm thinking about it, all of this,		18		a woman with a screen and all that sort of
19	and when I close them at night, I'm thinkin	0	19		thing. It has to be a dedicated helicopter,
20	about it, it's the nature of this job, which		20		fully dedicated, to have that, can't carry
21	is pretty serious business. The idea of going		21		passengers, you know, on that. That's a
22	out to meet a helicopter that's in some sort		22		search and rescue helicopter. Now as I
23	of trouble, I hadn't directed my mind a lot to		23		understand it, DND hasn't got that at this
24	that. I've heard it mentioned, but as you		24		time, but I consider it to be a very, very
25	described it this morning, it had more impact		25		important thing to have.
26	on me. How do you see that as really		26	MR. M	IURPHY:
1	important?	Page 94	1	٨	Page 96 Anything at all that's going to take me out of
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	MR. MURPHY:		1 2		that water, I'm down for it.
3	A. Since this happened to me?				MISSIONER:
	COMMISSIONER:		4		That's right, that's right, that's right. On
5	Q. Yeah.		5		your statistics, I've read a lot about the
	MR. MURPHY:		6		North Sea in the last few months, and I don't
7	A. Absolutely. I couldn't it made me wond	er.	7		where did you get your statistics of
8	The reason why when we had the debrie		8		fatalities at night as compared with the day,
9	that happened on, I think, the 16th of		9		because they're very close to what I'm
10	January, and the 22nd of January we had	a	10		reading?
11	debrief and I asked that question, and it wa		11		IURPHY:
12	just it was on my mind for those three o		12		I have given a copy of the document that I
13	four days. As I explained to you, when it		13		had. It was from this gentleman, Brooks, I
14	initially happened, it didn't affect me a lot,		14		think his name is.
15	but afterwards I flew back that same day		15	COMM	AISSIONER:
16	got on a different chopper and flew back, f		16	Q.	Oh, yes, Dr. Brooks. Yes, I've talked to him
17	out to our installation and went to work fo		17		on the phone. As a matter of fact, I'm going
18	21 days, but for those few days between the	nen	18		to meet with him.
19	and the debrief, it just kept crossing my mi	nd	19	MR. M	IURPHY:
20	what would have happened how alert wa	is the	20	А.	I have a copy of a study that he's mentioned
21	rescue response if we had to have ditched,	-	21		in, amongst other things.
22	know, were there supply boats in the area		22	COMM	AISSIONER:
23	would anybody have checked to see if there		23	-	Yeah.
24	any near the route we were flying, and aga				IURPHY:
25	the reason why I asked the questions and t		25		Came from that document, and Mr. Roil over
26	answers that I got, to my mind it wasn't tak	ken	26		there has a copy of the documents.

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1 COMMISSIONER:	1 background, where you're from, your
2 Q. The North Sea statistics are very similar to	2 educational background, and then sort of how
3 what you've said, you know, fatalities are	3 you came to be into this industry, just a
4 much higher at night than in the day time, no	4 little bit of a history of how you got there?
5 question about that, and that's been the	5 MR. PEDDLE:
6 experience apparently.	6 A. Okay. I'm a Newfoundlander, I was born in
7 MR. MURPHY:	7 Carbonear. I'm 44 years old, trained as an
8 A. Just about stands to reason, doesn't it?	8 electronics technician here in St. John's. I
9 COMMISSIONER:	9 attended basic electronics and the technology
10 Q. Yeah, yeah. Look, you know, I just want to	10 course at the old College of Trades and
11 say to you again, your evidence this morning	11 Technology, which is now part of the College
12 has been valuable and helpful to me.	12 of the North of Atlantic. I graduated in '84.
13 MR. MURPHY:	13 In '85, I went to work offshore briefly with a
14 A. That was the that was the whole point of	14 diving company here in St. John's, Hydro Space
15 coming here to get across from, not just our	15 Marine Services. In that job, I was an ROV
16 members, but all the offshore workers, these	16 Technician. I worked for about four months on
are what we're concerned about, and I hope I	board the Bow Drill I, which was at that time
18 got it across properly.	18 drilling a well.
19 COMMISSIONER:	19 ROIL, Q.C.:
20 Q. You did, you did.	20 Q. That was a drill ship, was it?
21 MR. MURPHY:	21 MR. PEDDLE:
22 A. Thank you.	A. No, a drilling rig.
23 COMMISSIONER:	23 ROIL, Q.C.:
24 Q. Okay, sir.	24 Q. A rig.
25 MR. MURPHY:	25 MR. PEDDLE:
26 A. Thank you.	26 A. Semi-submersible. It was drilling a well
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1 ROIL, Q.C.:	1 probably up in the Orphan Basin. It was like
2 Q. Commissioner, in that case I think we can	2 a thousand feet of water. I did four months
3 excuse Mr. Murphy. Thank you very much.	3 work at that time, and then I immediately
4 We'll invite Mr. Peddle to take the witness	4 followed on to I got an offer to work with
5 seat. Good morning, Mr. Peddle. You are	5 the old Newfoundland Telephone in October of
6 Sheldon Peddle.	6 '85, and I worked with the telephone company
7 MR. PEDDLE:	7 for ten years up until 1995, when we got
8 A. Yes, I am.	8 caught up in a restructuring at that time, and
9 ROIL, Q.C.:	9 I was transferred, but during my time with the
10 Q. Okay, I think the Registrar will read the oath	10 phone company, I worked extensively in
11 to you.	11 Labrador, I flew a lot in helicopters, single
12 MR. SHELDON PEDDLE (SWORN) EXAMINATION BY JOHN ROIL,	12 engine 206s, A-Stars, that sort of thing,
13 Q.C.:	13 travelling to the coast mainly, did a lot of
14 ROIL, Q.C.:	14 work on the north coast and the south coast of
15 Q. Good morning, Mr. Peddle, I'll just invite you	15 Labrador.
16 to either move the microphone a bit or move	16 ROIL, Q.C.:
17 yourself in front of the microphone so we have	17 Q. These are small helicopters as compared to the
18 a good audio connection. Good morning, sir,	18 large heavy lift
19 and who is Mr. Sheldon Peddle?	19 MR. PEDDLE:
20 MR. PEDDLE:	20 A. Single engine helicopters, yeah, the kind
21 A. I'm Sheldon Peddle. I've worked offshore on	21 where you get to ride up front with the pilot
22 Hibernia. I'm the Telecom Technician on board	22 basically.
23 the platform, and I've worked there for the	23 ROIL, Q.C.:
24 last 13 years.	24 Q. Okay, that's where the only seat is right next
25 ROIL, Q.C.:	to the pilot?
26 Q. Okay, tell us a little bit about your	26 MR. PEDDLE:

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1 A. Yeah, there was one in the back too, but I die	l 1 Q.	And that is Local 2121?
2 a lot of flying up front, so I had a lot of	2 MR. PI	EDDLE:
3 opportunity to discuss helicopters, you know	, 3 A.	Yes, it is, 2006, by the way, actually.
4 and just get a feel for how safe they are,	4 ROIL,	Q.C.:
5 inherently safe, basically, the capabilities	5 Q.	2006, yeah, and you're still in the currency
6 of the auto rotate, and that sort of thing.	6	of one of your collective agreements with
7 So when I moved into the offshore, I had	7	HMDC?
8 travelled, I guess, in '85, you know, several	8 MR. PI	
9 times to the offshore to the rig, but when I		We're currently collective bargaining with the
10 moved into the job with Hibernia basically in		employer. Have been since September. We're
11 '97, you know, helicopters were I was		still covered off under our first agreement,
12 fairly comfortably flying with them.		actually.
13 ROIL, Q.C.:	13 ROIL,	
14 Q. And since 1997, have you worked consisten		The first agreement is still in place, and
15 then in the offshore?		it's being renegotiated into a second
16 MR. PEDDLE:		agreement at this point?
17 A. Yes, a regular rotation, three on, three off,	17 MR. PI	
so I guess I've done probably nine hitches a		That's correct, yes.
19 year for the last 13 years, about 125/130	19 ROIL,	
20 round trips.		Okay. I understand that you're going to speak
21 ROIL, Q.C.:		to us generally today about the occupational
22 Q. Well in excess of 100 trips?		health and safety regime and how it works in
23 MR. PEDDLE:		respect to HMDC, and then particularly how
24 A. Yes.		helicopters might be there or might not get
25 ROIL, Q.C.:		there, but again I'd ask you to just make a
26 Q. Yeah. Just as an aside, do you remember yo		comment, you've obviously had some
-	e 102	Page 104
1 flights back in the early days of the		considerable period of time that you've worked
2 exploration back in 1985 when you were on		in the offshore, about the whole issue of the
3 Bow Drill, did you travel by helicopter then?		safety regime in the offshore itself in the
4 MR. PEDDLE:		work on the facility. We've heard a lot about
5 A. Yes, I did, yeah, Sealand Helicopters,		it, and as I said to the earlier witness, your
6 actually, Mr. Dobbin's company.		counsel was quite complimentary to the
7 ROIL, Q.C.:		companies in terms of the fact that there was
8 Q. They were the provider back then?		very good safety record, and that their safety
9 MR. PEDDLE:		record was probably created by the right
10 A. The provider back then, and I flew on the same		atmosphere. Do you ascribe to the same
<ul> <li>aircraft, I guess, the same type of aircraft,</li> <li>a Super Puma L1, 332-L1.</li> </ul>		feelings?
*	12 MR. PI	
13 ROIL, Q.C.:		I'd agree with that, yes. I mean, certainly from my experience with Hibernia, we have a
<ul><li>Q. So very similar to the one that was used back</li><li>in '96?</li></ul>		safety culture, I guess, that you could say is
<ul><li>16 MR. PEDDLE:</li><li>17 A. The same one, that's right, yeah.</li></ul>		second to none in terms of, you know, our stated objectives and goals and where we want
17 A. The same one, that's right, yeah. 18 ROIL, Q.C.:		to take safety to, and what level we want to
19 Q. Okay. I take it, you have a significant		take it to.
20 position with the union?	20 ROIL,	
21 MR. PEDDLE:		And do you see the right processes in place to
21 MR. PEDDLE: 22 A. Yes, I do. I've been President of the Local		make sure those goals are achieved?
<ul> <li>A. Tes, Fdo. Tve been Freshent of the Local</li> <li>basically combined Local, which include</li> </ul>		
the bargaining units on Hibernia and Terra		The processes are there for sure, and I guess
<ul><li>24 the barganing tints on Theelina and Terra</li><li>25 Nova since August of 2007.</li></ul>		our system works a little bit differently than
26 ROIL, Q.C.:		on some of the other installations. We've got
20 NOIL, 2.0	20	on some of the other instantations, we ve got

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1 a little bit of a different process and	-	each JOHS meeting OHS meeting.
2 structure to our safety committees.	2 ROIL,	Q.C.:
3 ROIL, Q.C.:	3 Q.	OHS meeting, okay. We'll do the best to stay
4 Q. Right, okay, and that's probably where I'	11 4	away from that word, but if we get into it, it
5 take you right away then, is to explain to u	is 5	won't offend us. You've talked about I
6 perhaps with some degree of detail how	the 6	want to take you back to a little aspect of
7 occupational health and safety system wor	ks at 7	that that I'd like to develop a little more
8 Hibernia, and I'll try to avoid calling it the	8	deeply with you. There are worker reps or
9 JOHS system because it offends a number	of 9	safety reps from the workforce, and then there
10 people, including your counsel, and I dor	n't 10	are manager or supervisor reps, is that
11 like it either just because of the sound of	11	correct?
12 it, it sounds like you're being humorous, b	ut 12 MR. PI	EDDLE:
13 the OHS Committee or the OHS regime at H	HMDC, 13 A.	That's correct.
14 how does it work, what are the fundament	ntal 14 ROIL,	Q.C.:
15 underpinnings of it?	15 Q.	Tell us about the safety reps, how are they
16 MR. PEDDLE:	16	chosen, what sort of role do they form in the
17 A. Well, it's a typical joint this is where	17	committee and then on their own? How does
18 JOHS comes in, it's a Joint Occupationa	1 18	that work, because you have a group that are
19 Health and Safety Committee. The commi	ttee is 19	worker bees, if you will, you know, the
20 the highest structure or the highest party a		supervisor bees, how do the worker people work
the work site that deals with health and	21	together, how does that work?
22 safety issues. Again it's composed of wor	ker 22 MR. PI	EDDLE:
23 safety reps who are elected from variou		Well, I believe the legislation speaks to,
24 constituencies or departments in the	24	like, a per capita rep, say, every 50 workers
25 workplace.		at a work site, something like that.
26 ROIL, Q.C.:	26 ROIL,	-
Η	Page 106	Page 108
1 Q. Right.	-	Yes.
2 MR. PEDDLE:	2 MR. PI	
3 A. And it's also composed of a managem	ient 3 A.	On Hibernia, we've got probably well in excess
4 component that's selected by management		of the number of safety reps that would be
5 on the committee.	5	called up in the legislation, and that's
6 ROIL, Q.C.:		mainly because of the different number of
7 Q. And is there a Chair or are there co-chairs		we have a significant number of work areas,
8 how does that	8	shall we say. We've got a drilling component
9 MR. PEDDLE:	9	on board the platform. At one point, we had
10 A. There are worker co-chairs and the OIMs of		two drilling rigs. There's a well services
11 installations in the offshore is typically the		group that services both rigs, so we have like
12 offshore the co-chair of the manageme		an east and a west, that's what we refer to
13 side of the committee.		the two rigs as. Then we've got components
14 ROIL, Q.C.:		for production, maintenance, operations, and
15 Q. Okay, and we've heard evidence about ho		like a living quarters component. So all of
16 position of co-chair sort of rotates back fro		these different jurisdictions are able to
17 one meeting to the next.		elect their own safety rep.
18 MR. PEDDLE:	18 ROIL,	
19 A. That's right, yeah, like both OIMs you		You called them jurisdictions just then.
20 know, one OIM and his back to back woul		Other people talked in terms of their facility
21 co-chair, and would conduct meetings on t		that it was by department. Is there a word
22 respective shifts, and then we would have		that is used on HMDC?
23 own co-chair or worker co-chair, who we		
	-	
24 get, you know, full back to back scenario	s. 24 A.	It's the same thing basically, but I think
<ul><li>get, you know, full back to back scenario</li><li>Sometimes it doesn't always happen</li></ul>		It's the same thing basically, but I think when we do the elections, they use the

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1 believe they refer to it as constituency.	1	<b>Q</b> . ]	Right.
2 ROIL, Q.C.:	2	MR. PE	CDDLE:
3 Q. Okay, so you have these various constitu	iencies 3	A. ]	But generally it's we attend the meeting as
4 that are more or less aligned with the	e 4	:	an information session to get information if
5 different functions?	5	1	there was such an event such an incident
6 MR. PEDDLE:	6	1	happened or whatever, and if we have anything
7 A. Yes, exactly.	7	1	that we want to bring up.
8 ROIL, Q.C.:	8	ROIL, O	Q.C.:
9 Q. Okay, in that alignment of functions,	I 9	Q	And how then do the worker representatives,
10 haven't heard you mention that there is	sa 10	1	how do they interact with the workforce, are
11 helicopter function. Is there somebody	that 11	1	they expected to go out and, you know, solicit
12 is there to represent the helicopter side of	of 12		information, concerns, questions from the
13 things?	13		workforce, how does that portion of the piece
14 MR. PEDDLE:	14	•	work?
15 A. No, there's not. Like, we don't have a	-	MR. PE	
16 expertise per se on that side, you know			Generally every department, shall we say, has
17 someone who deals strictly and solely			their own safety rep. A lot of the groups do
18 helicopter issues. They're brought up in			weekly meetings, weekly safety meetings for a
19 broader general sense to the committee.	, the 19		particular group, say, the maintenance group,
20 OHS Committee.	20		and the operations group. So you would attend
21 ROIL, Q.C.:	21		that meeting as one of the workers in that
22 Q. So because all of the worker are travellin		-	particular group, and if there were any safety
23 helicopter transportation, it's assumed			concerns that came up, you would hear about
it's expected that the issues will be broug	-		them probably at that meeting, but that's not
25 up just by virtue of the fact that you're a			to say that you wouldn't hear from something
26 travellers?	26	(	on the fly ad hoc that may come up on any
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1 MR. PEDDLE:	1		given day.
2 A. Yes, that's primarily a word of mouth sy		ROIL, (	-
3 If there is an incident or something that			And what training, if any, do the safety reps
4 happens or whatever, and the questions			get with respect to their function as
5 asked, and then we'll get answers to the	-		representatives on board the committee? Is
6 that we can actually deal with it as an			there a form of training that is undertaken to
7 incident or an issue to talk about.	7		familiarize people with this regime?
8 ROIL, Q.C.:		MR. PE	
9 Q. Okay, now the before you go and atte			Yeah, there's a by legislation, there's a
10 actual Health and Safety Committee me	0		requirement to have all occupational health
11 are there other functions or activities that			and safety committee members trained as OHS
12 these worker representatives perform due	-		representatives.
13 regular rotation?		ROIL, (	
14 MR. PEDDLE:	14	-	Uh-hm.
15 A. Generally, like, we attend one safety i	-	MR. PE	
16 will attend it's a morning meeting, and			So that is two to three days of training that
17 OIMs morning meeting is a meeting of			would take place after generally after
18 department heads on board, you know,		-	you've been elected to the committee.
19 production, maintenance, services, so on drilling and they give an undete on the r		ROIL, O	
20 drilling, and they give an update on the p			Where is that training provided?
21 days performance, shall we say. If there		MR. PE	
22 any safety issues, we'd probably hear a			Here in St. John's. There are several service
23 them at that meeting, if we didn't have			providers.
24 brought to us from the workforce before		ROIL, O	
25 meeting.	25		So it's not provided by the oil company
26 ROIL, Q.C.:	26		operators, it's provided by a separate service

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1 provider?	1		our first course of action, we'll try and
2 MR. PEDDLE:	2		resolve it before it goes to the JOHS
3 A. Private industry, yeah, usually who deal with	3		Committee, and that's not a we're not
4 the safety side of you know, safety	4		trying to hide anything, but, I guess, the
5 training, that sort of thing.	5		effort that we're trying to put in is to get
6 ROIL, Q.C.:	6		the issues resolved as quickly as possible.
7 Q. And what sort of things does that training	7		So that would be the normal course you'd take
8 have you taken such training?	8		to deal with the issue as it comes up, and try
9 MR. PEDDLE:	9		and deal with, you know, the highest level of
10 A. Yes, I have.	10		management on board the facility, to try and
11 ROIL, Q.C.:	11		get an acceptable response.
12 Q. And what sort of things would you become av	ware 12	ROIL,	Q.C.:
13 of in the course of that training?	13	Q.	So the first objective is solve it in the
14 MR. PEDDLE:	14		department, the second objective is solve it
15 A. Well, you're given knowledge with regards to	o 15		within the operation at the management level.
16 the legislation and what you're expected to	16		If that doesn't happen, you're then expected
17 do, your participation in safety at the work	17		or required, or how does the thing get to the
18 site, how to deal with issues effectively, you	18		committee, do you then bring it to the
19 know, how to take your issues from your	19		committee?
20 constituents, the people that you're	20	MR. P	EDDLE:
21 representing, you know, the best way to work	x 21	А.	Yeah, generally it would be it would be
22 as a group of safety reps, that sort of thing.	22		held on to as an issue if we didn't see if
23 ROIL, Q.C.:	23		we weren't satisfied with the response maybe
24 Q. Is there a way that the safety reps work as a	24		on a particular issue, we would take it to the
25 group outside of the workings of the full	25		JOHS Committee.
26 formal committee? Is there a do the safety	26	ROIL,	Q.C.:
]	Page 114		Page 116
1 reps get together themselves as a group?	1	Q.	Okay, I'm sort of just trying to get a capture
2 MR. PEDDLE:	2		of what you've told us, there are safety
3 A. On Hibernia, yes, we do. We meet Frid	days 3		representatives of the workforce, there's
4 generally just after lunch, and we meet we	eekly 4		about 12 or 13 of them?
5 to pull our knowledge basically of any saf	fety 5	MR. P	EDDLE:
6 issues that have come up during the week	k and 6	А.	Well, the
7 to discuss ways forward, maybe how we w	want to 7	ROIL,	Q.C.:
8 approach those to deal with them. Gener	ally 8	Q.	Whatever number of departments or functions or
9 we try to take issues that can be resolved of	on 9		constituencies you have.
10 the platform, we'll take those to the OIM, a	and 10	MR. P	EDDLE:
11 that's sort of tasked to the co-chair on the	e  11	А.	That's right, yeah.
12 committee of the safety reps.	12	ROIL,	Q.C.:
13 ROIL, Q.C.:	13	Q.	It's a large number.
14 Q. Have you performed as co-chair?	14	MR. P	EDDLE:
15 MR. PEDDLE:	15	А.	Well, again, I mean, I think it's certainly in
16 A. Yes, I have.	16		excess of 10, but we've lost a few because
17 ROIL, Q.C.:	17		we've scaled back the drilling a little bit on
18 Q. So if there is an issue that arises on board	1 18		board Hibernia.
19 the facility and the worker representative	es   19	ROIL,	Q.C.:
20 are not able to resolve it within their	20	Q.	Yes, we understand only one of the two rigs is
21 department, it then comes to you as the c	21		drilling?
22 chair to take it up to the OIM? Is that the	22	MR. P	EDDLE:
23 way it works?	23	А.	That's correct, yes. So it may at one time
24 MR. PEDDLE:	24		have been 13. It could still very well be 13.
A. Generally, yeah. If there's an issue that w	ve 25		I'm not entirely sure, but again, like, with
26 feel can be resolved on the platform, that	z's 26		the fact that you have people coming and going

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1 on different rotations, it's kind of hard to	1	kind of information.
2 maintain a constant number of safety reps th	nat 2 I	ROIL, Q.C.:
3 might be there. You hope that every	3	Q. So it's not a place where issues are
4 department or constituency is represented al	1 4	necessarily resolved, it's an information
5 the time, but that may not occur because of		flowing?
6 the comings and goings of people.		MR. PEDDLE:
7 ROIL, Q.C.:	7	A. Exactly, yeah, it's more of a report.
8 Q. Okay, so at HMDC there is a weekly meeting	of 8	Basically, it's called the OIMs daily report
9 these reps where they can try to solve issues		and at the meeting, that's what it's about
10 or formalize a way to bring them forward a		basically, and again with all the department
11 the meeting of the four rotation committees'		heads there, you hear it from every side of
12 MR. PEDDLE:	12	the operation basically.
13 A. Yeah, that's right, and it varies, and because		ROIL, Q.C.:
14 people are on night shift and day shift, and	14	Q. Do the safety reps find that to be an
15 the time that we do the meeting is convenient		advantage to them to have that participation
16 for the majority, basically. There are times	16	in that daily meeting?
17 when there will be reps on board that	-	MR. PEDDLE:
represent areas that don't attend the meeting		A. Generally, it is. I mean, the advantage, I
		guess, if an issue comes up that somebody is
-	19	
20 patterns, right.	20	not aware of, that we can bring it forward in that magning basically as a talking point to
21 ROIL, Q.C.:	21	that meeting basically as a talking point to
22 Q. Okay, now you mentioned that one of the		say, you know, I think we should look at this
23 committee members sorry, one of the safe	-	particular issue, this happened last night.
24 rep members then attends the OIM daily		ROIL, Q.C.:
25 meeting?	25	Q. Now in addition to a daily OIM meeting or a
26 MR. PEDDLE:	26	report meeting, there's also a walk about that
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1 A. That's correct, yes.	1	happens once a week, is that correct?
2 ROIL, Q.C.:		MR. PEDDLE:
3 Q. Is that the same person all the time or is	3	A. Yeah, generally the person who does the
4 that on a rotation within the safety rep	4	meeting on Saturday morning, the OIM meeting
5 group?	5	on Saturday morning, would also attend a
6 MR. PEDDLE:	6	weekly session we call it the walk about.
7 A. It's generally you try and rotate it as a	7	It's a platform inspection basically where
8 task among the reps who are available on a	ny 8	primarily all of the management go out and
9 given day.	9	they do an inspection of the platform, but
10 ROIL, Q.C.:	10	there's also participation from different
11 Q. Okay, and that meeting, does that do safe	-	areas. Like, safety reps are there, and there
12 issues come up there? I think you mention		may be other worker reps that are representing
13 if something happened overnight, if you	13	different groups who also attend.
14 haven't heard about it from the workforce, y	ou   14 I	ROIL, Q.C.:
15 might hear about it there?	15	Q. Now let's go on to the actual Joint
16 MR. PEDDLE:	16	Occupational Health and Safety Committee, give
17 A. That's correct, yeah. You know, occasional	lly 17	it its formal title. How often does that
18 we do we hear tell of if there was an	18	meet?
19 incident, recordable accident, say, for	19 1	MR. PEDDLE:
20 instance, where someone was injured an	d 20	A. Every three weeks on a well, it's on a
21 whether they required, like, bed rest, or if	21	perpetual schedule, basically. We've been
22 they had their arm scratched or cut, or finge	r 22	doing it the same time now for the last 12/13
23 broke, or something like that, you might hea	ar 23	years.
about it, and that's part of the process, I		ROIL, Q.C.:
25 guess, in attending the meeting for the reps		Q. So the ten safety reps that are on that
to go there so that we're apprised of that	26	particular rotation should be always there,

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1 usually are, what, available for that? Has it	1	that meeting, would get addressed at the joint
2 happened that they're always available, or is		meeting.
3 it sometimes that some of them are not?		IL, Q.C.:
4 MR. PEDDLE:	4 0	Q. Okay, now I take it that the concept of this
5 A. Well, they're certainly on the platform to	5	committee being joined is that there is equal
6 attend unless they're off sick for some reaso		participation from the management side of the
7 or whatever, but depending on their work		workplace, and that there would be accordingly
8 schedule offshore, that meeting typically	8	as many as up to ten of the supervisors that
9 lasts anywhere from an hour and half to, yo		would be there?
10 know, as much as two and a half hours. S		. PEDDLE:
11 it's a very lengthy meeting to attend if it's		A. That's correct, yes, and that's by
12 on your off shift, for instance, and we have		legislation. I think there's a requirement
13 drilling right now that they end off their	13	that when the Occupational Health and Safety
14 shift at 11:30/12 o'clock, so it's kind of	14	Committee sits, it is in an equal capacity.
15 it's a meeting where if you were on the nigh		So if you only ended up with six safety reps
16 shift basically with drilling, you probably	16	there, they would ask before the meeting
17 may not attend that meeting, and it all	17	you know, to count up the management people
18 depends how many reps you have in that		that are there and say, okay, you're going to
19 situation.	19	have to go and you're going to have to go,
20 ROIL, Q.C.:	20	just so the numbers even out, and it's six and
Q. Is that something that can be fixed or is that		six.
just a function of the number of people that		IL, Q.C.:
are working in an offshore installation that		Q. So at the beginning of every meeting, a
24 seems to be working almost around the cloc		balancing approach is taken to making sure
25 MR. PEDDLE:	25	that equal numbers of workforce and management
A. That's a function of the operation, I think,	26	are present?
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1 for the most part, and generally the majority		. PEDDLE:
2 of the participants or the available safety		A. That's correct, yes.
3 reps that are there, we'll always put		IL, Q.C.:
4 together, you know, a half dozen plus safety		Q. That could be a group as large as 20, or
5 reps that would be representing. Very rarely		perhaps as small as 12. Does the size of the
6 do we have any less than that number.	6	committee offer any challenges in terms of the
7 ROIL, Q.C.:	7	discussion, or is that something that's
8 Q. Okay, so let's assume out of the ten let's	8	handled practically by the people who chair
9 assume that the number right now is ten,		and co-chair the meeting?
10 whether we're deadly accurate doesn't make	•	L PEDDLE:
11 difference, just to talk about it, and if you		A. It's not generally an issue, but there's
12 get six or seven there, you're saying that	12	plenty of opportunity for anybody to speak at
13 gives the opportunity for the issues of all of the ten to be reised at the joint meeting?		these meetings, you know, and generally speaking if there's more people there, there's
<ul><li>14 the ten to be raised at the joint meeting?</li><li>15 MR. PEDDLE:</li></ul>	14 15	probably a little bit better debate sometimes
16 A. That's correct, because, you know, with 17 regards to the issues that might be brought		that goes on. IL, Q.C.:
17 regards to the issues that hight be brought 18 forward over the previous three meetings, th		Q. Who prepares the minutes for these meetings?
18 forward over the previous three meetings, in 19 safety reps meetings that happen on Friday		Is one of the members expected to take notes?
20 chances are that the individuals would have		. PEDDLE:
21 attended one or two of those in the past wee		A. We, for many years, had the Platform nurse
21 attended one of two of those in the past wee 22 or two since they came on board.	21 22	prepare the minutes for the meeting and they
23 ROIL, Q.C.:	22	attended as an observer.
24 Q. Right.		IL, Q.C.:
25 MR. PEDDLE:		Q. So they would be a non-voting observer at the
26 A. So their issues, if they brought them up in	25	committee and they would take the minutes?
25 A. 55 then issues, it they brought them up in	20	Dage 121 Dage 124

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1 MR. PEDDLE:	1		discussion is recorded?
2 A. That's correct, yeah.	2	MR. P	EDDLE:
3 ROIL, Q.C.:	3	А.	Yeah, that's right, and then basically, you
4 Q. He or she who was serving as the Platfor	m 4		know, when both the OIM and the worker co-
5 nurse?	5		chair are satisfied that the minutes are
6 MR. PEDDLE:	6		accurate, then they would sign off and those
7 A. Yes.	7		minutes, as far as I know, they go to the C-
8 ROIL, Q.C.:	8		NLOPB.
9 Q. Okay. What has that changed at all?	9	ROIL,	
10 MR. PEDDLE:	10	Q.	In the ideal world, everything would be
11 A. It has changed. The nurses basically have			decided by a consensus or by unanimity, I
12 moved into a capacity as safety reps and			guess, ideally. If not by that, then by some
13 that's led to we now have one of the	13		sort of a consensus. Is there a protocol or
14 management staff on board is collecting	-		procedure that can require some issues get to
15 minutes, taking the minutes for the meetin	-		a vote to see how it will be advanced from the
16 and he sits as an observer basically.	16		committee?
17 ROIL, Q.C.:			EDDLE:
18 Q. Okay. What then happens with the docum			There have been instances you know,
19 minutes? At the end of the meeting, they'n			generally, that's not the kind of thing that
20 prepared, I take it. Are they circulated to	20		takes place. It's the one-of type situations
21 anybody?	21		or the very rare occasions when you have like
22 MR. PEDDLE:	22		a workplace refusal. When you get to a work
A. They're prepared, you know, over the course			refusal, there is a process where the
a day or two after the meeting and they would be a day or two after the meeting and they would be a day of the set of the			committee is asked their input or their
25 get sent out to the co-chairs basically,	25		opinion basically on a particular issue and
26 respective worker co-chair and the OIM, fo	or 26		there may be a situation where you'd have
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1 review to make sure there's no errors or	1		you'd take a counting of the heads, like you
2 omissions, that sort of thing.	2		know, and just see who's in favour and who's
3 ROIL, Q.C.:	3		not in favour of a particular stand on a
4 Q. So if you spot something that was discussed			safety issue, for instance.
5 and you didn't think it was reflected proper	•	ROIL,	
6 or it wasn't reflected at all, would you have	e 6	Q.	If you have equal participation, is there any
7 the opportunity to have that kind of input?	7		way in which a tie can be broken?
8 MR. PEDDLE:	8		EDDLE:
9 A. Yes, that's correct.	9		Not to my knowledge, no.
10 ROIL, Q.C.:		ROIL,	
11 Q. What has been the quality of the minutes			So if there's a tie, if there's not a
12 Does it vary from time to time or is it alway			consensus one way or the other, what happens
13 the same or is it pretty good? What -	13		to the issue then? Like let's take a work
14 MR. PEDDLE:	14		refusal because I think you have some personal
15 A. The minutes have varied in their you kno	ow, 15		knowledge of that, so let's take a work
the accuracy, shall we say, or the length.	16		refusal generically and then we'll talk about
17 We've had people in the past that kind of ke	ept 17		yours.
a light version of the minutes and that's			EDDLE:
19 something that required sometimes a lot m			I think the legislation speaks to the fact
20 work on behalf of the co-chairs involved t			that even if you're not the individual
21 make sure that the spirit of whatever debate			who's made the refusal is not satisfied with
22 took place is sometimes captured in the			the response from the joint committee, he
23 minutes.	23		still has the right to take the issue to the
24 ROIL, Q.C.:	24		C-NLOPB and have an outside independent
25 Q. But at the end of the day, there's an attempt			investigation done basically.
26 made to ensure that all the important	26	ROIL,	Q.C.:

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1 Q. Okay. So the ultimate resolution goes back	to 1	and hundreds of hours, but -
2 the regulator, the C-NLOPB?	2 RC	IL, Q.C.:
3 MR. PEDDLE:	3	Q. You never worked on one.
4 A. That's correct, and whether there's a deadlo	ck 4 MF	R. PEDDLE:
5 or whether there's, you know, an opinion of	ne 5	A. You know, I've never put a cowling up on one
6 way or the other, you still have that right.	6	and did any work on it or anything else like
7 ROIL, Q.C.:	7	that. I mean, being into electronics and, you
8 Q. How often, in your experience, do issues	8	know, some sophisticated electronic systems,
9 relating to helicopter transportation come	9	I'm aware that, you know, what they've tried
10 forward in this joint occupational health and		to do with the 92 is give it all the bells and
11 safety regime on board the HMDC Platform?	11	whistles, all the safety systems and sensors
12 MR. PEDDLE:	12	and that sort of thing. So I can appreciate
13 A. You know, we've had issues that have com	-	that there are, at times, things go wrong and
14 in the past involving the helicopters,	14	they get nuisance alarms, that sort of thing.
15 questions about reliability, maybe questions		So that's about my -
about the number of turnarounds that we'v		IL, Q.C.:
17 seen, that sort of thing. Recently, we've had		Q. That's the level of your -
18 a couple of workplace refusals that dealt wit		R. PEDDLE:
19 issues around the auxiliary fuel tank.		A active knowledge of the helicopters.
20 ROIL, Q.C.:		IL, Q.C.:
21 Q. I guess my question is, is it understood by		Q. Right, okay. Now I think you've indicated
22 the workforce generally and by the safety re	-	that you were personally involved in a work
23 particularly that the Occupational Health and		refusal fairly recently with respect to
24 Safety Committee is the right place to bring		helicopter transportation. So that the
25 concerns about helicopter transportation	25	Commissioner understands the nature of that
26 portion of your work?	26	issue, just explain to us how it came about
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1 MR. PEDDLE:	1	and what the focus or concern was for you at
2 A. Well, I guess it's right now, it's the only	2	that time.
3 place we have to bring these issues forward		R. PEDDLE:
4 even though there doesn't seem to be a lot o		A. Well, I guess, for us on Hibernia, like we had
5 expertise on that particular committee. We	e 5	not been flying we had never flown with a
6 have to still go outside and go back right to	6	dedicated auxiliary fuel tank in our
7 the operator, Cougar Helicopters, to give us	5 7	helicopter. Generally our flight went off
8 answers on particular issues.	8	at various times we've had the first flight,
9 ROIL, Q.C.:	9	at times we've had the third flight, but
10 Q. Yeah, I think that takes us back a little bit	10	generally it was always without a tank, and we
11 into the point that Mr. Murphy was making		went with a full complement most times of 19
12 his evidence, is that the workers have a	12	people in the helicopter.
13 degree of control and engagement in the safe	-	IL, Q.C.:
14 challenges at the workplace because they'r		Q. Sorry, just stop you there, just to clarify.
15 working there. They don't with respect to		We've heard that there are three pieces of
16 helicopters because they don't have the	16	equipment that are, if you will, committed to
17 expertise to understand particularly the	17	the three operators, but that ultimately
18 mechanical side of things. Does that hamp		they're pooled and that the helicopter that
19 the way in which helicopter issues are dealt		you might get one day would not necessarily be
20 with at the Occupational Health and Safety		the same one that was the one that was
21 Committee?	21	contracted for by the operator. Do you
22 MR. PEDDLE:	22	understand that. this pooling?
23 A. I would say it does. I mean, you know, as		R. PEDDLE:
24 Brian conceded and I'll concede the same		A. Yes, that's correct.
25 thing, I'm not an expert on helicopters. I've		IL, Q.C.:
26 flown in helicopters for hundreds and hundr	reds 26	Q. So what are you saying, that there was that

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1 the helicopters that you were flying on	1	fuel tank and as part of a rotating departure
2 generally would not have an auxiliary fuel	2	schedule now that the operators have, they
3 tank mounted inside?	3	agreed to have that tank on board the
4 MR. PEDDLE:	4	helicopter on every flight. So that reduced
5 A. Generally since the S-92 was introduced, w	re 5	the numbers down from 19 down to 17, I
6 flew without it, and I guess I think that	6	believe, is what they use in that capacity.
7 might be part of the fact that, you know, the	7 ROI	L, Q.C.:
8 reason for that might be like we banked on	8 Q	And this configuration you're talking about
9 having 19 people. That was our schedule, ou	ur 9	now is post Flight 491?
10 rotational schedule and the plans that the		PEDDLE:
11 operator would have 19 passengers. 17		. That's correct. Actually, it only started as
12 dedicated and two extras, two people that	12	a dedicated, you know, this is the way it's
13 might come up on a daily basis or whatever,		going to be from here on in after November
14 that we could move 19 people on a daily base		1st. That's when the rotational schedule
15 ROIL, Q.C.:	15	started basically where -
16 Q. So HMDC was consuming all of the space		
17 available on its dedicated flights?		November 1st of 2009?
18 MR. PEDDLE:		PEDDLE:
19 A. That's correct, and like we didn't need the		Yes, that's correct.
20 tank for any operational reasons to go back		-
and forth. Even with, you know, fairly heavy	-	Okay. And what was your view on the safety
22 winds, we could usually always fly with a fu		issues that were being presented by a
23 complement of 19.	23	helicopter with a fuel tank? I think we now
24 ROIL, Q.C.:	24	know it would have been on the starboard side
25 Q. Okay, and that meant that the fuel tank was		or the right side in November of 2009.
26 not even there, let alone being used?		PEDDLE:
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1 MR. PEDDLE:		That's right, yeah. Well, there was a work
<ul> <li>A. That's correct. I'm not saying that people</li> <li>haven't flown in the past to Hibernia with a</li> </ul>	2	refusal prior to mine that dealt with the
<ul> <li>haven't flown in the past to Hibernia with a</li> <li>tank in the helicopter. I think I may have</li> </ul>	3 4	auxiliary fuel tank and issues around egress specifically. That issue was dealt with with
5 done it once before we started using the 92,	4 5	the C-NLOPB and I believe Brian commented on
6 once that I can remember.	6	his piece here this morning that, you know,
7 ROIL, Q.C.:	7	they came up and said there's no increased
8 Q. So was there a similarly inside located fuel	8	risk to having the tank there. It's
<ul><li>9 tank in the Super Pumas at one time?</li></ul>	9	inherently risky to fly offshore in a
10 MR. PEDDLE:	10	helicopter and the tank didn't add any risk.
11 A. There was. Actually, it was a little bit of a	11	Well, I disagreed with that and -
12 different arrangement. The Pumas actually -		0
13 I think all of the Pumas had a tank that was		Okay. So you had that text that he read
14 actually an integrated seat and it was placed	14	out to us in his evidence, you had heard and
15 forward in the helicopter. You know, it	15	seen of that at the time of your decision?
16 pretty well occupied the same location all the		PEDDLE:
17 time. Very seldom would you see the Puma		. That's correct.
18 a full seat complement basically.	18 ROI	
19 ROIL, Q.C.:		. Okay, and what was it that you did or did not
20 Q. Okay, so you presented with the circumstand		like about that decision?
21 where now you seem to be on a flight that ha		PEDDLE:
22 as a regular thing, a fuel tank that's a part		. Well, I don't think you can deny that the tank
23 of the normal assembly inside.	23	does, you know, increase an egress hazard out
24 MR. PEDDLE:	24	of a helicopter, just on that one particular
A. That's correct. I think Cougar outfitted all	25	point alone. We've never trained with the
26of the S-92s in St. John's with the auxiliary	26	we've never trained in the past with any kind

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1 of impediment to escape in the helicopter. I	-		regards to with the auxiliary fuel tank.
2 the mock ups -		ROIL	<i>,</i> , Q.C.:
3 ROIL, Q.C.:	3	Q.	Okay.
4 Q. So the HUET does not have a pretend fuel ta	unk 4	MR. I	PEDDLE:
5 sitting on one side of the fuselage?	5	A.	And that morning, I just had to make a
6 MR. PEDDLE:	6	i	decision and I made a decision that I wasn't
7 A. Not at all. There's nothing. Basically,	7		going to go.
8 you're always given you know, the way t	they 8	ROIL	л, Q.C.:
9 do the HUET training now, it's two people in	n, 9	Q.	Okay. So what happened as the result of your
10 one on either side. You have a window th	nat 10	)	decision? Let's take it step by step. What
11 you you know, it's a left-hand or right-	11		was the first thing that happened? You
12 hand side escape basically.	12		weren't required to fly?
13 ROIL, Q.C.:	13	MR. I	PEDDLE:
14 Q. Right.	14	· A.	That's right. I made a refusal and I informed
15 MR. PEDDLE:	15		my supervisor offshore. At that point in
16 A. But there's nothing to challenge you, such a	as 16		time, in accordance with the requirements of
17 a fuel tank, with getting out of the	17		the regulations or whatever, or the
18 helicopter, any kind of a mock up or someth	-		legislation, I'm not sure exactly how it
19 to, you know, replicate the impediment ye	ou 19	1	works, but they convened the Joint
20 might have to getting out a window.	20	)	Occupational Health and Safety Committee
21 ROIL, Q.C.:	21		offshore to discuss the issue.
22 Q. Right. Okay, so what then did you do in te	rms 22		<i>,</i> , Q.C.:
23 of your understanding of your ability to	23	Q.	This wasn't a regularly scheduled meeting of
24 refuse work?	24		that committee, was it?
25 MR. PEDDLE:	-		PEDDLE:
A. Well, I had been going by vessel for seven	and 26	A.	No, it was specifically for this purpose
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1 a half months after 491 due to an issue with	1		basically.
2 my survival suit.	2	ROIL,	-
3 ROIL, Q.C.:	3	Q.	Okay, so the mechanism of the committee allows
4 Q. Okay. We'll perhaps talk about that a little	4		for a purpose called meeting to happen and it
5 later on. So let's table that issue.	5		did?
6 MR. PEDDLE:	6		PEDDLE:
7 A. Okay.	7		Exactly, that's right.
8 ROIL, Q.C.:		ROIL,	-
9 Q. So you had been travelling for some period of	9		Okay, and that meeting was just to deal with
10 time by vessel?	10		your issue?
11 MR. PEDDLE:			PEDDLE:
12 A. That's correct, yeah.	12		That's correct, yeah.
13 ROIL, Q.C.:		ROIL,	
14 Q. And you were now presented with a new suit ar			Okay.
15 a new flight?			PEDDLE:
16 MR. PEDDLE:	16		So it started out, I had some discussions that
17 A. That's correct, yeah. So there was a you	17		day with both co-chairs, the worker co-chair
18 know, it came up that I was supposed to go	18		at the time and the OIM, and they informed me
19 offshore on a particular day and I didn't	19		that they'd be conducting a meeting. That was
20 really know I was supposed to be there,	20		on a Friday, and they informed me that there'd
21 because I figured I was going by boat, and 22 then I had a decision to make I was in the	21		be a meeting held of the Joint Committee the
22 then I had a decision to make. I was in the	22		next day to discuss the matter, and go through
23 process of doing up a presentation, you know,	23		the piece of work that they had to do in
24 a package of documentation that I was going to			investigating, I suppose, if you will, my work
25 give to Howard Pike with C-NLOPB outlining all			refusal and the reasons that I refused.
26 of these issues that Brian has discussed with	26	ROIL,	, Ų.C.:

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1 Q. Okay. So the people that were doing thi	Č Č
2 investigation was the regular JOHS or OH	
3 committee on board HMDC?	3 A. That would have been Sunday, I think. Sunday
4 MR. PEDDLE:	4 morning, I think, I found that out.
5 A. That's correct, yeah. So you know, they n	
6 and I was tele-conferenced in on their meet	ing 6 Q. Okay. So at this point in time, are you
7 and I explained the various reasons, which	h 7 travelling by vessel or are you staying
8 went beyond egress out of the helicopter a	nd 8 ashore?
9 training. I explained my reasons about wh	
10 refused and they took it away to discuss th	
11 matters.	11 I was just you know, I was staying put
12 ROIL, Q.C.:	12 basically. I was told to remain at home and
13 Q. Right. What time of the day was this?	13 wait for further directions basically.
14 MR. PEDDLE:	14 ROIL, Q.C.:
15 A. Before noon, I believe actually on a Saturd	
16 morning.	16 the deadlock in the committee to the C-NLOPB.
17 ROIL, Q.C.:	17 They said that you need to do a formal
18 Q. Yes.	18 investigation or some sort of investigation.
19 MR. PEDDLE:	19 It went back to the committee.
20 A. And you know, I was contacted later that o	
21 with the by the OIM and the worker co-cl	-
22 who basically met to just, you know, have	
23 chat with me about the proceedings and H	
24 things were going, and at that time, I think	
<ul><li>they basically informed me that they would</li><li>passing this on to the C-NLOPB for their part</li></ul>	·
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1 of this. I had indicated -	1 A. Well, you know, I think, you know, the
2 ROIL, Q.C.:	2 committee offshore is kind of hampered with
3 Q. Why was it going to the C-NLOPB, by ye	-
4 understanding?	4 they all have work requirements and from all
5 MR. PEDDLE:	5 the management reps on board to the worker
6 A. They had conducted, you know, a poll basi	
7 or, you know, a vote of the people in	7 none of them really have probably the required
8 attendance on the joint committee and	
9 believe it came out as an eight-eight, you	<b>č</b>
10 know, eight saying they supported the safe	
11 issues and eight saying that they did not	11 what they did is they put it forward to an
12 support the safety issues.	12 individual in St. John's with HMDC, and he
13 ROIL, Q.C.:	13 liaised with Cougar and made some calls on the
14 Q. So this was one of those deadlock situation	e e e e e e e e e e e e e e e e e e e
and what happened then, as you understood	
16 happened?	along with Cougar, a presentation based on a
17 MR. PEDDLE:	17 response to all of the concerns that I had
18 A. Well, apparently it went to the Board and t	he 18 raised in my work refusal.
19 Board, and I'm talking about the C-NLOPB,	
20 the Board basically looked at it and said to	
21 the joint committee that, you know, "you"	
22 required to do an investigation. What have	
23 you done?" So they threw it right back to t	
24 committee to gather more information.	time, I had been working in St. John's at the
25 ROIL, Q.C.:	25 offices of HMDC.
26 Q. Okay, and meanwhile, are we still on th	e 26 ROIL, Q.C.:

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1 Q. Okay. So you were provided with work	Ű,	Q	. When you say the Board, were you dealing with
2 while this process of investigation was tal			a representative of the Board or were you
3 place?	3	3	meeting with or talking to the Board itself?
4 MR. PEDDLE:	4	MR.	PEDDLE:
5 A. That's correct. I had raised the issue why	I 5	5 A	. A safety officer who was tasked there were
6 wasn't going offshore. I mean, I had be			actually two. There was Ed Lannon, I believe,
7 travelling by vessel for over seven mont		,	and Valerie Goodland Hennessey. They were the
8 Now I know there was some weather iss		3	two safety officers of the C-NLOPB who were
9 the time, but there were several windows	that 9	)	tasked in investigating my work refusal.
10 I could have availed of a boat to go offsho		) ROII	2, Q.C.:
11 when the sea states and whatnot were suit			Okay. So when you say the Board, you're
12 to get out there, but as it was, I was in St.	12		talking about these two employees of the
13 John's.	13		Board?
14 ROIL, Q.C.:	14	MR.	PEDDLE:
15 Q. Okay. When then did you learn the resul			. Exactly, yes.
the investigation and the next steps?			, Q.C.:
17 MR. PEDDLE:	17		Yeah, okay, and was there ever a decision
18 A. Well again, I think it was Thursday I had	da 18		made?
19 meeting with the individual in question. T		MR.	PEDDLE:
20 was the following Thursday after my refu		) A	. Well, there was. There was a lengthy process.
21 ROIL, Q.C.:	21		They went through I had looked for some
22 Q. That's the gentleman who, from HMDC	, was 22	2	documents and whatnot with regards to the
tasked with leading this investigation?	23	3	stated floatation capability of the helicopter
24 MR. PEDDLE:	24	Ļ	with regards to buoyancy stability and how the
25 A. That's correct, yeah. He's a former logist	ics 25	5	tests were done and how they were done with
guy and so he's familiar with the helicop		5	regards to weighting of the helicopter from
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1 transport scenario and everything that'	s 1		you know, with regards to the tank being in or
2 involved there, plus he's been dealing w		2	the tank being empty in the helicopter, and
3 Cougar quite a bit over the last year, sinc	e 3	3	that was just one of the issues that they had
4 the crash of 491. So I had that meeting w	vith 4	Ļ	to deal with.
5 him and I viewed the presentation, it w	as 5	6 ROIL	L, Q.C.:
6 given to me and at that point in time, I tol	d e	5 Q.	. I take it your concerns were more than simply
7 him that I'd like to see the matter	7		ingress and egress?
8 investigated further by the Board, and at t	hat 8	MR.	PEDDLE:
9 point in time, it was turned over to the C		) A	. That's correct. And so they had a lot of
10 NLOPB to start their investigation.	10	)	investigation to do on this. Apparently they
11 ROIL, Q.C.:	11		made calls all over the world to different
12 Q. And what next involvement, if any, did	you 12	2	regulators and jurisdictions and they dealt
13 have in that process?	13	3	with people from Sikorsky. They interacted
14 MR. PEDDLE:	14	ŀ	with Cougar, I think, to get answers on things
15 A. I met with the Board, with safety office	rs 15	i	as well, because Cougar actually developed
16 from the C-NLOPB, the following Tuesda	ıy, I 16	5	this tank. It is a design that they created,
17 think, and you know, I gave a verba	•	,	I guess, for their purposes. It was built
18 presentation of what I had put in writing,	my 18	8	here.
19 issues, and after that, I didn't have a whol	le   19	ROIL	, Q.C.:
20 lot of interaction with the Board. They h	ad 20	) Q	. I think we had some specific evidence on that
21 asked me a few things. They said "if you"	have 21		from Cougar.
22 any documents that you'd like for us to s	ee" 22	MR.	PEDDLE:
and I did provide them, by e-mail, I provi	ded 23	A A	. Yes. So, you know, they also had to talk to
them with some documentation on some	of the 24	Ļ	Transport Canada, and you know, they got
25 things that I was talking about.	25	i	supplemental type certificates for the
26 ROIL, Q.C.:	26	-	aircraft and how everything complied with that

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1 process, to issue a certificate of that type	1 you know, at the end of the day, the Board did
2 for the aircraft and they came back with a	
3 decision that it was probably a week and	
4 half after. It was a very lengthy time, this	4 Q. And that is, you understand, the way in which
5 investigation. One of the as they had	5 the OHS committee deadlocks are to be
6 described it to me, he said "this is the	6 resolved, by reference to the Board?
7 biggest investigation we've ever had to do	
8 so in terms of helicopter issues, and you	8 A. Yeah, not just a deadlock. Even if I think
9 know, it came back to me, I think, on the d	
10 that I was supposed to be coming home f	•
11 offshore when I got the answer basically.	11 still have the right to take it to an outside
12 ROIL, Q.C.:	12 -
13 Q. And what was the answer?	13 ROIL, Q.C.:
14 MR. PEDDLE:	14 Q. I hear you, yes. So even if everybody on the
15 A. They told me that basically they didn't	15 committee voted against you, you would have
16 support there was no basis to support the	- · ·
17 concerns that I had, you know, that I had	
raised my work refusal and advised me to	
19 back to work, you know, on the helicopter.	19 ROIL, Q.C.:
20 ROIL, Q.C.:	20 Q. And you did?
21 Q. And so did you make a change in your dec	· · ·
21 Q. This so the you make a change in your dec 22 at that point?	$\begin{array}{cccc} 21 & \text{MATEDDEL}, \\ 22 & \text{A. Yeah.} \end{array}$
23 MR. PEDDLE:	23 ROIL, Q.C.:
24 A. Well, I still haven't changed my opinion, b	
25 I do have another set of parameters now th	-
26 I've got to live with in terms of going to	26 understanding is a worker has the right to
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1 work and that is fly or have no job, I guess	
2 ROIL, Q.C.:	2 and if they're not satisfied, to bring it to
3 Q. It seems to me you've described a process,	
<ul> <li>d. It seems to me you ve described a process,</li> <li>obviously you perhaps weren't aware of all</li> </ul>	
5 diligence and the extent of the diligence, but	
6 you described a process where there was	· · · · · · · · · · · · · · · · · · ·
<ul> <li>you described a process where there was</li> <li>least some consultation with you and with</li> </ul>	
8 manufacturer, the operator and so on. Th	-
9 decision was not one that you felt was the 10 right decision.	9 A. My understanding, yeah. 10 ROIL, Q.C.:
11 MR. PEDDLE:	10 Roll, g.c.: 11 Q. Okay. There are a number of other helicopter
12 A. No, and I'd also like to add that, I mean,	12 issues that you have drawn to my attention in
	<ul><li>the notes that you've given to me and I'll</li><li>just deal with some of them perhaps. There's</li></ul>
	• • • •
15 issue. I mean, there was a petition put up of board the Platform and it was signed by 14	
16 board the Platform and it was signed by 14	
17 150 people, I don't know the exact number 18 I've got the patition itself, but I mean who	-
18 I've got the petition itself, but I mean, who	
19 all supported the reasons by which I made	- · · ·
20 work refusal, and although there were no o	
21 people, other than the previous refusal that happened, there were no other people w	
22 happened, there were no other people w	
23 actually refused. I mean, the process is	23 MR. PEDDLE:
24 geared around an individual's right. So th	-
25 same investigation would be conducted wh	-
26 I refused or whether 20 people refused, an	d 26 helicopter on I think it was the 25th of July

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1 2006 and it was a turnaround ba	asically on, I 1	feet back, just off the left side.
2 think it was the only it may ha	ave been the 2	ROIL, Q.C.:
3 only S-92 that Cougar had at tha	at time. They 3	Q. I take it that you don't normally have another
4 may have had a second aircraft,	I'm not sure, 4	helicopter travelling beside you, alongside
5 but the aircraft in question was	SCH, which 5	you, behind you, that kind of configuration?
6 was normally Terra Nova's heli	copter. 6	5 MR. PEDDLE:
7 ROIL, Q.C.:	7	A. It's the first time I've ever had it happen,
8 Q. Right, and you were on board th	nat on that day? 8	e .
9 MR. PEDDLE:	9	······································
10 A. Yeah, it was, even though gene	•	
11 was flying on the Super Pumas.		
12 on a two-helicopter per day sch		a technical issue with the machine. So
13 going out on a day when there i	may have been 13	shortly thereafter again, we had another
14 operational issues with those he	licopters and 14	announcement from the pilot at the time and he
15 the S-92 was available, so they s	sent us out on 15	said, you know, "I don't want anyone to get
16 that one.	16	
17 It started out, again it was a be		
18 summer day, normal flight, and		something like that, he said "they were on
19 people were sleeping and whatn	ot. I was very 19	manoeuvres in St. John's and they just
20 nearly asleep myself and I notic		
21 sun was changing inside the he	_	they heard our call, that we were returning,
22 that we were turning around. S	-	they offered to come out and escort us back"
23 the turnaround, we were also d	-	
24 altitude. I think we may have		1 2 1
25 three thousand feet when we we	-	
and then shortly thereafter, we	were down to 26	an issue, I think we were also told, well, you
	Page 154	Page 156
1 about 500 feet, and at that time		
2 call basically on the headsets, b		
3 the pilot who said that "don't kn	• •	8
4 realized it or not, but we're I	<b>~</b>	you miow, we mus seen productly so minutes out,
5 indication on the console here	•	
6 should go back to St. John's.		1 5 5
7 worry about." As part of the pro-		6
8 he did tell us that he had throttle		θ
9 of the engines to idle and you co		F,
10 basically by looking out in the c	-	
11 throttles basically for the engin	-	ROIL, Q.C.:
12 high, as they are in, I think,		
13         Sikorsky helicopters and you co		
14 one was changed back to a diffe		MR. PEDDLE:
15 the other.	15	
16 ROIL, Q.C.:		6 ROIL, Q.C.:
17 Q. Right.	17	-
18 MR. PEDDLE:		3 MR. PEDDLE:
19 A. So we carried on, I guess, for a		
and then shortly thereafter, I not		
21 the right side I was on the lef		
22 noticed out of one of the right si		
23 I saw a Cormorant approaching	-	
and I saw it go back to the rear		5
25 next thing I knew it was up on t		
26 of the helicopter following us, j	probably 100 26	issue for us getting back in pretty much the

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1 same time it took us to get to where we we	-	Brian's incident that he refers to and what he
2 before we turned around, and that was a lit		suggested might be an appropriate response,
3 bit unnerving that it was taking so long,	3	when we have aircraft that are coming in from
4 because people were saying, you know, "	when 4	a distance on one engine, potentially in
5 are we going to get back? He said we're go	oing 5	trouble, we had you know, just by
6 to be a half an hour" and it just turned into	6	happenstance, we had a Cormorant that came up
7 like a long drawn out process to get back t	to 7	and escorted us back to St. John's. That was
8 St. John's, and when we got back, you kno		comforting, and at the time it was happening,
9 made what, I guess, Brian described as		it wasn't so comforting because you're saying
10 running landing. We landed like an aircra		"oh, what's really going on with the
11 essentially, and we were told at that time		aircraft?" but because this is very
12 that was to ease the stress on the engines at		unusual.
13 the time. We had emergency equipme		COIL, Q.C.:
14 following us down the runway, same sort		Q. Yes.
15 scenario that Brian went through.		IR. PEDDLE:
16 ROIL, Q.C.:	16	A. But at the time, if we had had to go in the
<ul><li>Q. Is this the same incident that he was talking</li><li>about or is it another incident?</li></ul>		water at that time, I mean, it would have been
<ul><li>18 about or is it another incident?</li><li>19 MR. PEDDLE:</li></ul>	18	a very big benefit to have that aircraft right there, you know, available to help us, you
20 A. Oh, it's a different incident.	19 20	know, take us out of the water.
21 ROIL, Q.C.:		COIL, Q.C.:
22 Q. Okay, just similar in terms of the treatmen		Q. Did this issue ever find its way up to the
23 at the airport when you got back?	22 23	Occupational Health and Safety Committee at
24 MR. PEDDLE:	24	Hibernia, to your knowledge?
25 A. Yeah, the emergency response was identic.		AR. PEDDLE:
the way we landed was the same, basically		A. Well, it did. I brought it up. Again, I was
	age 158	Page 160
1 to one engine.	1	going out on my normal rotation and I attend a
2 ROIL, Q.C.:	2	JOHS meeting, safety meeting basically on
3 Q. Yeah, coming in on a runway rather that	an 3	Sunday after I get out. So I raised the issue
4 landing vertically?	4	at that meeting and wanted to know what
5 MR. PEDDLE:	5	exactly happened. You know, what was the
6 A. That's correct, yeah. It was what they call	a 6	issue with the helicopter that required us
7 running landing basically.	7	now we had been briefed by the pilot after we
8 ROIL, Q.C.:	8	got back in St. John's and it was our
9 Q. And I gather that you landed safely and	d 9	understanding and everybody's understanding
10 uneventfully at the end of that?	10	when we made the turnaround that we had one
11 MR. PEDDLE:	11	engine basically in trouble, and we did have -
12 A. Yeah, it was uneventful and again, my fir		- it started out with one engine, but we were
13 time I think that was probably no, it	13	told by the pilot when he gave us his briefing
14 wasn't my first time. It was my second tin		that, you know, what was troubling for him,
15 in an S-92. I think my first time had been		you know, at the time, was that five minutes
<ul><li>like a couple of weeks, the previous hitch</li><li>that I had flown in on the aircraft. So this</li></ul>		after the first engine chip light came in, the
	17 18	other engine gave the same indication. I think it was on the input modules with the
18 was -	18	gearbox is what we eventually found out
<ul><li>19 ROIL, Q.C.:</li><li>20 Q. Okay. Why is this incident something that</li></ul>		afterwards. But that when we heard that,
21 feel that we should know about and deal w	-	after we had been briefed, that we actually
22 How can you what do you see as a		had two engines into alarm, that sort of just
23 opportunity for improvement in terms of w		raised the level of concern, you know, by
24 we've been talking about here at this Inqui		quite a bit because it wasn't so routine as
25 MR. PEDDLE:	25	everybody had perceived on the way in.
A. Well, I think, you know, with respect to		COIL, Q.C.:

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1 Q. Right.	1 upper door, I think, the upper door on the
2 MR. PEDDLE:	2 main entrance actually slid back just after
3 A. Quite frankly, I'm glad I didn't know that	3 takeoff, and there was another incident, as
4 there was a second engine into alarm on that	4 you described, it was a weight imbalance
5 day because I mean, it would have just, you	5 issue.
6 know, increased the anxiety, I guess, for the	6 ROIL, Q.C.:
7 flight back. But that was a concerning issue.	7 Q. Right.
8 ROIL, Q.C.:	8 MR. PEDDLE:
9 Q. Okay. I think we'll leave it there now for	9 A. They asked people, before they landed the
10 our lunch break. I have a few more questions	10 helicopter was landing and apparently there
11 for you, Mr. Peddle, a couple more on this	11 was something very heavy in the tail of the
12 issue and then we'll go on to a couple more	12 helicopter in the cargo compartment and the
13 issues. So we'll start again at 2:00, I	13 helicopter took a very tail low attitude,
14 think.	14 called a steep flare, I think, something like
15 (LUNCH BREAK)	that, and they actually asked people to get
16 ROIL, Q.C.:	16 out of their seats that were in the rear of
17 Q. Thank you, Commissioner. Welcome back, Mr.	17 the aircraft and move forward to empty seats
18 Peddle. Before the lunch break, we had dealt	18 that were forward.
19 in a fair amount of detail with the issues	19 ROIL, Q.C.:
20 surrounding the July 25th flight and I think I	20 Q. Now if workers had concerns about these
21 want to move from that, but I want to take	21 flights and the things that happened in them,
22 something from that. The question arises to	and I think it's easy for us to understand
23 me is were the circumstances surrounding that	that they would, what mechanism is there
24 flight, did they ever make their way to the	available to deal with or to respond to or to
25 Occupational Health and Safety Committee for	25 get information about these kinds of
26 discussion as a safety issue?	26 incidents? Are these things which should be
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1 MR. PEDDLE:	1 brought to the Occupational Health and Safety
2 A. We discussed the matter of course at the	2 Committee?
3 meeting where I brought it up and it remained	a MR. PEDDLE:
4 on the minutes for it was probably several	4 A. Well, these particular incidents, again, I was
5 rotations after. I think it was sometime up	5 not there, but from talking with people on the
6 in November before we got an answer as to w	7 JOHS committee about these issues, I'm told
7 actually went wrong on that flight.	7 that they worked their way backwards through
8 ROIL, Q.C.:	8 the system. Like they were word of mouth from
9 Q. Okay. But there was a process, because you	9 people who actually witnessed what happened,
10 were there, that you brought it on?	10 some of the deck crew, the helicopter landing
11 MR. PEDDLE:	11 crew have brought them to, you know, safety
12 A. Yeah, there was quite some time. The issue	reps or just scuttlebutt on the Platform about
13 remained on the minutes as old business that	13 what had happened and they went backwards up
14 still hadn't been resolved.	14 through the system. There was no official
15 ROIL, Q.C.:	15 report. On one of the I'm sure on one of
16 Q. We have heard, and in your notes you've	16 the incidents, there was no official report
17 indicated that there were other incidents, a	17 that came from Cougar until it was queried
18 weight distribution incident in October of	18 from the Platform.
19 2006 where passengers were asked to mov	re 19 ROIL, Q.C.:
20 forward. You weren't involved in that flight,	20 Q. And so what I'm hearing you say is that it
21 I take it?	21 takes sort of a rumour mill or a conversation
22 MR. PEDDLE:	22 discussion to get these matters brought
23 A. I wasn't there. This was this past October	23 forward to the committee or to any way in
and I believe there were actually a couple of	24 which they can be explored or explained?
25 incidents. We had one incident where a	25 MR. PEDDLE:
26 helicopter on Hibernia had took off and the	A. Sometimes that's the way it seems, yes.

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1 ROIL, Q.C.:	1		transportation issues brought up as a standing
2 Q. What then would be a better solution?	2	2	part of the agenda. Is that going to solve
3 MR. PEDDLE:	3	;	the problem or is there something more or less
4 A. Well, a better solution would be, I gues	s, you 4	Ļ	than that required to make it right, if you
5 know, some type of system whereby, y	ou know, 5	i	will, for the workers?
6 they were required to report all incide	nts 6	6 MR. PI	EDDLE:
7 that came up, even incidents that ma	aybe 7	Α.	I haven't thought about it before, but I mean,
8 somebody decided "well, that's not muc	ch of an 8	;	if there is going to be some increased focus
9 incident and there's no need to report the			on helicopter issues, it might be something
10 but like right now, there is no nothing	U U	)	that we can, you know, put forward as a
11 written down to say this is what they're			standing item in our Occupational Health and
12 to do. I think there is a commitment t			Safety meetings to deal with, providing, I
13 they try to make the process transparent			guess, that we're going to get a ready flow of
14 it seems that things slip through the crac			information back and forth about any issues
15 ROIL, Q.C.:	15		that do come up or that are perceived.
16 Q. Okay. Do you have a standing agenda		ROIL,	
17 OSH committee, for the Occupational He			Okay, so the first step is ensuring that there
18 Safety Committee? Is there a standing a	-		is adequate communication?
19 with standing items that you deal with,			EDDLE:
20 than things that have come from the m	-		That's correct.
21 before?		ROIL,	
22 MR. PEDDLE:	22	-	Okay. The second step is getting them onto
A. We have a you know, there is a star	-		the agenda?
24 general agenda that's followed pretty		MR. PI	
25 every meeting, but if there's any new bu			Yes.
26 that comes up, you know, that's requ		6 ROIL,	
1 minute the meeting your larger entropy	Page 166	0	Page 168
1 prior to the meeting, you know, several	-		How do we solve the problem of the fact that
<ol> <li>before the meeting comes up and we ha</li> <li>Sunday morning usually to get our agent</li> </ol>			there is not the expertise on the committee that you have with respect to the other
3 Sunday morning usually to get our agen 4 that we want to discuss at the meeting, t			departments where people who work in those
5 them in, so that they can go on th	U I		departments where people who work in those departments are on the committee? And again,
6 documentation that would go to the med			I don't necessarily expect you to have all the
7 ROIL, Q.C.:	7 cting.		answers here, but -
8 Q. Does the agenda allow for each constitu			EDDLE:
9 have a period in which they discuss the	-		That's a good question. Well, right now, the
10 issues? Are the meeting agendas set up			only mechanism we have to get any of our
11 that, so that the drilling department, the			safety issues, whether they're platform
12 would be a moment to discuss any or al			related, work related issues or helicopter
13 issues involving them and then the prod	-		related issues, is to go through the channels
14 and catering, whatever the various -	14		of the OHS committee meeting and hope that
15 MR. PEDDLE:	15		somewhere above that, we have access to the
16 A. It's not as structured as that generally. T			right people to make decisions, you know.
17 issues, they come up and if they're a dri			Traditionally what's going on now is that, you
18 issue or operations issue, whatever, th	-		know, Cougar would be the responder basically
19 generally come up and they're discusse	-		to issues that come up that are raised as
20 no particular order, shall we say, or sequences			safety issues, in terms of helicopter safety.
21 how they come through.	21		So they would be they would liaise with
22 ROIL, Q.C.:	22		management at Hibernia and let them know what
23 Q. Right. I guess I'm trying to explore wit			the issue was and explain in their you
24 whether you're whether from your of			know, in terms of the aviation standpoint or
25 Union's perspective, it would be an adv			whatever, what the issue was and basically say
or an improvement to have, for example	-	i	"look, this is what happened and this is why

1       it happened and we're going to look after it       1       the last couple of years, they've gone through         2       this way." So it's not an independent       an exercise at Cougar with, you know,         3       evaluation once we go to the JOHS committee       an exercise at Cougar with, you know,         4       basically.       3       reacquainting everybody with the proper         5       ROIL, Q.C.:       6       Okay. I'm going to bring up a couple of what       7         7       we shall call hardy perennials, things that       6       something that it has been something that's         8       have popped up a number of times for us here.       9       One is the flight suits. Do you have anything       9         10       to add, and I don't want to hear the story of       10       since the crash, like the refit and the         11       flight suits all over again, but was there any       11       reevaluation of fit based on everybody's         12       engagement on the fit of flight suit issues at       12       insues around face seals and wrist seals,         14       that you were involved in at the Hibernia       14       whether the suit is too tall, you know, too         15       Platform, prior to it breaking, of course,       16       ROIL, Q.C:         16       when the incident took place on March 12th? <th>uiry</th>	uiry
2this way." So it's not an independent3evaluation once we go to the JOHS committee4basically.5ROIL, Q.C.:6Q. Okay. I'm going to bring up a couple of what7we shall call hardy perennials, things that8have popped up a number of times for us here.9One is the flight suits. Do you have anything10to add, and I don't want to hear the story of11flight suits all over again, but was there any12engagement on the fit of flight suit issues at13the Occupational Health and Safety Committee14that you were involved in at the Hibernia15Platform, prior to it breaking, of course,16when the incident took place on March 12th?17MR. PEDDLE:18A. Well, I do know that the issue of suits has19been around since they were introduced. There20were people that had, you know, fit issues.21They came up you know, I timk it was22something that we kind of accepted, that the23suit has its deficiencies and every now and24then, someone would have a particular singular25issue that "the suit doesn't fit me. I can't26get the zipper up" and it would come up. I26get the zipper up" and it would come up. I27Page 1701believe we were told, you know, some time	e 171
3evaluation once we go to the JOHS committee3reacquainting everybody with the proper4basically.3reacquainting everybody with the proper4basically.5hood and do the zipper up. So it has6Q. Okay. I'm going to bring up a couple of what5something that it has been something that's7we shall call hardy perennials, things that6something that it has been something that's8have popped up a number of times for us here.8couple of years, but we've never gone out an9One is the flight suits. Do you have anything9had the degree of focus that's been put on it10to add, and I don't want to hear the story of10since the crash, like the refit and the11flight suits all over again, but was there any11reevaluation of fit based on everybody's12engagement on the fit of flight suit issues at13issues around face seals and wrist seals,13that you were involved in at the Hibernia14whether the suit is too tall, you know, too15Platform, prior to it breaking, of course,16ROIL, Q.C.:16when the incident took place on March 12th?17Q. Ithink we can all chalk that up now to what18A. Well, I do know that the issue of suits haswe've called lessons learned from that19been around since they were introduced. There20MR. PEDDLE:21They came up you know, I think it was22Something that we kind of accepted, that the22something that	
4basically.4procedure to put the suit on, how to don the s ROIL, Q.C.:6Q. Okay. I'm going to bring up a couple of what 7something that it has been something that '' been focused on several times over the last to add, and I don't want to hear the story of 10food and do the zipper up. So it has something that it has been something that '' been focused on several times over the last to add, and I don't want to hear the story of 11fight suits. Do you have anything 9had the degree of focus that's been put on it since the crash, like the refit and the individual issues with the suit, you know, and issues around face seals and wrist seals, it that you were involved in at the Hibernia 14individual issues with the suit, you know, and issues around face seals and wrist seals, 1416when the incident took place on March 12th? 17for Q. I think we can all chalk that up now to what 1818A. Well, I do know that the issue of suits has 19been around since they were introduced. There 2020were people that had, you know, fit issues. 21They came up you know, I think it was 2223suit has its deficiencies and every now and 24then, someone would have a particular singular 2524then zipper up'' and it would come up. I2325believe we were told, you know, some time2426get the zipper up'' and it would come up. I2527page 170Page28believe we were told, you know, some time14	
5 ROIL, Q.C.:       5       hood and do the zipper up. So it has         6 Q. Okay. I'm going to bring up a couple of what       7       we shall call hardy perennials, things that       7         7       we shall call hardy perennials, things that       7       been focused on several times over the last         8       have popped up a number of times for us here.       9       One is the flight suits. Do you have anything       9         9       One is the flight suits. Do you have anything       9       had the degree of focus that's been put on it         10       to add, and I don't want to hear the story of       10       since the crash, like the refit and the         11       flight suits all over again, but was there any       11       reevaluation of fit based on everybody's         12       engagement on the fit of flight suit issues at       12       individual issues with the suit, you know, and         13       the Occupational Health and Safety Committee       13       issues around face seals and wrist seals,         14       that you were involved in at the Hibernia       14       whether the suit is too tall, you know, too         15       Platform, prior to it breaking, of course,       15       long for you, that sort of thing.         18       A. Well, I do know that the issue of suits has       18       we've called lessons learned from that	
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9One is the flight suits. Do you have anything 109had the degree of focus that's been put on it10to add, and I don't want to hear the story of 11flight suits all over again, but was there any 12is since the crash, like the refit and the 1111flight suits all over again, but was there any 12individual issues with the suit, you know, and 1313the Occupational Health and Safety Committee 14individual issues with the suit, you know, and 1314that you were involved in at the Hibernia 14individual issues around face seals and wrist seals, 1414that you were involved in at the Hibernia 15issues around face seals and wrist seals, 1416when the incident took place on March 12th? 16issues around face seals and wrist seals, 1617MR. PEDDLE: 17issue of suits has 19incident.19been around since they were introduced. There 20were people that had, you know, fit issues. 21incident.20were people that had, you know, fit issues. 22something that we kind of accepted, that the 23suit has its deficiencies and every now and 24then, someone would have a particular singular 25issue that "the suit doesn't fit me. I can't 26germination. Did it ever come on the radar26get the zipper up" and it would come up. I26germination. Did it ever come on the radar27Page 170Pag1believe we were told, you know, some time1screen of the Occupational Health and Safety	
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26       get the zipper up" and it would come up. I       26       germination. Did it ever come on the radar         Page 170         1       believe we were told, you know, some time       1       screen of the Occupational Health and Safety	m
Page 170 1 believe we were told, you know, some time 1 screen of the Occupational Health and Safety	
1 believe we were told, you know, some time 1 screen of the Occupational Health and Safety	
	e 172
2 back, you know, probably six months to a year 2 Committee to the extent that there was a	
3 after the suits were introduced that these 3 concern expressed about the slowness with	
4 issues were known and that the operator, you 4 which it was being developed?	
5 know, the group, that CAPP, I guess, was 5 MR. PEDDLE:	
<ul> <li>looking at the suits in general with, you</li> <li>Know, a ways and means to improve it. I've</li> <li>A. You know, we've had discussions on the HUEBA</li> <li>back to, pretty sure, the first year that I</li> </ul>	
<ul> <li>had some conversation actually with an</li> <li>individual with Exxon who has been working</li> <li>was on the safety committee on Hibernia, back</li> <li>which would have been like late 2003 or early</li> </ul>	
1010102004. So that's in excess of five years ago	
10       Instruction of the state stat	
12 and a half, two years. So it is something 12 something that the operators were looking at.	
12       and a man, two years. So it is something       12       something and the operators were rooking at:         13       that we were told was being looked at and I       13       It was looked at from the as an operator on	
14 think we kind of accepted it. 14 the whole, basically all three operations,	
141414141416015ROIL, Q.C.:15that they were evaluating the HUEBA and there	
16 Q. So there were no active steps taken within the 16 UR So there were no active steps taken within the 16 UR So there were no active steps taken within the 16 UR So there were no active steps taken within the	
17OSH committee to try to move it forward or to17Item is the source of	
18 drive it to a conclusion? 18 this stuff. I think we were briefed two or	
19MR. PEDDLE:19three times over the last five or six years,	
20A. We didn't I don't think we raised it as a20since it started, you know, they started	
257140404140414041 <td></td>	
22 ROIL, Q.C.:     22     you know, it's still being looked at. There's	
23Q. Okay.23some issues to overcome, and again, it wasn't	
24MR. PEDDLE:24something that was constantly on the agenda	
25 A. On the Joint Committee, at the Joint Committee 25 for the JOHS meeting.	
26 stage, but you know, at different times over 26 ROIL, Q.C.:	

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1	Q. Okay. I think those are all the specific	1	l	know, we've had a number of issues that have
2	questions that I have from my notes and ye	ours 2	2	come up in the past with helicopter safety
3	that I wanted to ask you about. Do you ha	ave 3	3	issues, some more mundane. Like there are,
4	anything that you want to say to the	4	1	you know, issues with the headsets and
5	Commissioner by way of a final or close	ing 5	5	whatnot. But others, you know, other issues
6	comment about issues that you'd like for	him e	5	that have come up, like there's nowhere really
7	to address in the next stage of our	7	7	to go. After we progress it through the
8	proceedings?	8	3	Occupational Health and Safety Committees on
9	MR. PEDDLE:	9	)	board our facilities, there seems to be nobody
10	A. Just to go back there and mention about t		)	who can make a difference after that. The
11	HUEBA again. I know we did have this is			Board doesn't seem to have any expertise, and
12	that came up about the HUEBA in our the			I mean, the C-NLOPB. They don't have anybody
13	an annual C-NLOPB session that takes pla			versed in aviation matters, and I don't know
14	every fall and I do recall a session that I	14		if they should or not, but once the issues go
15	attended, I think it was back in the fall of	15		to them, like there doesn't seem to be any
16	2007 and we had individuals from Cou			kind of regime in place or a mechanism to
17	Helicopters that went into that session and			implement change, and Transport Canada governs
18	that time, we were told, you know, the HU			the aviation regulations by which we travel.
19	was just around the corner and that was li		) ROIL, (	
20	fall of 2007. So it's been one of those	20	-	Yes.
21	things that yeah, it's coming, it's coming		MR. PE	
22	it's coming, but it just never appeared unti			And I look at some of the regulations that are
23	of course, after the crash.	23		in place and I just find that they're
1	ROIL, Q.C.:	24		inadequate. I mean, there's no specific focus
25	Q. So the corner was a large corner?	25		from Transport Canada on long distance
26	MR. PEDDLE:	26	)	offshore travel. I know in the UK, the CAA,
		Page 174		Page 176
1	A. Yeah, exactly, you know.	1		which is the Civil Aviation Authorities in the
1	ROIL, Q.C.:	2		UK, they have a very active participation in
3	Q. I guess in closing, do you have any fina			developing regulations that pertain to the
4	comments to make about the Occupational		-	offshore oil industry over there.
5	and Safety regime as it applies to helicopte		5 ROIL,	
6	transportation? Is it able to work? Can it			Specific regulations that are applicable to
7	work and what are your thoughts about wh			offshore flight?
8	something else or whether that's the			EDDLE:
9	appropriate place to deal with helicopter			Exactly. You know, there are requirements,
10	safety issues?	10		set requirements for, for instance, for
1	MR. PEDDLE:	11  d_d_a12		floatation on their helicopters, and a number
12	A. Well certainly, I guess, you know, we cou			of other issues that come up, and they're
13	with a more formalized process of deali	<b>U</b>		constantly, I guess, evaluating different
14	with, you know, a free flow of informati			issues and with a view to improving on them
15	about helicopters and incidents that occur the field in the offehore in general With			and over the years, I just haven't seen that
16	the field, in the offshore in general. With respect to the 92, some of the issues that			here. Some of these issues that have come up in the past with respect to different issues
17	it's had worldwide would be helpful to ha			with the helicopter, they've been around for a
18	you know, and this has recently come to li			long time, and it doesn't seem like there's a
19 20	with the foot cracks basically on the moun	-		way to get anything changed. Once we bring it
20	feet of the gearbox. This was a worldwide	-		up and we talk about it, there's nowhere for
$\begin{vmatrix} 21\\22 \end{vmatrix}$	you know, an issue worldwide. It was fin			it to go beyond our committee stages. So
22	found in the North Sea and it came over to			that's something that I put on the table here
23 24	and we were briefed on it as well.	23 23 24		now is that something has to change with, you
24	But I guess one of the things that I've,	24		know, where our issues go after they leave our
	you know, taken from all of this, and you			facilities and after they get to the C-NLOPB.
26	you know, taken nom an or tins, and yo	<i>u</i> 26	J	racinities and after they get to the C-NLOPB.

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1 Somebody has to have the power to implement	-	1	Q.	Yeah, I think that's very much to the point
2 change, you know, in a positive way so that we		2		that there's only so much that a committee,
3 can see it.		3		perhaps, you know, a workplace committee made
4 ROIL, Q.C.:		4		up of equal representation could do to perhaps
5 Q. Okay. I think that's very useful to us.		5		bring a matter to final resolution, and I
6 Thank you very much. I have no further		6		would think the functioning of the committee
7 questions for you. I leave you to the		7		on the Platform, as you are familiar with,
8 Commissioner and the other participants.		8		very often is an opportunity for either a
9 COMMISSIONER:		9		member of management or of the workers to
10 Q. Okay. Thank you, Mr. Roil. Now in respect of		10		bring an issue to the table and to have a
11 counsel, counsel for C-NLOPB?		11		discussion, maybe a free flow of ideas in
12 MS. CROSBIE:		12		relation to the issue, and perhaps give a
13 Q. Thank you. We have no questions.		13		recommendation that there be a further
14 COMMISSIONER:		14		investigation and that come back on the table
15 Q. Thank you. Transport Canada isn't here. CAPP		15		at another at a subsequent JOHS committee
16 is not yes,		16		meeting. That would be a part of a that
17 MR. MANNING:		17		would be a common occurrence, I would think,
18 Q. No, thank you, Mr. Commissioner.		18		in respect of the meetings that you would be
19 COMMISSIONER:		19		familiar with?
20 Q. Thank you. HMDC?				EDDLE:
21 MR. WALLACE:		21	А.	Certainly, yeah, because you're dealing with
22 Q. We were just in consultation phase, Mr.		22		two sides to the committee basically. So
23 Commissioner.		23		generally it has to go full circle or go six
24 ROIL, Q.C.:		24 25		weeks before you get back at it to find out what your back-to-backs dealt with in the
<ul><li>Q. And you're not in front of a microphone.</li><li>26 MR. SHELDON PEDDLE, EXAMINATION BY MR. IAN WALLA</li></ul>		25 26		meeting and how -
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1 MR. WALLACE:	ge 170	1	MR W	/ALLACE:
2 Q. Mr. Commissioner, Ian Wallace for HMDC.	Just	2		Yes, and that's the nature of the committee,
a couple of questions, Mr. Peddle. I think		-3	τ.	of course. You have various representatives
4 you've just left off on the point that if an		4		who typically, not always, would sit every
5 issue is tabled at the Joint Occupational		5		other meeting and I think as part of that
6 Health and Safety Committee that if there is	s	6		process, at the outset of every meeting,
7 not a satisfactory resolution at that point,		7		there's a review of the prior meetings minutes
8 there is no effective further recourse on		8		so that everybody could be brought up to speed
9 behalf of say an individual raising an issue.		9		as to any intervening events. I don't think
10 Is that how I've understood your evidence?		10		you meant to leave the impression that if a
11 MR. PEDDLE:		11		worker had a concern, the only place he or she
12 A. With respect of any particular issue? You		12		could raise it would be at a JOHS committee
13 know, we generally try to resolve the issues	5	13		meeting. Would you agree with me that if a
14 at the you know, as a committee, as a join	t	14		worker had a concern on the Platform, the one
15 committee.		15		that you're familiar with, that he could bring
16 MR. WALLACE:		16		that or she could bring that to her supervisor
17 Q. Yeah.		17		with a request for perhaps some investigation
18 MR. PEDDLE:		18		or resolution?
19 A. And sometimes, because I'll tell you this,				EDDLE:
20 like the answers and the ability to enact		20	А.	Oh, that is, I guess, the first part of the
21 whatever needs to be done to, you know,		21		process.
22 rectify a safety situation, it's not in our				ALLACE:
23 hands. A lot of the time, you know, they		23		Sure.
24 require there's money that's got to be put				EDDLE:
25 into a situation.		25	A.	Like I mean, we have hazard ID cards that are
26 MR. WALLACE:		26		filled out and that's the general intent of it

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1 is on a very proactive basis, you know, on	a 1 satisfied, even coming out of JOHS, there is
2 daily basis, if need be, you know, if there's	2 the Board process and I understand, my
3 a hazard report it, bring it to your	3 understanding of the evidence in this Inquiry
4 supervisor or the department head for the a	rea 4 is that anybody at any time could make a
5 you might be in, and it should get looke	5 report to the C-NLOPB and that could be
6 after right away.	6 investigated on an anonymous basis.
7 MR. WALLACE:	7 MR. PEDDLE:
8 Q. That's right, and that would be the	8 A. I believe that's correct, yes.
9 expectation. I think you spoke this morni	g 9 MR. WALLACE:
10 of the safety culture that, in your	10 Q. Yeah, and I know you referred to the incident,
11 experience, exists on the Platform and the	t 11 the July 25th 2006 incident where there was a
12 that seems to be prevalent throughout th	return to base and you personally were
13 working relationship. So if an issue arose	13 involved in that.
14 that needed to be addressed, there are	14 MR. PEDDLE:
15 mechanisms in place, and as well, I gath	r 15 A. Yes.
16 that anybody with a workplace concern c	uld 16 MR. WALLACE:
17 bring it to one of the worker safety	17 Q. I looked at the JOHS minutes subsequent to
18 representatives?	that event and I could see how that was
19 MR. PEDDLE:	19 tabled. I think you said that you raised that
20 A. That's correct.	20 before the committee, and from my review of
21 MR. WALLACE:	21 the JOHS minutes, that issue was an agenda
22 Q. And ask them to investigate or perhap	item for each of the, I think, seven meetings
advocate on that, and I think you explained	d 23 following that incident. I'm told it was
the weekly meetings. Would you agree as	well 24 closed out with a concurrence of the JOHS
that if a worker on the Platform had a conc	ern 25 committee. I don't know if you would have
26 that they thought required addressing that	recollection of that.
	Page 182 Page 184
1 they could bring that directly to the offsho	
2 installation manager, that the OIM would	
3 available as well?	3 the minutes as well, I think it was on the
4 MR. PEDDLE:	4 November 12th meeting, I believe, when we
5 A. I would think that that, you know, would b	
6 avenue certainly. Whether or not some	
7 would want to just go right over sort of lik	· · · ·
8 a chain of command, you know.	8 double chip indication basically on both
9 MR. WALLACE:	9 engine inputs into the gear box and what they
10 Q. There might be an order of procedure that	
11 might follow.	11 were picked up were not from the gearbox
12 MR. PEDDLE:	12 itself, but from some auxiliary structure
13 A. Yes.	13 within the gearbox.
14 MR. WALLACE:	14 MR. WALLACE:
15 Q. But would you agree with me, I think Jo	
16 Fraser's testimony, John of course, Mr. Fr	
17 is an OIM on the Hibernia Platform, his do	e
is always open he said. That anybody that	-
19a safety concern or any concern could com	· · ·
20 address it directly with him. Would that n	
21 be your own experience?	21 A. Yeah, nothing new to report, exactly, was what
22 MR. PEDDLE:	22 came up I think on the six or seven meetings
A. I would say that's entirely true.	that, you know, came after, until they
24 MR. WALLACE:	24 actually had a response back.
25 Q. And of course, as you've indicated, if the	
26 was a concern perhaps where somebody w	as not 26 Q. And with the response, there were various

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1 updates, I think, where information was	1	new to report on that issue and -
2 provided, but the final record of it says that	2 N	IR. WALLACE:
3 the issue has been resolved, it's closed, and	3	Q. Sure.
4 that would have been, I presume, a decision	of 4 N	AR. PEDDLE:
5 the committee itself?	5	A it went through a lengthy stage before we
6 MR. PEDDLE:	6	actually got a response back.
7 A. Yes, that's correct.	7 N	IR. WALLACE:
8 MR. WALLACE:	8	Q. And I know you said that generally the agenda,
9 Q. Yeah, okay. So my reading, Mr. Sheldon (si		I guess you try to formalize the agenda in
10 of that is that was an effective process to	10	advance of the meetings. That makes sense.
11 engage that issue. A worker representative, I		But in your experience, would you not agree,
12 think it was yourself, made the report and the		and I know you served as co-chair, Mr. Peddle,
13 JOHS committee, seemed to me, had dealt wi		for years.
14 the issue through to closure. Would that not		IR. PEDDLE:
be a good example of the JOHS committee		A. Little over two years, yeah.
16 working effectively?	-	IR. WALLACE:
17 MR. PEDDLE:	17	Q. You started in November of 2004. From my
18 A. It would have been better, I think, if we'd	18	review, I think you were sitting in a co-chair
19 have gotten an answer back a little sooner.	19	capacity for I'm going to say four years.
20 Cougar is committed to supplying information		IR. PEDDLE:
21 you know, a little bit quicker than that.	21	A. Yeah, I've been off it now for well over
Again, I don't know what was involved wi		years.
23 actually determining what the response was.		AR. WALLACE:
24 MR. WALLACE:	24	Q. Yes, you have been off it, yeah, but we'll
<ul> <li>Q. Yeah. Nor do I, and the minutes don't sort of</li> <li>provide that level of detail, but it may have</li> </ul>	of 25 26	just take it that you have extensive experience as co-chair of that committee.
· · · · ·		2
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1 been that the answer you got back was the 2 first answer or the earliest answer that could		AR. PEDDLE: A. Yes.
		A. TES. /R. WALLACE:
<ul> <li>have been available, given the nature of the</li> <li>investigation that had to be done. I know</li> </ul>	3 N 4	Q. Would it not be your experience that even if
5 there were various updates, but there's	4 5	it was not on the agenda, that if a worker or
6 nothing in the minutes, from my review, to		a management representative had a concern,
<ul> <li>round in the minutes, non-my review, to</li> <li>suggest that Cougar was non-responsive, for</li> </ul>		they could raise it during the course of the
8 example, on the issue.	8	meeting and they would not be shut down on
9 MR. PEDDLE:	9	that?
10 A. No, just that there was nothing you know,	-	IRIC: IRI. PEDDLE:
11 it took three to four months, I guess, to get	11	A. No, that's true, and you know, to be quite
12 something back. Whether that was the case		frank about it, I mean, we try to be as
13 not, that's how long it took for the JOHS	13	proactive as we can to get our agenda items
14 committee to find out.	13	there, but quite often, you know, you may not
15 MR. WALLACE:	15	hear from somebody and they don't feel that
16 Q. Perhaps nothing in particular can be read into		they can't bring it up, let's put it that way.
17 that delay. I think the more important thing,		IR. WALLACE:
18 from your perspective, might be that it was		Q. I think everybody at the meeting would perhaps
being addressed at each and every committee		feel that they have a role, a meaningful role
20 meeting that followed the incident through to		to play and they would have a voice and if
21 closure. Do you agree with that?	21	they had an issue, the likelihood is that the
22 MR. PEDDLE:	22	committee would hear on it?
23 A. It was something that was definitely read out	t   23 N	IR. PEDDLE:
as the old minutes are reviewed at every	24	A. Certainly nobody is shut down and even though
25 meeting. So if there was no report, then, you	ı 25	it may come as a surprise and someone say
know, it would be asked if there's anything	26	"well, that wasn't on the agenda" there's no

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1	objection usually to bringing up a parti	-		Q.	Yeah, okay, and so perhaps that's a system,
2	issue.	2			informal as it is, that might that doesn't
3 M	IR. WALLACE:	3			show a weakness in the formal reporting. It's
4	Q. And I know you just touched upon, a	nd this 4			just sort of the nature of the safety culture,
5	would be in your afternoon evidence	, the 5			I'm going to say, as exists on the Platform.
6	aircraft in the tail low attitude and like	wise 6			Workers, as they are aware of issues, can
7	an open door. Would you not agree a	as well 7			bring them forward with impunity.
8	that those issues made it to the JOI	IS 8	N	IR. PE	EDDLE:
9	committee and were addressed in the	e JOHS 9		A.	I would say that's correct. In the case of
10	committee, in addition to whatever	other 10			helicopter incidents, we don't we often
11	reporting was going on to the regula	tory 11			hear tell of other incidents on other
12	authorities?	12			installations and sometimes we don't hear tell
13 M	IR. PEDDLE:	13			of those. I mean, that's some of the things
14	A. Yes, they came back through shall we	call it 14			with helicopter issues that are a little bit
15	the normal process by which helicopter	issues 15			out there and they're only rumours, you know.
16	usually come back, come up through the	e system, 16			"Did you hear about this?" that happened on a
17	and that is from the workers who were	involved 17			flight to the SeaRose or a flight to Terra
18	with it. People fly, incidents happen, a	nd it 18			Nova that had to turn around because of
19	generally comes back by word of	mouth 19			whatever. Those are the kind of issues, I
20	generally, you know, and then it gets ra	uised. 20			think, that would be better we'd be better
21	It's a reporting system that's sort of ad	hoc 21			served if we knew about those issues because
22	to the situation. Like there's for tho	se 22			really, I mean, it could just as well be
23	two issues, that's how that came up an	d, you 23			Hibernia employees.
24	know, before even before there's an	eport 24	Ν	1R. W	ALLACE:
25	gets issued sometimes, maybe, you kn	ow, when 25		Q.	Yeah, I think we've yeah, I understand the
26	there is going to be a report issued,	it 26			notion that if there's a problem or an
		Page 190			Page 192
1	becomes an issue on the Platform that'	s talked 1			incident with an S-92 flight to another
2	about maybe in safety meetings and wh	natnot. 2			installation, that's something that the
3 M	IR. WALLACE:	3			workforce on the Hibernia platform or the
4	Q. It's hard for perhaps the operator, in t	his 4			SeaRose would, you know, be interested in
5	case Cougar, to get ahead of some of	f the 5			knowing that these are issues on the Terra
6	hubbub or the -	6			Nova, which you represent. I do understand
7 M	IR. PEDDLE:	7			that in respect of even this past month,
8	A. Exactly.	8			January of this year, there was an incident
9 M	IR. WALLACE:	9			where cracks were identified in the mounts and
10	Q rumour mill, I think, to use Mr. Ro	il's 10			an e-mail went out immediately to all
11	words. So it's hard to get ahead of t	hat 11			installations, to the entire workforce, and I
12	process. On the other hand, would ye	ou not 12			gather a communication placed in respect of
13	agree that that, the capacity of the work	force 13			your Platform in a binder that would be in the
14	to raise these issues or to go to the OIM	l or 14			helideck area that would be generally
15	the operator and say "well, look, you"	know, 15			available to everyone. So that sort of
16	this was my experience. What happen	ed here? 16			communication was made to all operators, to
17	I'd like to, you know, to more about	this 17			all offshore operators in respect of the most
18	incident." That's part of the open repo				recent crack incident. Are you aware of that?
19	system, the safety culture that exists on	the 19	N	IR. PE	EDDLE:
20	Platform, the freedom, if you will, of w	orkers 20		А.	Yes, I am, yeah.
21	to bring these issues forward without w		N	1R. W	ALLACE:
22	for a more formal structure, a report to	-		Q.	So that would be an example where the system,
23	filed or something?	23			in respect of issues that might be of concern
24 14	IR. PEDDLE:	24			that didn't arise on the Hibernia Platform,
24 IVI					
24 M	A. I would agree with that, yeah.	25			were communicated generally?

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1 A. Yes.	1 MR. WALLACE:
2 MR. WALLACE:	2 Q. But my understanding is there was a
3 Q. Yeah, and that's a system that, I suppose -	3 communication to the operators and then to the
4 MR. PEDDLE:	4 workforce, even in respect of that incident.
5 A. That's the process that, you know, we're	5 MR. PEDDLE:
6 supposed to be following now.	6 A. Not prior to the meeting, I don't believe. I
7 MR. WALLACE:	7 brought it up at the meeting and I had the
8 Q. Yes.	8 report which came out of what they call a
9 MR. PEDDLE:	9 CADOR system. It's a Transport Canada system
10 A. Is that incidents that occur are supposed to	10 and at the time, I believe the OIM responded
11 be reported by Cougar in a very transparent	11 that he didn't have any further information
12 fashion. We'll get the bulletin or whatever	12 about what the remedial action was on the
13 they're going to send out on it and it is	helicopter. There was no full report. They
14 placed in a binder that is located outside the	14 knew about the issue, but it hadn't been
15 heli admin area.	15 reported to us yet.
16 MR. WALLACE:	16 MR. WALLACE:
17 Q. Yeah, and that's an appropriate system. You	
17 Q. Tean, and that s an appropriate system. Tota 18 might describe it as a lesson learned, but	18 You were at a meeting on January the 10th. So
	19 perhaps six days had passed.
<ul><li>that's something that you think is now</li><li>functioning well?</li></ul>	20 MR. PEDDLE:
21 MR. PEDDLE:	
	21 A. That's right. 22 MR. WALLACE:
23 think, maybe some lapses and I guess you hav	
24 to go back to, you know, what's going to be	
25 the scope of the incidents that we're going to	<ul><li>testimony. That's it. Thank you, Mr.</li><li>Commissioner.</li></ul>
26 hear about. I brought up an issue, if I may	
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1 elaborate on that, I brought up an issue at	1 COMMISSIONER:
2 our last JOHS meeting that I was at a month	2 Q. Okay, thank you, Mr. Wallace. Suncor?
3 ago, I guess, and you know, I had heard that	3 MR. MAHONEY:
4 there was a helicopter in Halifax, for	4 Q. No questions, Mr. Commissioner.
5 instance, one of Cougar's machines in Halifax	
6 that had to they called a PAN basically,	6 Q. Thank you. Husky?
7 which is an emergency situation or whatever	
8 and they had a chip light in their gearbox	8 Q. No, thank you, Mr. Commissioner.
9 and, you know, they went through most of th	
10 same process that Brian described and I	10 Q. Thank you. Counsel for Cougar, Mr. Whalen?
11 described with our situations, emergency	11 WHALEN, Q.C.:
12 landing, nothing fortunately there were no	12 Q. No questions, Mr. Commissioner, thank you.
13 issues or whatever, and you know, they ende	
14 up, I think, having to pull the gearbox out of	14 Q. Thank you. Sikorsky, Helly Hansen, counsel
15 the helicopter. But it seems to be anything	15 for Memorial University?
16 with regard to a gearbox gets to be an issue	16 HURLEY, Q.C.:
17 that is very sensitive to the workforce here	17 Q. No questions.
18 and wherever.	18 COMMISSIONER:
19 MR. WALLACE:	19 Q. Thank you. Government of Newfoundland, Ms.
20 Q. I read those. Those are the minutes there	20 Berlin?
21 was a report of that in the minutes of January	
the 10th, 2010. So that was your report	22 Q. No questions, thank you.
23 perhaps. Oh no, that there was that Halifax	23 COMMISSIONER:
24 incident. You were in attendance.	24 Q. Thank you. Mr. Harris?
25 MR. PEDDLE:	25 HARRIS, Q.C.:
26 A. Yeah, and -	26 Q. No questions, Mr. Commissioner.

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1 COMMISSIONER:	1	Scotia with a Sikorsky S-92 owned by Cougar at
2 Q. Thank you. You will go at the end, of course,	2	your OSH committee as being an example of
3 Mr. Earle. Counsel for the families, Mr.	3	something that you would have expected would
4 Martin?	4	have been communicated to the employees in the
5 MR. MARTIN:	5	Newfoundland offshore, but had not at that
6 Q. I have no questions, Mr. Commissioner.	6	point in time?
7 COMMISSIONER:	7 MR. P	*
8 Q. Thank you. For the estates of the pilots, Mr.		Yes, I would say that. I mean, we haven't
9 O'Brien?	9	established what the scope of the reports are.
10 O'BRIEN, O.C.:	10	They were in Halifax, you know, we're St.
11 Q. No questions, Mr. Commissioner.	10	John's, but it all pertains to the most
12 COMMISSIONER:	12	pressing issue with the helicopter, being the
	12	gearbox, which is particularly of interest to
14 you're ready?	14 15 FADL	everybody.
15 MR. SHELDON PEDDLE, EXAMINATION BY V. RANDELL J. EARLE,	15 EARL	-
16 Q.C.	-	Now just want to ask you a question about you
17 EARLE, Q.C.:	17	mentioned that you the HUEBA was discussed
18 Q. Mr. Peddle, Mr. Wallace canvassed with you	18	two or three times over the period of time
19 this e-mail that went out about the cracks in	19	from 2003 to your committee, and I just want
20 the feet of the gearboxes. I just wanted to	20	to be clear as to the nature of the
21 clarify, is this a new behaviour that we're	21	discussion. Was this involvement soliciting
22 seeing now, these e-mails going out?	22	views of the Occupational Health and Safety
23 MR. PEDDLE:	23	Committee or was it by way of a status report
A. The reporting that we've got basically where	24	from your employer as to what was going on
25 we're receiving reports from Cougar about any	25	with the HUEBA?
26 you know, supposedly any incidents, is new	26 MR. P	EDDLE:
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1 since 491. The issue about the gearbox	1 A.	I think it was more of a status report. I
2 mounting cracks on the feet is a particularly	2	don't recall that any workers or JOHS
3 sensitive issue, I guess, and they felt the	3	committees or installations were involved in
4 need that it wasn't really an incident, but	4	the process to select the HUEBA. There are
5 they picked it up on a maintenance, standard	. 5	alternatives. There are rebreathers and
6 maintenance that they do on the helicopters of		whatnot, I think that they use in the North
7 a nightly basis and they picked up a crack.	7	Sea, but this was an industry chosen solution
8 They let everybody know.	8	for this purpose.
9 EARLE, Q.C.:	9 EARL	
10 Q. So is there any, you know, formal		Now you mentioned that once an issue makes its
11 understanding or protocol of what's going to		way into the Occupational Health and Safety
be done with reporting these helicopter	12	Committee, there's an impasse, there's nowhere
13 incidents, if you will, in terms of how soon	13	to go, and Mr. Wallace seemed to turn that
14 employees will hear about it, how the	13	into a comment on things generally. Were you
15 Occupational Health and Safety Committee v		talking about things generally or were you
	16	talking more specifically about helicopter
<ul><li>hear about it, and are there any time frames</li><li>established?</li></ul>	10	issues when you made that comment?
		-
18 MR. PEDDLE:	18 MR. P	
<ul> <li>A. I'm not aware of any written formal process.</li> <li>It's more of a commitment since the crash in</li> </ul>		I guess in terms of helicopter issues, you
		know, if we mention an incident that comes up
21 March to keep us to be more open and	21	because of whatever, a gearbox chip light or
22 transparent with the flow of information	22	some kind of you know, some kind of
23 regarding the helicopters.	23	malfunction on the helicopter, there's no
24 EARLE, Q.C.:	24	where we just get a report back "this
25 Q. And I take it from the fact that you raised	25	happened. We rectified the problem" and
26 the PAN, PAN, PAN situation over in Nova	26	that's all we ever hear of it.

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1 EARLE, Q.C.:	1	Occupational Health and Safety Committee, have
2 Q. In respect of your Occupational Health and	2	the ability to bring issues forward, and it's
3 Safety Committee, what sort of involvement d	.0 3	quite unrestrained, and if they can sell
4 you get from C-NLOPB? I mean, you've talked	l 4	management on the point, something may happen.
5 about, you know, being able to refer something	g 5	But if management doesn't agree, then
6 on to C-NLOPB and we know that there are the	se 6	management doesn't agree and that's it, and
7 annual meetings of all the Occupational Health	h 7	that from the employer's side of things, the
8 and Safety Committees and we know the minu	ites 8	main function of the Occupational Health and
9 of all the meetings go to C-NLOPB. Other than	9	Safety Committee, besides responding to these
10 when an issue is brought to the C-NLOPB,	10	complaints, appears to be one of information
11 almost as the Court of Appeal on an issue,	11	flow and the way of status reports, talking
12 what kind of involvement does the Occupation	nal 12	about initiatives or indicating a new policy
13 Health and Safety Committee have with C-NLC	ОРВ? 13	that's being implemented. Am I correct in
14 MR. PEDDLE:	14	that, that's your view of where the committee
15 A. The Board is not particularly hands on with	15	is and how it's functioning?
16 issues. If we're talking them out on at,	16 MR.	PEDDLE:
17 you know, a Joint Committee stage. You know	w, 17 /	A. You know, I guess it comes down to the issues
18 we've had issues that have drawn on for very	18	really. I mean, there are a lot of issues
19 long periods of time that were, you know,	19	that are fairly easy to fix and the resolve is
20 fairly significant health and safety issues.	20	there to put whatever money is available or
21 For instance, I can relate to, you know, a	21	needed to create a fix. There are some issues
22 humidifier system that was brought up, low	22	that go down the road and it becomes more of a
23 humidity on board the Platform. That took	23	roadblock, shall we say, to getting things
24 several years to actually implement a	24	done. It might be very time consuming. It
25 solution. You know, we had to go through a	25	might be very expensive. There are issues,
26 stage of, you know, it had to be budgeted and	26	you know, that languish, shall we say, at the
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1 there had to be money made available and	-	JOHS committee stage on the minutes and
2 was an engineering phase and it went on a	ind on 2	sometimes take a very long period of time and
3 and on. It was certainly on the minutes for	or 3	then sometimes they're removed from the we
4 quite a long period of time, and we didn	't 4	get an answer back on something and then, you
5 hear from the Board really at all on trying	to 5	know, we'll be told this issue is really
6 expedite the process of implementing the	fix 6	you know, we can't -
7 for that particular situation, even though it	t 7 EAI	RLE, Q.C.:
8 went on for years.	8 (	Q. Does the removal of an issue because there's
9 EARLE, Q.C.:	9	an answer back mean the answer was
10 Q. So what you're suggesting that even thoug	gh the 10	satisfactory?
11 minutes go to C-NLOPB, there doesn't seen		. PEDDLE:
12 be much of a mind to intervene if somethin	ng's 12 4	A. Not always, not always.
13 stuck, so to speak?	13 EA	RLE, Q.C.:
14 MR. PEDDLE:		Q. One other area, you described the role of the
15 A. Shall we say, yeah. That's about the ye		safety reps and their meeting themselves, and
16 know, my recollection of their involveme	ent, 16	then we have one of the safety reps going to
17 shall we say, to rectify some issues.	17	the morning meeting, and you indicated that
18 EARLE, Q.C.:	18	tended to rotate, and then you have, say, ten
19 Q. Now Mr. Wallace asked you a numbe		safety reps who are all members of the
20 questions and you've indicated that there's		Occupational Health and Safety Committee, and
21 lot of opportunities to bring something		you said, well, usually, you know, with that
22 forward and the Occupational Health and S		many you can get six to a meeting. Are there
23 Committee being one of them. But I'm ge	-	any issues with respect to continuity and
the impression from what you're saying t		activity caused by the fact that, you know,
25 the function of the committee is, seems to		you're getting six out of ten at any given
26 roughly like this, that employees, through	the 26	time, or one fellow goes with the OIMs meeting

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1	one morning, another fellow the next mor	ning,	1 A.	Well, certainly, I guess, it comes down to
2	and another one the next morning, so on,	does	2	personalities as well. Different OIMs have
3	that cause you any issues with continuity	and	3	different takes on situations, they have
4	communications as between your com	mittee	4	different approaches to dealing with issues.
5	members?		5	That can be a benefit, and sometimes it can be
6	MR. PEDDLE:		6	a hinderance, but in terms of who we need to
7	A. I think, you know, the issue with continu	-	7	deal with, the OIM being co-chair on the
8	might be more a function of the fact the		8	management side of the Joint Occupational
9	you're changing out bodies every three w		9	Health and Safety Committee, if there's an
10	You know, having a lot of people on t		10	issue that can be resolved, he's certainly the
11	committee can be advantageous and, lik	•	11	man on board the platform who can make a
12	said, there can be sometimes a lapse i		12	decision and make something happen, but in the
13	continuity or a focus, shall we say, on a		13	same light, he's also somebody who may not
14	particular issue or whatever, but in terms		14	agree with what you're saying and it could be
15	continuity we're challenged on an ongo	Ū	15	a roadblock basically to moving forward. Now
16	basis with maintaining continuity on iss		16	that's the kind of issue and the kind of
17	because we change out our safety reps, ye		17	matter that you deal with at the committee
18	dealing with different people every three		18	stage and you talk about, and, you know,
19	weeks. Sometimes, you know, the peop		19	beyond the OIM, of course, there's onshore
20	are involved in it three weeks time, for		20	management and, you know, there have been
21	whatever reason, whether it's not a good		21	issues that reached onshore management and
22	over with minutes in terms of our wee	-	22	been sided with, shall we say, to make changes
23	safety rep meetings, the issues don't seen		23	or whatever in the way we do things offshore.
24	be as burning an issue maybe for the ne		24	You know, there's a hierarchy to follow
25	group of people. So sometimes we do see		25	basically, but certainly in respect of the
26	In terms of on a day to day basis continui	ty,	26	dealings on the platform, it's pros and cons,
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1	we try to realign our focus, like, every		1	I guess, for the issue, and it comes down
2	Friday, and get as many people together		2	sometimes to the personality involved.
3	possible, you know, to get you know,		3 EARLE	
4	there are issues and you want to make t			Thank you very much, Mr. Peddle.
5	priority issues, we try to do that on a wee	•		IISSIONER:
6	basis. Again not getting a consistent gro	up		Okay, Mr. Earle, thank you.
7	together, it does lead to challenges		7 ROIL,	
8	sometimes, yes.			Commissioner, I'm sorry, could I have one
	EARLE, Q.C.:	т	9	question arising out of Mr. Earle's questions.
10	Q. One final question for you, Mr. Peddle,			IISSIONER:
11	notice that the OIM is the co-chair on both			Yes, absolutely.
12	locations. There are two OIMs for eac			HELDON PEDDLE - RE-EXAMINATION BY JOHN ROIL, Q.C.:
13	rotation, and he or she is the management		13 ROIL,	
14	chair of the Occupational Health and Sa	•		It's partly whimsical, but it's partly perhaps
15	Committee, and then we have the OIMs n	-	15	another sidelight. Those similar pluses and
16	meeting, and if you'll recall Mr. Sacuta		16 17	minuses for having the OIM on board as the co-
17	evidence, he talked about the organization		17	chair, do you see any advantages or disadvantages to the union president being the
18	structure of HMDC being rather flat, whi means that the OIM is, in fact, an individu		18 10	disadvantages to the union president being the
19	whose position within the organization		19 20	co-chair? Does that offer pluses and minuses
20	quite high. I wonder could you comment		20 21 mp di	to you?
21 22	advantages, if any, of having the OIM invo		21 MR. PF 22 A.	
22	on this level and the disadvantages, if an		22 A. 23	Well, again I wasn't co-chair all the time I was union president, but
23 24	of having the OIM involved at the occupat	-	23 24 ROIL,	-
24	Health and safety level?			Exactly, but you were for a time.
	MR. PEDDLE:		23 Q. 26 MR. PI	
20			20 MIK. PI	ידיותרי.

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1 A. Yeah, sometimes I guess, you know, we're	1 COM	MISSIONER:
2 dealing with from the perspective of being	2 Q.	Mr. Peddle, I was quite intrigued really by
3 a worker on a facility, there are I think	3	your comment a bit earlier when you said when
4 it's been always the case on the JOHS	4	you're having these committee meetings
5 Committee, you know, when you have people	who 5	offshore, when it comes to helicopter issues,
6 sit on the committee, sometimes they're there	6	there's no expert around the table. You know,
7 not entirely of their own choosing, sometimes	7	you're oil producing people, not helicopter
8 they just happen to fall into these roles. I	8	experts, and it occurred to me I've been
9 don't know if I mentioned earlier, but a lot	9	thinking about it ever since you said it. It
10 of the reps are acclaimed into their	10	strikes me that what you need, both
11 positions, it's almost a sense of obligation,	11	representatives of management and workers, you
12 it's my turn to be a safety rep, or whatever.	12	know, is from time to time to have somebody
13 ROIL, Q.C.:	13	who has expertise in the particular area that
14 Q. So there's no big election for a safety rep	14	you can talk to. For instance, if things like
15 job each year, is there?	15	the door coming open, or the weight and
16 MR. PEDDLE:	16	balance issue, you know, the helicopter, all
17 A. I've known well, I mean, it happens every	17	sorts of things cause concern to people like
18 two years, but I've known of only one or two	18	myself and perhaps even you, you know, who
19 elections in the last five or six years where	19	don't really know what's going on, and it may
20 there actually had to be people cast votes.	20	be that with the cooperation of management,
21 Usually the reps are acclaimed into their	21	you might be able to have, say, someone from -
22 positions, but, you know, when it comes down	n 22	- I don't mean the President of Cougar, I mean
23 to standing up for safety on the committee	23	a hands-on guy or lady, you know, who is in
24 stage, you know, some issues they go through	24	there talking. You could have, for instance,
25 the ringer, and people sometimes they don't	25	the Chief of Maintenance, and, say, like, when
26 follow through. So in the case of me standing	26	I was out on the rig, you know, for two or
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1 up and saying, okay, I'm the union preside		three days, I think the second evening I was
2 I'm a co-chair of this committee, I think b	y 2	out there, there was a news sheet passed
3 legislation we have the right actually to	3	around and somebody said to me, you know,
4 appoint safety reps if we wanted to as a	4	here's the news. I said, oh, thank you. The
5 union, but there needs to be a resolve or	n 5	first thing I read was about the O-rings which
6 behalf of people who sit on that committee	e to 6	had come from a European Authority, you know.
7 make sure that they're going to drive the	e 7	Now it wouldn't be much good for you or me to
8 matter as hard as they need to. In the past,	, 8	talk about that probably, but I would have
9 I've certainly had no problem doing that.	9	loved to that evening have talked to an
10 ROIL, Q.C.:	10	experienced maintenance person, you know, from
11 Q. So the plus is that you have the resolve	11	Cougar or anywhere else in the helicopter
12 necessary. Is there a concomitant negativ	ve 12	world to say what was the significance of
13 aspect for you when you're sitting in bot	h 13	that. So what I'm leading to is with the
14 roles?	14	cooperation of management, for instance, if
15 MR. PEDDLE:	15	you could have a senior pilot talk to you
16 A. It tends to cloud in some people's mind	s, 16	about issues that you may wish to raise with
17 it tends to cloud the intent, shall we say	17	him at such a meeting, or if there were
18 maybe, and that's probably not true. I me	an, 18	maintenance issues, a senior and experienced
19 my intent is to look after safety, but I don'		maintenance technician, or whatever they're
20 have a problem that's one of the reasons		called, then both management and the workers
21 stepped down was because of perception		would hear and then you'd have some knowledge
22 people looking at me and saying what my		with which to go forward or it may be that you
23 intent is, but I stepped back and I let		might have the knowledge and say, well, that's
24 someone else take the role.		not important, that's not significant, and,
25 ROIL, Q.C.:		you know, you may accept that. What do you
26 Q. Okay, thank you.		think of that kind of approach where you have

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1 people with the if it can be agreed that	U		not, and we were given a little tour of the S-
2 be done, people with the expert information			92 out in the hangar, and took us out and
3 MR. PEDDLE:	3		seated us in the helicopter and talked about,
4 A. Certainly, I guess, you know, any interact	tion 4		you know, the features on the helicopter and,
5 with somebody who is in the know, who	has a 5		you know, it's an impressive piece of
6 background in helicopters and helicop	oter 6		equipment, no doubt, and at that time it was -
7 maintenance, helicopter piloting, whateve	er, it 7		- it was of some benefit to actually be talked
8 would be beneficial, you know. I'm not	sure 8		to by somebody who is in this industry, who
9 that somebody from Cougar would alway	ys be the 9		has knowledge of the helicopter, and, you
10 right person to have.	10		know, allay any fears that you may have, you
11 COMMISSIONER:	11		know.
12 Q. It may not be, no, but somebody with	the 12	COMM	ISSIONER:
13 knowledge.	13	Q.	I must say I've found that all my adult life,
14 MR. PEDDLE:	14		the benefit of talking to people with hands-on
15 A. Yeah, and, like, you know, for what it			knowledge, you know.
16 worth, I've suggested in the past to How		MR. PE	
17 Pike with the C-NLOPB, that if they ha			Uh-hm.
18 somebody on staff that they don't have			ISSIONER:
be dedicated 100 percent of the time t			Anyway, you might think about that and perhaps
20 aviation issues, but someone with a			talk to the appropriate person in management.
21 background, and I don't know if they co		MR. PE	
22 find somebody to become a safety officer			Sure.
23 the Board with an aviation background, b			ISSIONER:
24 you had someone with that kind of know	<b>u</b>		Okay, then, well, look, thank you very much.
25 who could look at these issues and take t		ROIL, C	-
26 further because another thing that How		Q.	Thank you, Mr. Peddle, you can be excused, and
	Page 214		Page 216
1 mentioned to me with regards to the			we'll now ask Mr. Tobin to take the witness
2 interaction that they have with Transpo			stand. I'm sorry, Mr. Hussey. Mr. Hussey,
3 Canada, was that the Board, you know,			before you sit down, I think the Registrar
4 Board is dealing with our issues and som			would like to
5 them which are helicopter safety issues, 1 6 there doesn't seem to be an interaction			AN HUSSEY (SWORN) EXAMINATION BY JOHN ROIL, Q.C.:
		ROIL, C	
·			Mr. Hussey, you've had the advantage of hearing the other two, and so we'll go through
<ul> <li>8 real sense to deal with helicopter safety</li> <li>9 issues, or concerns that we may have, f</li> </ul>	-		a very similar process with you.
9 issues, or concerns that we may have, f 10 instance, with regards to floatation on		MR. HU	
11 helicopters.	1 10		Okay.
12 COMMISSIONER:		ROIL, (	-
13 Q. Well, that's something that we here at the			When we get to items that we've already
14 Inquiry perhaps could ask some questi			covered, I think I said in my opening
15 about. Think over what I've said, and any			statement that some things would be different,
16 else perhaps listening to me, you know, a			some things would be similar. Perhaps when we
17 the idea of talking to hands-on people w			get to things that are similar, we don't need
18 expertise in a particular area who might			to spend as much time on it because you can
19 either able to allay some concerns or say			say it works the same way or we have the same
20 yeah, that's a problem.	20		concerns, and if things are different, we'll
21 MR. PEDDLE:	21		spend a little more time on that.
22 A. We've had in the past some impromptud		MR. HU	
23 with people with Cougar, like, Mr. Willia	-		Sure.
24 Mr. Hank Williams. I remember one		ROIL, (	
25 actually it came about because of issues			So I don't know if that's an advantage or a
26 concerns or questions around the S-92 and			disadvantage to you, but you're in the back up

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1 position here now, so you can fill in all the	e 1 Q	. Are you the only employee of that company on
2 blanks for us.	2	board the facility?
3 MR. HUSSEY:	3 MR.	HUSSEY:
4 A. I've got a hard act to follow, that's all I	4 A	. Absolutely not, no. Crosbie's supply
5 can say.	5	insulators, painters, scaffolders, and we have
6 ROIL, Q.C.:	6	cleaners who come out on a periodic basis. I
7 Q. Okay, tell us a little bit about Stan Hussey		believe I believe they do have some people
8 who he is, where he comes from, and what		there on the decks, but for the most part,
9 doing in relation to offshore transportation		it's those tradespeople that Crosbie's supply.
10 helicopters, and activities in the oil fields?		
11 MR. HUSSEY:		Okay, tell us a little about your background
12 A. Well, again my name is Stan Hussey.		and your experience prior to coming to the oil
13 actually work for Crosbie Salamis, who i		fields?
14 contractor for Suncor. I am employed as		HUSSEY:
15 insulator on the Terra Nova FPSO. I carry		. Well, I started with Crosbie's about seven and
16 journeyman certificate as an insulator. I	16	a half years ago, and prior so I've been
17 also carry a sheet metal certificate as a	17	kind of ad hoc all that time up until the last
18 journeyman.	18	couple of years where I have now got a 21 day
19 ROIL, Q.C.:	19 in 20 POU	rotation, 21 off and 21 on.
<ul> <li>Q. What does an insulator do? I'm thinking</li> <li>terms of electricity, but that's not</li> </ul>		. So when you work for seven and a half, it
22 MR. HUSSEY:	21 Q 22	wasn't with a regular rotation, you would get
23 A. No, no, we insulate all the piping on boar		a job here and there, would you?
the Terra Nova, any vessels or tanks that -		HUSSEY:
and some need to be insulated for protecti		Yes, yeah, and that could be it turned out
26 of the workers because it may be a very h		it was Terra Nova and Hibernia as well, right.
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1 pipe or something like that. Most times it	e l	
2 to keep the liquids that are flowing in the		. Okay, so you've worked at both those two
3 pipes, keep them from freezing, and that		facilities?
4 basically it for our part of it sort of thing,		HUSSEY:
5 right.	5 A	. Yes, yeah. Prior to that, I was from about
6 ROIL, Q.C.:	6	'96 on, we worked on, or I worked on the GBS
7 Q. Okay, so your insulation is in relation to	7	in Bull Arm, as well as the topsides, and then
8 piping and pressure vessels and that kind	of 8	again on the Terra Nova when she was in Bull
9 thing?	9	Arm. So before that, I travelled fairly
10 MR. HUSSEY:	10	extensively around the country working in
11 A. Yes, and we have people basically who	are 11	Alberta for six and a half years, I worked in
12 going around investigating any damage of	-	Ontario for three or four years prior to that,
13 impropriety of the pipe. If there's a pipe		and so my construction knowledge, I guess,
14 what we call this system is CUI, Corrosio		goes back to about the mid '70s, I guess.
15 Under Insulation, and we have asset integr	*	
16 people who are examining the pipes a		. That's as close as we'll come to asking you
17 sometimes x-raying or whatever, just to se		your age.
they're still in good shape, or if they need		HUSSEY:
19 to be changed out, or whichever way they		. Thank you.
20 to go for that, right.	20 ROII	
21 ROIL, Q.C.:		Now I take it that first of all, do you
22 Q. Okay, and you mentioned that you're emp	-	have a representative capacity in respect of
by a company called Crosbie Salamis?	23	CEP Local 2121?
24 MR. HUSSEY:		HUSSEY:
25 A. Yes.		Yes, I'm the Chief Shop Steward on the Terra
26 ROIL, Q.C.:	26	Nova.

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1 ROIL, Q.C.:	1	ROIL	, Q.C.:
2 Q. Do you also then have activity v	with the 2	2 Q.	You mean, the fresh water?
3 Occupational Health and Safety C	ommittee on 3	MR.	HUSSEY:
4 Terra Nova?	4	A.	Fresh water that's being brought out, yeah.
5 MR. HUSSEY:	5	5	So she he or she doesn't have a vote.
6 A. Yes, I do, I'm the co-chair of the co	ommittee. 6		, Q.С.:
7 ROIL, Q.C.:	7	' Q.	Now what would happen with the equality issue
8 Q. Okay. In a manner similar to the v	-	3	and the five and four? Would that mean that
9 it with respect to the last witness, t			you would have to take a person off the safety
about how the Occupational Healt	-		rep list, or would management then have an
11 Committee works on board the fact	-		opportunity to appoint another management
12 Terra Nova FPSO?	12		representative, or do you know how that issue
13 MR. HUSSEY:	13		is going to be resolved at this point?
14 A. Okay, well, the way I see it, basic	-		HUSSEY:
15 have a procedure to follow and if the	•		. It's fairly new. I think it's only been the
16 issues if a person has an issue,		Ď	last couple of meetings that it's been down to
17 directed to first ask him have you b	-		four management. There hasn't been a lot of
18 to your	18		discussion on it. I suggest there might be
19 ROIL, Q.C.:	19		after this. I don't know if that'll mean
20 Q. I'm sorry, I have to go back a step			we'll get an extra management personnel, or if
21 the Occupational Health and Safety			one of our worker reps will be dropped.
22 what kind of people make up that c			2, Q.C.:
23 MR. HUSSEY:	23	-	But you understand the principle of equality,
A. We have management usually ec			I suppose
25 and worker reps.			HUSSEY:
26 ROIL, Q.C.:	26	) A.	Absolutely, yes.
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1 Q. Okay, the same principle as exp			2, Q.C.:
2 MR. HUSSEY:	2		. Okay. Again we've talked a little bit about
3 A. Very much the same as for Hibe	ernia. 3	)	who is the co-chairs, and I understand that
4 ROIL, Q.C.:	$\frac{4}{5}$	+ •	you are a co-chair of the committee or have been?
5 Q. Okay, what about the size of the 6 MR. HUSSEY:			HUSSEY:
<ul> <li>A. A little bit smaller because cert</li> <li>only about half the size in p</li> </ul>	-		. Yes, I am at present.
	-		You are at present, okay. On the FPSO Terra Nova, who represents the management side in
10 management and five worker r 11 it's brought down to four r	-		terms of being co-chair?
12 positions, and I'm not absolutel	-		HUSSEY:
	-		. The OIM.
<ul><li>think there was a little bit of a</li><li>the management scheme of th</li></ul>	<u> </u>		, Q.C.:
15 there's basically four management	-		. This is the same
16 well, the OIM. I believe, it's th			HUSSEY:
17 the process people have a	-		Same procedure, same line up.
18 personnel there. We also have a	-		, Q.C.:
19 who is basically the guy who			Again I won't ask you to repeat what was said,
20 minutes, and to my understand	-		do you see that there are advantages and
21 neutral kind of guy. There's also	-		disadvantages or are they all advantages and
has a supervisor there, and then			no disadvantages with respect to the OIM
<ul><li>nuse who is a standing guest, a</li></ul>			position being the head of the sorry, not
he or she is there just as a guest.	-		the head, the co-chair?
25 us some presentations on the dif	-		HUSSEY:
26 like, how the water is out there.	-		Personally I'm fairly new at it. It's a
<sup>20</sup> inte, now the water is out there.	20	, A.	$\frac{1}{2} = \frac{1}{2} = \frac{1}$

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1	little over a year, I guess, and learning	1	Q.	And again was your training in a similar way
2	certainly as I'm going. With our procedures,	2	2	provided by an outside service provider?
3	like, when I first joined the committee, I was	3	MR. H	IUSSEY:
4	basically told we're not a complaints	4	A.	Yes, it was, to my understanding. I can't
5	department as per such, you know. The thing	4		recall the name of the organization, but I
6	is if somebody on the rig has an issue, they	6	ó	believe they were a government organization,
7	have to first bring it to the supervisor, and		7	and the only concern I had with that was that
8	that supervisor then has it tasked upon him to	8	3	it was probably seven or eight months after I
9	either resolve it or if he can't resolve it,	ģ	)	joined the committee that I received this
10	then it goes to the OIM. Then the OIM has an	10	)	training, and there's many reasons why. I
11	opportunity to resolve it. So it's only up	11		guess, this training is not offered every day
12	until then or after that, that it comes to the	12	2	type of thing, but it did take a little while
13	committee level.	13	5	and I was a little bit concerned about that
14	ROIL, Q.C.:	14	Ļ	because I guess I'm the type of person, if I
15	Q. So the expectation is that the worker deals	15	i	take anything on, I like to be as
16	with it within the operational confines of the	16	ō	knowledgeable about it as I possibly can, you
17	facility, going to his immediate supervisor	17	1	know. So for that reason, I would have liked
18	first, and then to the OIM if necessary?	18	8	to have had the training quite a bit earlier.
19	MR. HUSSEY:	19	ROIL	Q.C.:
20	A. Yes.	20	) Q.	What is the normal term of your service on the
21	ROIL, Q.C.:	21		committee? Is it two years, the same as we've
22	Q. Okay, then if unresolved to that worker's	22	2	heard before?
23	satisfaction, it can or should come to the	23	MR. H	IUSSEY:
24	Occupational Health and Safety Committee?	24	A.	Yes, two years is your normal time period. If
25	MR. HUSSEY:	25	i	I might on that point, to my way of thinking,
26	A. Yeah.	26	5	two years is really not quite long enough
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1	ROIL, Q.C.:			because you're just getting your feet wet,
2	Q. In that context, does having the OIM there as	2	2	you're just learning about it, and now you've
3	a co-chair an asset or a disadvantage?		3	gotten a handle on it, and and it's quite
4	MR. HUSSEY:	4	Ļ	often people do go longer than two years
5	A. Well, I haven't really seen it to be either.	4	5	certainly, but I think two years you're just
6	ROIL, Q.C.:	6	5	going through the infancy and at that point
7	Q. Okay.		1	then to hand it over to another infant would
8	MR. HUSSEY:	8	3	be futile, and things will never get going in
9	A. At this point. Again, as Sheldon said	ģ	)	the proper area, in the proper way, right.
10	earlier, I guess it comes down to the	10	ROIL	Q.C.:
11	individual and the way they feel about certain	11	Q.	So you need enough longevity to be able to
12	situations, and they may agree and they may	12	2	contribute, but not so much that you become
13	not, and they might run things a little bit	13	;	too long in the tooth?
14	different than another person. I guess,	14	MR. H	IUSSEY:
15	that's just human nature, but in regards to	15	6 A.	That's right, yes.
16	seeing it being a hazard or a disability of	16	ROIL	Q.C.:
17	any sort, I don't see it.	17	. Q.	What about the training itself, did it enable
18	ROIL, Q.C.:	18		you to feel that you had comfort with the
19	Q. One of the things you began to speak about wa			kinds of issues and the procedures and
20	the issue of the fact that you're fairly new	20	)	protocols to deal with those kinds of things?
21	to the committee, and that, I take it, you	21	MR. H	IUSSEY:
22	would have been able to have some training. D	0 22	2 A.	Yes, to a large degree. I mean, it certainly
23	you have you had the training?	23		didn't cover off everything that we run into
1	MR. HUSSEY:	24	Ļ	on a day to day basis, I guess, but for the
24				
24 25	A. Yes, I have, yeah.	25	5	most part it did, and the only thing I will

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1 like Brian alluded to earlier, in the		Yes, and do they tend to be of a reliable sort
2 construction industry over the last 30 years,	2	of format and content that are useful to the
3 it's been a constant battle to bring all this	3	members of the committee?
4 safety in to the game sort of thing.		IUSSEY:
5 ROIL, Q.C.:		I find that I find they're getting better,
6 Q. In the construction industry generally?	6	and that's not to take away from anybody in
7 MR. HUSSEY:	7	the past. It's just probably I may be
8 A. In the construction industry generally.	8	getting a little bit better in reading it and
9 ROIL, Q.C.:	9	seeing that the issues that were brought
10 Q. Yes.	10	forward are actually, you know, on the
11 MR. HUSSEY:	11	minutes, and that they will go through because
12 A. And since I've started to work in the	12	there was times when everything didn't get on
13 offshore, I find that it's, you know, 100	13	the minutes, so that I didn't necessarily
14 percent better. We have a safety culture that	14	catch it, so I signed it off as a co-chair,
<ul><li>I've never been used to, and I find it very</li><li>refreshing, if nothing else.</li></ul>	15	and only after I signed it off someone said,
<ul><li>16 refreshing, if nothing else.</li><li>17 ROIL, Q.C.:</li></ul>	16 17	you know, this didn't end up in the minutes. So I'm getting a little bit better at seeing
17 ROL, Q.C.: 18 Q. Uh-hm.	17	that.
19 MR. HUSSEY:	-	
20 A. So in that vein, I kind of would like to see -	19 ROIL	
how will I put it. The training part of it,	20 Q. 21	So the minutes have to be done with diligence by the scribe, whoever is scribing them, and
22 I'd like to see that training put up forward	21 22	they have to be read with diligence by the co-
23 so that you're going into it with knowledge a		chairs?
24 the start. I think I just went off the track	23 24 MR. H	
<ul> <li>24 the statt. I think I just went off the track</li> <li>25 here, but</li> </ul>		Absolutely, yes.
26 ROIL, Q.C.:	25 A. 26 ROIL	· ·
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1 Q. No, that's fine. You have told us that it was		I take it that there's no compensation to you
2 a few months down the road before you got y		for serving on these committees?
3 training, and I think you felt that you were a		HUSSEY:
4 little bit awash until you got it?		No.
5 MR. HUSSEY:	5 ROIL	
6 A. Uh-hm.		This is a volunteer activity?
7 ROIL, Q.C.:		IUSSEY:
8 Q. And if you're only serving a two year term,		Yes.
9 then obviously having the training up front	9 ROIL	
10 would be important?		And I think you indicated in your notes to me
11 MR. HUSSEY:	11	that you also received some Tap Route
12 A. Yes.	12	training. I think we've heard that expression
13 ROIL, Q.C.:	13	before. Was this in conjunction with your OH
14 Q. If you were serving a longer term, I guess	14	& S Committee, or was this in conjunction with
15 there's a little more opportunity for your	15	your employment generally?
16 learning to mature, but I take your point	16 MR. H	
17 there, no question.	17 A.	No, that's with the committee.
18 MR. HUSSEY:	18 ROIL	
19 A. Uh-hm.		Okay.
20 ROIL, Q.C.:	20 MR. H	-
21 Q. What about the issue of minutes of the	21 A.	It's an investigation investigative
22 meetings, how are they handled on your	22	process.
23 committee?	23 ROIL	, Q.C.:
24 MR. HUSSEY:	24 Q.	And again was that a useful piece of training
25 A. The EH & S advisor keeps the minutes.	25	for you?
26 ROIL, Q.C.:	26 MR. H	HUSSEY:

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<ol> <li>A. Very, yes.</li> <li>ROIL, Q.C.:</li> <li>Q. Now the other regime that we just spot there was evidence of a group of the sa reps who met on a weekly basis outside formal meetings, the rotation, the once rotation meeting of the full committee.</li> <li>the same situation happen with respect to Terra Nova Project?</li> <li>MR. HUSSEY:</li> <li>A. Well, up until my last hitch, and as a rest of the C-NLOPB information session that there in January</li> <li>ROIL, Q.C.:</li> <li>Q. That's the joint meeting, was it?</li> <li>MR. HUSSEY:</li> <li>A. That's the joint meeting with C-NLOPB is the JOHS Committee reps, we found</li> <li>Hibernia were having a meeting just a every week to put the information or issues that are coming forward, to get to devery thing that needs to be at that level make sure it is at that level and not proto belong somewhere else. So we thought</li> </ol>	1evi2we2we3theafety4of the5woof the5woof the7MR. HUSSto the8A. No9hav10of thesult1111ROIL, Q.Ct we had1212Q. Ok13as a14and allthataboutthethatobly	dence about how in the other regime that 've looked at, there's a daily meeting of OIM and there are some walkabouts and that mbers of the group of safety reps in the rkforce take part in those meetings. Is re a similar regime with your organization? SEY: , we don't take part in their meetings. We yen't as of it, and again maybe as a result this, we may.
<ul> <li>26 a great idea and I brought it up to the C</li> <li>1 and suggested that maybe we could do that</li> <li>2 least once a hitch because certainly we don'</li> <li>3 have as many people and try it for just one</li> <li>4 pre-committee meeting, and that would be</li> <li>5 idea of that is to get our information</li> <li>6 together, whatever issues we have, make su</li> <li>7 that they are that they belong basically at</li> <li>8 that level and not probably an HR kind of a</li> <li>9 concern, right.</li> <li>10 ROIL, Q.C.:</li> <li>11 Q. So this was an advantage of meeting togeth</li> <li>12 with the C-NLOPB and joint session, you</li> <li>13 learned about what other people are doing a</li> <li>14 can take advantage of that?</li> <li>15 MR. HUSSEY:</li> <li>16 A. Yes, yes, and in as much as we just did it th</li> <li>17 one time so far, and it was kind of new to</li> <li>18 everybody, we didn't have much time, you</li> <li>19 to get it to them in a timely basis, so</li> <li>20 consequently their issues didn't necessarily</li> <li>21 get to us on time the last time, but that was</li> <li>22 the first time, and we're just hoping that</li> <li>23 it's going to get, like everything else,</li> <li>24 improved.</li> <li>25 ROIL, Q.C.:</li> </ul>	Page 234 at1 ROIL, Q.C.at1 ROIL, Q.C.ct2 Q. Thatct3 getthe4 Octorthe5 Tertree6 strut7 thea8 min9 reg10 to bher11 MR. HUSSE12 A. Yesandeknow,	

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1 ROIL, Q.C.	1 ROIL,	-
2 Q. Do you again have the same sort of con		Okay. Now what about the ability of workers
3 that Mr. Peddle had about the transition		to bring up issues, I think you've explained
4 one group not meeting for six weeks and		that issues come in your culture, they're
<ul><li>different group meeting in the meantime</li><li>that seem to work well or partly well or</li></ul>		expected to be resolved at the first level with the supervisor, the second level with the
6 that seem to work well or partly well or 7 at all?		offshore installation manager. Is there then
8 MR. HUSSEY:		apparent freedom for workers to bring issues
9 A. It does work fairly well, but it could be,		to your committee and do they?
10 know, again, better because given that	•	•
11 reason that sometimes there might be tw	-	I haven't noticed too much over the past year,
12 three people, members of that commi		we'll say. Again, it's got to go to the
13 worker reps, we'll say, who might very		supervisor and if he can't do it, if he can't
14 only be on that rig for two days while		fix it, then it goes to the OIM. So
15 there or while another member is there.		consequently, I guess this would be where
16 ROIL, Q.C.		there would be one situation where that could
17 Q. Because you all don't do the same 21 da	-	be a detriment because the supervisor, if the
18 MR. HUSSEY:	18	supervisor couldn't come up with a response or
19 A. We don't have the same 21 rotation an	nd we 19	a fix -
20 could be on days and they could be on n	-	
and consequently we don't get the chan		And the supervisor could be the supervisor who
22 have a proper, what we call probably a l		is on the committee.
23 over. What we get is the minutes of t		
24 previous meeting, which you know, may		And a very good chance that he's also on the
25 precise and they may not be quite so pre-	ecise 25	committee and I was going to the OIM, who was
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1 and so therefore, you know, you're kind		also on the committee and they haven't been
2 reading between the lines as to what we		able to come up with a resolution, then it
3 in the last meeting.		comes to the committee, so it's like, you
4 ROIL, Q.C.		know, it's going to be very difficult, I would
5 Q. But without changing the workplace so		think, and we haven't had too many issues come
<ul> <li>everybody works and lives out there all</li> <li>time, I think that's a structural issue we get</li> </ul>		up like that and bring us to that situation.
8 to deal with.	-	So in your experience there has not been, for
9 MR. HUSSEY:		example, a vote on a stalemated issue?
10 A. Yes.	10 MR. H	-
11 ROIL, Q.C.		No, not as of yet.
12 Q. How do we make it better? Would		-
13 comprehensive minutes make a better sc		Have you had an issue that has come to you and
14 better structure?		then had to go on to the C-NLOPB, other than
15 MR. HUSSEY:		an issue regarding a refusal to work because
A. I'm sure that would be a good idea. I de		of helicopter issues?
17 see how we could change it anyway in r		-
18 to having a proper handover because w	e not 18 A.	No, no.
19 going to be there, logistically it's not goi	ing 19 ROIL,	Q.C.
20 to happen.		Nothing other than that has come along.
21 ROIL, Q.C.	21 MR. H	
22 Q. There are some challenges that we ca		Nothing as yet, we've been more involved in
23 change.	23	the helicopter suits and the helicopter issues
24 MR. HUSSEY:		
25 A. Yes.	24	than, you know, since I've been part of the committee.

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1 ROIL, Q.C.	1	point there that there was talks of the people
2 Q. Well that was my next question, do helicopte	r 2	who had the suits or the modified HTS-1 suits.
3 issues come to your committee?	3	We waited a fair long time to get those suits
4 MR. HUSSEY:	4	and last going off what we were waiting for
5 A. Again, they come to us only if we bring then	n 5	was certification for aviation certification,
6 there, if we bring them as representatives for	6	for a couple of times when we thought we had
7 the workers and being that it's been so	7	it and then it turned out we didn't actually
8 prevalent in the news and everything else, it		have it, so it was a little bit of back and
9 does get a fair bit of, you know, chatter		forth there, but in regards to me as a co-
10 about it, but in regards to actually showing		chair having any great amount of input into
11 up in the minutes as an issue, probably not so		that investigation or that process, I don't
12 much. The suits have been an issue and that'		believe II don't believe that I had a big
13 because, I guess, the situation being that so		lot.
14 many people had to travel offshore on boats		
15 and certainly I was one of those until a	-	Okay, this perhaps leads me to that issue that I addressedthat we addressed with Mr. Peddle
16 couple of months ago.		
<ul><li>17 ROIL, Q.C.</li><li>18 Q. Well I think, yeah, during the operator</li></ul>		and that is the issues that are safety related to the functioning of the facility are issues
19 evidence there was an examination of some		that you haveyou and your other worker reps
20 the minutes of the OHS committee on your		have a fairly intimate knowledge of.
20 the minutes of the ons commutee on your 21 facility -	20 21 MR. H	•
22 MR. HUSSEY:		Yes.
23 A. Uh-hm.	23 ROIL,	
24 ROIL, Q.C.		If it's an installation issue, you know all
25 Q. That showed the issue of suits being dealt		about it.
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1 with.	1 MR. H	
2 MR. HUSSEY: 3 A. Yes.		Yes.
	3 ROIL, 4 O.	If it's a suit issue, is that something that
<ul><li>4 ROIL, Q.C.</li><li>5 Q. And the time and the number of times that it</li></ul>		there's a level of expertise amongst the
6 came back on were there. Were you personal		workforce to be able to help problem solve the
<ul> <li>a member of the committee when that was tal</li> </ul>		issue or if it's a helicopter issue?
8 place?	8 MR. H	
9 MR. HUSSEY:		Again, I wouldn't be able to say that I'm any
10 A. Yes, yes. It started a lot sooner than my		kind of an expert in any one of them, I can
11 when I began.		just kind of go with the flow and ask that,
12 ROIL, Q.C.		you know, things keep going ahead and go
13 Q. And what, if anything, were the challenges of	r 13	forward sort of thing. I don't know if I'm
14 the issues from your perspective as to how		answering your question properly or not.
15 that issue was dealt with by your committee?		
16 Did you feel empowered and able to deal with		Well, yeah, let's get involved in a bit of
17 it or were you not able to deal with it? What	17	discussion on it because it seems to me that
18 was your take on it as a co-chair and as a		the message that we got from Mr. Peddle was
19 representative of all these workers?		that, you know, the Occupational Health and
20 MR. HUSSEY:		Safety committee process works for problem
21 A. I would have to say that it was kind of left		resolution of issues that we have ownership
22 into the hands of the C-NLOPB and I guess		of.
23 management to work it, and you know, mo		
24 times it was nothing new to report; however,	24 A.	Uh-hm.
	24 A.	Uh-hm.

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1	Q. But it doesn't work so well for the resolu	<b>U</b>	
2	of issues that we don't have either owner	ship 2	
3	or a knowledge base that enables us to ac	-	
4	them. Would you say that you have the		4 them to answer, certainly, and because of
5	sort of concerns on your facility?	5	
6	MR. HUSSEY:	6	6 well, you know, we're not getting the right
7	A. In those situations with regards to the	e 7	
8	helicopters and the suits, I would say ye	es. 8	
9	Again, we have a little bit of a different		
10	situation and that is that it has to go to the		0 information or had some expertise in that, it
11	supervisor first and then go to the OIM, so		
12	a lot of cases, we haven't got a lot of issu		2 ROIL, Q.C.
13	to bring forward.	13	
	ROIL, Q.C.	14	
15	Q. Okay, so if you don't have issues to bri		
16	forward, what are you talking about at y	-	
17	OHS committee?	10	
	MR. HUSSEY:	18	-
19	A. Sometimes it's issues that, again, we brow		
20	up as our ownon our own accord, but d	<b>U</b>	
20	necessarily end up on the agenda. So for		
21	most part, you know, we do have a lot		2 MR. HUSSEY:
22	conversation over the suits, certainly th		
	HUEBA was part of the conversation at a		
24 25	point, you know, we've had other issues		5 ROIL, Q.C.
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1	board issues were certainly a whole lot r	nore 1	1 Q. Occasionally.
2	minor, we'll say, and we've dealt with the	iose 2	2 MR. HUSSEY:
3	and with, you know, coming to resolution	on. I 3	3 A. Occasionally. Again, there haven't been a
4	can't really bring any one particular	4	4 whole lot of issues like that.
5	situation up to mind right now.	5	5 ROIL, Q.C.
6	ROIL, Q.C.	6	6 Q. What about the engagement of the C-NLOPB? I
7	Q. As an example, okay. Would aagain,	I'll 7	7 think you had mentioned already that you had
8	offer you the same opportunity I offered	l to 8	8 partaken in some of the annual meetings that
9	Mr. Peddle, would a structured agenda	which 9	9 they have.
10	required that for a period of time that each		0 MR. HUSSEY:
11	committee somebody focused on transpo	ortation 11	1 A. Yes.
12	and it might not be just helicopters, it mig		2 ROIL, Q.C.
13	be transportation by vessel as well beca	-	3 Q. Have you done one of those or more than one of
14	presumably there could be issues arisi	ng 14	
15	there. Would that provide a better mecha	-	5 MR. HUSSEY:
16	to ensure that the focus continued on the		
17	transportation piece?	17	
1/	MR. HUSSEY:	18	8 ROIL, Q.C.
	A. Oh I'm sure it would, I believe that woul		
18	,		0 MR. HUSSEY:
18 19	a great help in those situations. certainly		
18 19 20	a great help in those situations, certainly with the helicopters or anything that pertain		A. I feel they are, ves, well actually we took a
18 19 20 21	with the helicopters or anything that pertain	ains 21	
18 19 20 21 22	with the helicopters or anything that perta to any particular item that, you know, w	ains 21 vhen 22	2 little bit out of it this year, as last year,
18 19 20 21 22 23	with the helicopters or anything that perta to any particular item that, you know, w the incident 491 happened, there was a lo	ains21when22ot of23	<ul><li>2 little bit out of it this year, as last year,</li><li>3 again, I was just brand new and didn't really</li></ul>
<ol> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	with the helicopters or anything that perta to any particular item that, you know, w	ains21vhen22ot of23s it24	<ul> <li>little bit out of it this year, as last year,</li> <li>again, I was just brand new and didn't really</li> <li>know what to expect or what to ask or anything</li> </ul>

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1 not quite so new at it, but I did get some	1	and, you know, we discussed the issues,
2 good benefit out of it in regards to possibly	2	certainly that we've always discussed at any
3 having this particular pre-committee meeting	3	of these JOHS committee meetings, brought up
4 to get all our ducks in a row, sort of thing.	4	some issues for them to hear and kind of get
5 There has been also other ideas that came from	n 5	the first hand report on it, because we were
6 that that we may be able to entertain, we'll	6	just caught, again, bringing issues to them
7 have to wait until I get offshore and have a	7	that the workers are concerned about and don't
8 discussion with the group and see where we ca	n 8	always, don't necessarily get a big lot of air
9 go with it.	9	time. So it was, I think it was enlightening
10 ROIL, Q.C.	10	for him and it was enlightening for us, right.
11 Q. Does the ability to communicate with workers	5 11 ROI	L, Q.C.
12 on similar but different facilities, does that	12 Q	2. Okay, let's focus a little more closely now on
13 offer you some opportunities to increase your	13	the issues that are core jurisdiction to our
14 knowledge base?	14	inquiry, which is the issue of helicopter
15 MR. HUSSEY:	15	transportation and helicopter safety and I
16 A. Yes, I feel it would and just on that note,	16	take it from your earlier evidence that
17 one of the suggestions at the last session was	17	certainly issues with respect to the suit,
18 that we have a kind of a bipartisan meeting,	18	which is associated very correct, very closely
19 probably every quarter of all the JOHS	19	to safety and helicopter transportation, that
20 committee, OHS committee members and proba	ably 20	they did come to the committee and that they
21 one or two from each committee to get togethe	er 21	ultimately got focused but it took awhile,
22 on a quarterly basis to discuss how we do	22	according to the way I take the evidence of
23 things and find out maybe how we do things a	23	what we've had so far. What about the HUEBA
24 little bit different and see what one works a	24	or the HUEBA, depending on how you pronounce
25 little better and maybe we can use that and	25	it, was that everwe know it was an issue on
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1 just, you know, exchange of information f	e l	radar screens for a long time, I know that you
2 one committee to the next and from one ve		have not been involved a long time on the OHS
3 certainly everybody works a little bit	3	committee at Terra Nova, did that ever find
4 different and every company, I guess, is go	oing 4	its way to you or the fact that it was
5 to work a little bit differently. Maybe we		outstanding, was that a focus for your
6 can take things from that, right.	6	committee at any time?
7 ROIL, Q.C.	7 MR	. HUSSEY:
8 Q. Other than that annual engagement now,	is 8 A	A. Not a large focus, it was on the agenda as old
9 there much interchange between the C-NL		business. It, I believe probably around
10 your committee on ad hoc issues? Do you		April, last of March, first part of April, it
11 to call their safety reps from time to time t		became a little bit more prevalent and the
12 deal with issues or not?	12	decision was made at that time, if I'm not
13 MR. HUSSEY:	13	mistaken, but I believe we were told then that
14 A. I haven't had any reason to do that as of ye	et. 14	they would be available in May, and I believe
15 I know last year I believe it was after the	15	they were, but that was about as much, you
16 491 incident that a couple of people came		know, information as I had on it.
17 from C-NLOPB and interviewed us, sat wit		
		2. So you were aware that the C-NLOPB had been
and asked if we had any concerns, you kn		for a long period of time expressing concern
	he 19	
<ul> <li>and asked if we had any concerns, you kn</li> <li>what our concerns were, and I believe at t</li> </ul>		
<ul> <li>and asked if we had any concerns, you kr</li> <li>what our concerns were, and I believe at t</li> <li>time most everybody's concern was certa</li> </ul>	inly 20	that this issue had not been resolved?
<ul> <li>and asked if we had any concerns, you kr</li> <li>what our concerns were, and I believe at t</li> <li>time most everybody's concern was certa</li> <li>the helicopters and the suit issues and real</li> </ul>	inly 20 ly 21 MR.	that this issue had not been resolved? . HUSSEY:
<ul> <li>and asked if we had any concerns, you kn</li> <li>what our concerns were, and I believe at t</li> <li>time most everybody's concern was certa</li> <li>the helicopters and the suit issues and reall</li> <li>couldn't see too much past that at that time</li> </ul>	inly 20 ly 21 MR.	that this issue had not been resolved? HUSSEY: A. No, because I wouldn't have had any dealings
<ul> <li>and asked if we had any concerns, you kn</li> <li>what our concerns were, and I believe at t</li> <li>time most everybody's concern was certa</li> <li>the helicopters and the suit issues and reall</li> <li>couldn't see too much past that at that time</li> <li>This year there are, just this last hitch and</li> </ul>	inly         20           ly         21 MR.           e.         22 A           23	<ul><li>that this issue had not been resolved?</li><li>HUSSEY:</li><li>A. No, because I wouldn't have had any dealings with it as, you know, just a regular worker</li></ul>
<ul> <li>and asked if we had any concerns, you kn</li> <li>what our concerns were, and I believe at t</li> <li>time most everybody's concern was certa</li> <li>the helicopters and the suit issues and reall</li> <li>couldn't see too much past that at that time</li> <li>This year there are, just this last hitch and</li> </ul>	inly     20       ly     21 MR.       e.     22 A       23       eting     24	that this issue had not been resolved? HUSSEY: A. No, because I wouldn't have had any dealings

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1 knowledge of it.	1	MR. HUSSEY:
2 ROIL, Q.C.	2	A. Yes, I'm sorry, 14th of December, '09.
3 Q. Now what about the issue of helicopte	er 3	ROIL, Q.C.
4 incidents, and again, I don't know that w	ve 4	Q. December, '09, okay, a couple of months ago.
5 need to go into the same amount of depth t	that 5	MR. HUSSEY:
6 I did with Mr. Peddle because we got into	0 a 6	A. Yes. Supposedly the chopper landed in St.
7 number of examples, but again, in you	ır 7	John's, the guys were getting ready to bring
8 experience do you get adequate reporting	on 8	the blocks over to put under the wheels, I
9 incidents involving your and other	9	guess, and supposedly the helicopter then rose
10 helicopters, is it a regular subject of	10	up off the ground and came back down pretty
discussion at your committee either before	or 11	hard.
12 since March 12th and how do we ma		ROIL, Q.C.
improvements in that area if we need to m		Q. And this is not something you personally
14 them?	14	experienced?
15 MR. HUSSEY:		MR. HUSSEY:
16 A. Well, again, I guess the communications en		A. I did not witness it; I did not experience it,
17 things, it's coming along, I guess, but there		but it was brought to my attention and to my
have been some incidents and some of t		understanding, the people from Cougar came
19 incidents that were brought up here we'r		down and briefed the people on the chopper and
20 known about, just as rumour and it, to m		explained what went on and then if I'm not
21 knowledge, up until the last time I was	-	mistaken, there was I believe Suncor's
21 Knowledge, up until the last time T was 22 offshore, it hadn't shown up on any of our-		management contacted Cougar on that and got a
		• • •
-	23	response for it, but it never went any further
24 ROIL, Q.C.	f 24	than that and simply because the person that
25 Q. If things are allowed to grow by way of	f 25	brought it to my attention didn't feel like he
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1 rumour, do they tend to stay accurate in yo	our 1	wanted to bring it any further, and for
2 experience or do they tend to sometimes g	get 2	whatever reason -
3 distorted?	3	ROIL, Q.C.
4 MR. HUSSEY:	4	Q. So would you not be empowered to bring it
5 A. Quite often distorted and once you get eno	ugh 5	further as an institutional concern, rather
6 people distorting a little bit, it can be	6	than an individual concern, don't you feel you
7 really, really bad at the end of it sort of	7	have the ability to do that?
8 thing and that's why we would like to see	ea 8	MR. HUSSEY:
9 more open and a more, I guess, faster proce		A. I'm not quite sure. I feel I should be and I
10 for reporting because it only leavesthat's		guess I feel I do in some way because I
11 all it does, it just leaves it open for the	11	wouldn't have brought it up at this point,
rumour mill and it's not a good thing, neve		because I feel it is quite important and I
13 is. So we would like to see it more often o		think that the moment that that happened, it
14 sooner. We would also like, I believe, the		should have been reported as an incident, I
15 situations are sometimes, if a worker doesr		see it as a near miss and I think it should
bring it to the forefront and as much as it		have been reported because -
17 may well, you know, be well known, it doe		ROIL, Q.C.
18 get there and I'll give an issuegive you ar		Q. You call it a near miss, you understand the
19 example and I don't know, I know very lit		expression near miss as used on your facility.
20 about it, I just, it was brought to my		MR. HUSSEY:
21 attention and I believe the date was the 14t		A. Yes.
		A. TES. ROIL, Q.C.
		-
	23	Q. If something like that had happened with a piece of againment on the platform would it
24 ROIL, Q.C.	24	piece of equipment on the platform, would it
25 Q. That's the 14th of January of this year?	25	have gotten to the committee?

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1 MR. HUSSEY:	1	incidents, however they're defined as an
2 A. Oh I'm sure it would.	2	incident, that there be a way in which that
3 ROIL, Q.C.	3	information can be gathered, documented and
4 Q. Okay.	4	then dealt with?
5 MR. HUSSEY:	5 MR. H	IUSSEY:
6 A. I'm sure it would, certainly to the ProAct	6 A.	Yes, yes.
7 system anyhow.	7 ROIL,	Q.C.
8 ROIL, Q.C.	8 Q.	I noticed from your notes that you had some
9 Q. Okay.	9	personal issues with the suit, again we heard
10 MR. HUSSEY:	10	a lot about the suit, but in as much as you
11 A. And that doesn't necessarily mean that it's	11	are one of the people that had some challenges
12 going to make it to the committee level	12	with the 452, just so we understand, what were
13 because, well the supervisor would be the	e 13	teh challenges for your particular body size
14 first one to take it and it could be resolved	14	or shape?
15 from that point.	15 MR. H	
16 ROIL, Q.C.		Well I believe at one of these meetings I was
17 Q. But the ProAct system allows a factual basi	is 17	told I was a normal size and so for that
18 to exist to go forward from.	18	reason, I'll say that I guess I am. But
19 MR. HUSSEY:	19	anyhow, I have certain issues, I guess I'm of
20 A. Yes.	20	the short stature and the suit that I need to
21 ROIL, Q.C.	21	wear or needed to wear was a large suit, so
22 Q. And the responses get filed in a factual way	. 22	that the legs were about, I would say probably
23 MR. HUSSEY:	23	a foot too long. I could actually take my
A. Yes, and read out at every handover meeting	g on 24	foot out of the boot, lay the boot on the
25 a facility. So we are constantly trying to	25	ground and she'll stand up, so the concern I
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1 improve our safety culture and I believe	1	had was when I was coming off the chopper,
2 management are well on board for that and	so 2	coming down over the stairs, when I would put
3 our reporting, our incident reporting system		my foot forward to go down over the stairs,
4 is quite strong and, you know, we have, are		the boot would go ahead of me and I very
5 told to report everything from a little nick	5	nearly tripped on a couple of occasions
6 on your finger on upwards. And for that	6	because you've got one hand on the rail and a
7 reason, I believe an incident such as that	7	bag in your other hand sort of thing, so that
8 should just, whether that be through on the	8	was my major concern. Aside from that, it was
9 ProAct system or howeverwhatever system		because it was a large suit and because of my
10 needs to go through, but it should be brough		height, when I put the zipper up, well the
11 to our attention again, other than rumours,	11	zipper is meant to come to about here, but it
12 you know, a rumour can take that where the		was up here. So when I tried to get that
13 chopper jumped up ten feet, you know.	13	pulled down and up and everything else, now
14 ROIL, Q.C.	14	the zipper part was stuck into my throat here.
15 Q. When factually it may have jumped up si		
16 inches.		So you had to bring down all the excess
17 MR. HUSSEY:	17	material to your neck area?
18 A. It might have come up six or eight inches ar		-
19 I don't know that, but again, if that		Drag it all down and everything would kind of
20 information was brought forward to us, we		stick in here and I'd get this kind of a
21 then it would shut down the rumour mill rig		feeling, right.
22 away.	22 ROIL,	
23 ROIL, Q.C.		So then the zipper had to go in and out and
24 Q. So your recommendation is to find a mecha	-	follow the contours of that extra material,
25 by which factual information about helicopt		before it went up?

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1 MR. HUSSEY:	1	buddy to hook up with him with your buddy line
2 A. Yes. So I guess you could say that w	vas a 2	and that kind of thing, right. So, yes, for
3 comfort issue, but I didn't take it as	a 3	that reason, I think it is a health and
4 comfort issue, it was debilitating to me	e and I 4	safety, you know, and for the fact that the
5 dreaded the thought of having to take	that 5	suits are too long, sometimes the boots are
6 suit out.	6	too big, and these are issues that were worked
7 ROIL, Q.C.:	7	and I understand, you know, fixed to some
8 Q. So how has that suit been rectified for	r you 8	degree, right.
9 personally, or has it been?	9 RO	IL, Q.C.:
10 MR. HUSSEY:	10 0	2. So is the HTS-1 suit a satisfactory solution
11 A. Well, I've been put in a HTS-1 and I fin	nd it 11	for you, for your body size and shape?
to be 100 percent better because now t	hey have 12 MR	. HUSSEY:
13 the suspenders that you can pull from	n the 13 A	A. For my body size and shape and for the fit,
14 shoulder on the back part that will pul	ll the 14	yes. However, I would like to see what the
15 leg up in the back, and it'll pull the le	eg 15	water ingress, and I'm I think I may be
16 from the front with another suspender	, and I 16	afforded an opportunity to do that this week.
17 get quite a bit of material there when	I do 17	I was asked if I'd be interested in going to
that, right, so now the hood is the b	best 18	Dartmouth and doing just that with that suit
because the hood is very soft neopren	ne, the 19	on.
20 zipper part of it is a whole lot softer, a	and 20 RO	IL, Q.C.:
21 it also has kind of a chin cup that wr		2. So you are the person that was being spoken of
around your chin, and in as much as	there 22	who is going to go to Dartmouth and
23 might still be a little bit extra zipper	, 23 MR	. HUSSEY:
extra hood, it isn't debilitating, it's no	ot 24 A	A. I believe I was, yes.
25 sticking into my throat, I can move an	round, 25 RO	IL, Q.C.:
	Page 261	Page 263
1 I've got all my mobility. So it's a w	-	2. Are you going to be a guinea pig or an
2 different suit, it's a better suit thick-wi		observer?
3 and	3 MR	. HUSSEY:
A DOLL O C		
4 ROIL, Q.C.:	4 1	A. I'd like to think an observer, but I'll go as
<ul><li>4 ROIL, Q.C.:</li><li>5 Q. Do comfort issues impact health and</li></ul>		<ul> <li>A. I'd like to think an observer, but I'll go as a guinea pig.</li> </ul>
	safety 5	-
5 Q. Do comfort issues impact health and	safety 5 6 RO	a guinea pig.
<ul><li>Q. Do comfort issues impact health and</li><li>issues?</li></ul>	safety 5 6 ROI 7 0	a guinea pig. IL, Q.C.:
<ul><li>5 Q. Do comfort issues impact health and</li><li>6 issues?</li><li>7 MR. HUSSEY:</li></ul>	safety 5 6 RO 7 0 act that 8	a guinea pig. IL, Q.C.: Q. Do you have any views on whether the sea day
<ul> <li>Q. Do comfort issues impact health and issues?</li> <li>MR. HUSSEY:</li> <li>A. Well, yes, in some cases because the fage that wasn't those suits aren't comfort</li> </ul>	safety 5 6 RO 7 C act that 8 rtable 9	a guinea pig. L, Q.C.: Do you have any views on whether the sea day should offer you an opportunity to go in that
<ul> <li>5 Q. Do comfort issues impact health and 6 issues?</li> <li>7 MR. HUSSEY:</li> <li>8 A. Well, yes, in some cases because the fa 9 that wasn't those suits aren't comfor 10 for anyone, I'm sure. What I found before</li> </ul>	safety 5 6 RO 7 0 act that 8 rtable 9 fore the 10	<ul><li>a guinea pig.</li><li>L, Q.C.:</li><li>Do you have any views on whether the sea day should offer you an opportunity to go in that suit as well as the Fitzwright abandonment</li></ul>
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<ul> <li>even three or four hours in the water ca</li> <li>a difference, and in as much as we known</li> <li>Mr. Decker supposedly had a suit that</li> <li>big for him and that's why he took on a</li> <li>water, and that's why his core tempe</li> <li>went down so low. I think we deserve</li> <li>assurance because when we're in that</li> <li>and if that chopper goes down, and ho</li> <li>not, we're going to be in one of those s</li> <li>we're not going to be in a Fitzwright</li> <li>that we use on the sea day, and I thin</li> <li>well deserve to know that this is an is</li> <li>that, you know, we don't have to worry</li> <li>I'd like to see it proven while we got d</li> <li>in the water, boats and people who ca</li> <li>you out of the water if you run into tro</li> <li>as opposed to the very time that you're</li> <li>to need all that and it's not there.</li> <li>ROIL, Q.C.:</li> <li>Q. So are you saying that in addition to</li> <li>integrity training which you're going</li> <li>observe or participate in in a tan</li> <li>environment, that that's not enough to</li> </ul>	ow that2was too3so much4srature5ve the6chopper7opefully8 ROIL,suits,9 Q.t suit10hk we11 MR. Hssue12 A.y about.13livers14an take15uble,16 ROIL,e going17 Q.18 MR. H19 A.the20 ROIL,g to21 Q.k22instill23 MR. H	Is that a view of just you or of other workers? USSEY: I speak for a lot of workers. I wouldn't say all workers, but certainly from my own point of view, and from people that I've spoken to, they feel the same way. Q.C.: So confidence has been shaken in the suit? USSEY: Yes. Q.C.: And must be re-established by some more vigorous training and/or use or testing?
<ul> <li>that they would also need or should h</li> <li>opportunity to use one of that nature, o</li> <li>that style, or that manufacture?</li> <li>MR. HUSSEY:</li> <li>A. Yes, I feel that way because in the test</li> <li>and I've been up to Halifax for other test</li> <li>on the 452 suit, and the standard would</li> <li>a certain amount of water ingress. In</li> <li>testing, the subjects were in the water</li> <li>approximately 40 minutes all toll, 40</li> <li>minutes, and they took on a certain am</li> <li>water, depending on body size and that</li> <li>thing. So that's for 40 minutes, and it</li> <li>under the standard, you know, that it m</li> <li>standard. The problem I see is that it's</li> <li>very likely that you're going to be in</li> <li>water for just 45 minutes. Nine chance</li> <li>of hours. So number one, you're tak</li> <li>extra water, you're going to continue to</li> <li>on water. I don't know if there's any</li> <li>that will say you'll take water on and</li> <li>will go out. It's one thing to have wate</li> <li>your suit that's fresh water, it's a total</li> </ul>	Page 265Page 265one of1 $2$ MR. H $3$ A.ting,4ROIL,esting5 $0$ . $d$ allow6this7 $c$ for8 $m$ th $to$ 459 $a$ . $aount$ of10 $r$ for8 $m$ th $to$ 459 $a$ . $m$ th $to$ 45 $m$ th $to$ 45 $a$ MR. H $to$ 45 $a$ MR. H $a$ mount of $10$ ROIL, $t$ was $12$ MR. H $a$ the $15$ $c$ so $a$ $a$ the $15$ $c$ so $a$ $a$ the $15$ $a$ so $a$ $a$ the $b$ the $a$ the $a$ the $a$ the $b$	Page 267 Or a combination of all three? USSEY: That's right. Q.C.: One of the issues that you have mentioned in your notes is a question of the timing of flights. You work on Terra Nova. USSEY: Uh-hm. Q.C.: What time of the day do your flights go? USSEY: We have to report at 9:15, to leave at 10:15. That's our schedule at this point. It's my understanding that a decision was made, and cooperatively through all the companies, the operators, that they would take certain different times. I think it's three regular slots. Q.C.: Yes.

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1 going to change it.	1 the Occupational Health and Safe	ety Committee
2 ROIL, Q.C.:	2 deal better with helicopter trans	portation
3 Q. So there's now a new rotation. Is there,	3 issues?	-
4 like, who gets the first flight, who gets the	4 MR. HUSSEY:	
5 second flight, who gets the third flight?	5 A. Well, again I'm certainly no exp	ert in that
6 MR. HUSSEY:	6 field, but I guess at this point, yo	ou know,
7 A. Yes, and so after I believe after four	7 like Brian and Sheldon both said	, we have no
8 months that'll switch, and I guess maybe	8 real handle on that, we have no c	ontrol over
9 instead of us having the last flight, I'm not	9 that at this point.	
10 sure if we go to the first flight or to the	10 ROIL, Q.C.:	
11 middle flight, but it'll switch, it'll	11 Q. We've been told that there's	a better
12 continuously turn.	12 reporting regime now.	
13 ROIL, Q.C.:	13 MR. HUSSEY:	
14 Q. Okay.	14 A. Yes.	
15 MR. HUSSEY:	15 ROIL, Q.C.:	
A. And I guess that will come down to how well	t 16 Q. Okay.	
17 works for everybody. It may change, from	y 17 MR. HUSSEY:	
18 understanding, but to this point that's the	18 A. And certainly I feel there is.	
19 way it is.	19 ROIL, Q.C.:	
20 ROIL, Q.C.:	20 Q. You've actually seen that?	
21 Q. Okay, that's something new that we haven	21 MR. HUSSEY:	
heard about before. In the past, was there	22 A. Yes.	
just a fixed time slot for each of the flights	23 ROIL, Q.C.:	
and year in/year out, those times would be	24 Q. Okay.	
25 preserved, a certain time for one facility, a	25 MR. HUSSEY:	
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1 certain time for the other?	1 A. To some degree. Again we go	U
2 MR. HUSSEY:	2 improvement on that. I really w	
3 A. Pretty much, and that all, of course, is	3 able to say what should be done,	
4 contingent on weather, and whether or not	4 I'd be lost for words on that one.	•
5 there's been flights delayed the day before,	5 know. I'd only be just guessing,	
6 sometimes two and three days before. So the		-
7 could be quite a build-up of flights, and	7 need to do in the vein of con	
8 certainly that'll all change, right.	8 improvement is to do that, and just	
9 ROIL, Q.C.:	9 - always look for ways, better wa	
10 Q. I think the Cougar evidence was that it is	10 on our flights, on the maintenance	
10 Q. Fullink the Cougar evidence was that it is 11 their optimal schedule, it is not always their	11 no doubt that the maintenance	
12 actual schedule.	12 helicopters through Cougar is top	
13 MR. HUSSEY:	13 Can the reporting be better; I thin	
14 A. Yes.	14 so. Whether or not the maintena	
15 ROIL, Q.C.:	15 things can be better, probably not	
16 Q. I think the final note that you had here is	16 there's always room for improve	•
17 one that we've already heard. I'll give you	17 just would like to see that so f	
18 an opportunity to speak to it as well. The	18 the crash thing are looking	
19 question of helicopter issues in the	19 communications are getting bette	
20 occupational health and safety world being	20 OH & S Committee works is getting	-
21 different from other issues. I think you've	21 would like to think and hope that	-
22 addressed it a little bit, but I'll give you	all over and the Inquiry comes ba	
an opportunity for a final comment on that.	report, that it doesn't just kind of	
Is there a way that we can help you, is there	that point and that it continues w	
	r inter in continue of the	
a way that improvements can be brought to h	p 25 continuous improvement and to b	e proactive in

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1	everything, and not just the not just the	C	1	Mr. Hussey. My name is Denis Mahoney, and I'm
2	little cut on your finger, but the issues with		2	counsel for Suncor. I don't have a comment
3	the choppers and the issues with any suits a	nd	3	for you, but I would like to share an
4	whatever. Let's follow it all through and		4	observation on behalf of Suncor. As, Mr.
5	make sure that we get the best possible		5	Commissioner, you know, in supporting the
6	situations as we can, and I refer to the suits		6	different phases of this Inquiry Suncor does
7	as much as the choppers. You know, if we	re	7	believe that it's very important that the
8	going to end up in that water, we need to ha	ive	8	workforce has an opportunity to be heard in
9	the best possible chance of surviving, if we	•	9	this public phase of the Inquiry. Mr. Hussey,
10	survive the actual you know, whether it b	e	10	Mr. Murphy, are two workers that actually work
11	a crash or a controlled landing, because we'	ve	11	on the Terra Nova FPSO, and both in their work
12	got statistics on it to say that just because		12	performance, and more specifically with
13	you got a controlled landing doesn't mean t	hat	13	respect to their engagement on these issues,
14	you're out of the water, so to speak. What		14	we can certainly tell you that Mr. Hussey and
15	you're going to do is end up in the water, ar	nd	15	Mr. Murphy are actively engaged, and very
16	with the suit being if the suit does what		16	professional in the manner in which they
17	they say it's going to do; great, we got some			perform their work, engaged in the health and
18	protection there, we got time to wait, but we		18	safety system that we have on the Terra Nova
19	know we're going to have to wait, and unle	ess	19	FPSO, and as well in their leadership through
20	we gets 24 hour 7 days a week SAR protect	ion	20	the CEP Executive, and I would say the same
21	out of St. John's, I think that's going to		21	thing for Mr. Peddle as well, who is President
22	hinder things, and I don't know if there's ar	ny	22	of the Local representing the workers on the
23	suit out there that's actually going to		23	Terra Nova FPSO. I just wanted to come up to
24	protect us for three or four hours to the		24	the microphone to again thank Mr. Hussey, Mr.
25	point that we're going to need to be		25	Murphy, and Mr. Peddle, for taking the
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1	protected.		1	opportunity to come forward and to speak about
2	ROIL, Q.C.:		2	the issues that you bring forth on behalf of
3	Q. Unless you have anything else that you want to	)	3	both the CEP, as well as the workforce that
4	add at this time, I think those are all the		4	you do represent in the offshore, and so we
5	questions that I have for you, sir. Thank you		5	wanted to thank you for that. We have no
6	very much.		6	questions. Thank you, Mr. Commissioner.
7	MR. HUSSEY:		7	Thanks, Mr. Hussey.
8	A. Thank you.		8 MR. I	IUSSEY:
9	COMMISSIONER:		9 A.	Thank you very much.
10	Q. Okay. Vis a vis questions, counsel for C-		10 COM	MISSIONER:
11	NLOPB.		11 Q.	Husky Energy.
12	MS. CROSBIE:			DONALD, Q.C.:
13	Q. We have no questions, Commissioner.			No questions.
14	COMMISSIONER:			MISSIONER:
15	Q. Transport Canada. Counsel for CAPP.			No questions, thank you. Cougar.
16	MR. MANNING:			LEN, Q.C.:
17	Q. No, thank you, sir.			No questions. Thank you, Mr. Hussey.
	COMMISSIONER:			MISSIONER:
19	Q. Thank you. Counsel for HMDC.			Memorial University Training Centre.
	MR. WALLACE:			.EY, Q.C.:
21	Q. No questions, Mr. Commissioner, thank you.			No questions.
	COMMISSIONER:			MISSIONER:
23	Q. Thank you. Suncor.			Thank you. Counsel for the Government of
	MR. MAHONEY:		24	Newfoundland and Labrador.
25	Q. Thank you, Mr. Commissioner. Good afternoo	on,	25 MS. E	ERLIN:

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1 Q. No questions, Commissioner.	1	fellow committee members were dealing with it,
2 COMMISSIONER:	2	how was the whole committee dealing with the
3 Q. Thank you. Mr. Harris has had to leave.	3	suit issue at that point in time? You know,
4 Counsel for the families, Mr. Martin.	4	as a newcomer, what did you see the mind set
5 MR. MARTIN:	5	as?
6 Q. No questions, Commissioner.	6 M	IR. HUSSEY:
7 COMMISSIONER:	7	A. Well certainly it progressed after the 491
8 Q. For the estates of the pilots, Mr. O'Brien.	8	incident and it became more pronounced, I
9 O'BRIEN, Q.C.:	9	guess, at the meetings. I felt that we were
10 Q. No questions.	10	dealing with it in as proper a manner as I
11 COMMISSIONER:	11	knew how to deal with it and I followed the
12 Q. No questions. Counsel for CEP, Mr. Earle.	12	lead of people that were on the committee
13 MR. STAN HUSSEY - EXAMINATION BY RANDELL EARLE,	Q.C.: 13	longer than I was, but I still felt that kind
14 EARLE, Q.C.:	14	of our hands were tied in that it was being
15 Q. Mr. Hussey, you referred to the problems of a	15	worked by Helly Hansen and certainly by the
16 workplace where the entire workforce rotates	16	operators in what the process was going to be.
17 in and out over a three week period, and the	17	Helly Hansen were the ones that were going to
18 difficulty of maintaining contact with your	18	come up with the idea and how to fix it,
19 companion Occupational Health and Safety	19	whether it was going to be a different type of
20 Committee, and you referred to that as some	20	suit, a new suit or just, you know -
21 challenges we can't change. I have a	21 E	ARLE, Q.C.:
22 suggestion for you. Would it work if your	22	Q. I'd like you to draw a distinction, if there
23 employer said to you, you know, you're a co-	23	is one. Was there any difference before the
24 chair of the Occupational Health and Safety	24	crash and after the crash?
25 Committee, and this other gentleman or lady is	25 M	IR. HUSSEY:
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a co-chair of the Occupational Health and		A. Oh yes, yes. I think before the crash, we
2 Safety Committee, during that period of tir		were left or we were basically told that they
3 when you overlap, part of your duties is to		were comfort issues for the most part, and
4 meet for two hours to do a proper change of	ver, 4	that we weren't going to entertain anything to
5 would that help?	5	do with comfort issues. It was a comfort
6 MR. HUSSEY:	6	the suit wasn't meant to be comfortable. It
7 A. I'm sure it would, yes.	7	was meant to save your life, sort of thing.
8 EARLE, Q.C.:	8	But I will say that before the crash of 491,
9 Q. I thought it might. Now you went on the	e 9	the issue was brought forward to the workforce
10 committee roughly about November of 200	08, is 10	that if there were any concerns and that were
11 that correct?	11	safety concerns, legitimate safety concerns
12 MR. HUSSEY:	12	and anything but comfort concerns, that you
13 A. Yes.	13	were to put your name forward to your
14 EARLE, Q.C.:	14	supervisor and then that it would be addressed
15 Q. And the suits were a issue, was on the agen		from there. However, shortly either
and I know everybody's tired of hearing ab		shortly thereafter from the time we started
17 the suits, but I love hearing about the suits.		getting our name, putting our names in and
18 And you have, I think, done a very good job		maybe the names didn't get in there very much
19 showing us how, you know, put the issue		before we did have a crash, and then of
20 seals aside, there was a very real safety	20	course, everything was heightened and things
21 issue with these suits, apart from seals. The		took off from there. But there were you
22 question I have for you, Mr. Hussey, was ye		know, they were the operators were then, or
23 observation as a newcomer coming onto		at least I know for Suncor, were then looking
24 committee, and I'm not really interested in		to get some to look into, you know, the
25 how management was dealing with or how	w your 25	safety issues of the suit. Whereas up to that

	ge 280	Page 28
1 point, it was more comfort and, you know, kind		Yes.
2 of get over it and go to work.	2 EARL	
3 EARLE, Q.C.:		Thank you very much, Mr. Hussey. Those are my
4 Q. Mr. Hussey, you made the point we don't have a	. 4	questions, Mr. Chairman, Mr. Commissioner, I
5 lot of issues coming forward and you've made	5	should say, but I'd like some other comments,
6 this in the context of the obligation to go to	6	so I'd like to take this opportunity to say
7 the supervisor first and then the issue has to	7	something.
8 be taken to the OIM, and it wasn't clear to me	8	People in this room will have noticed
9 whether issues whether it was because	9	that I have had with me a member of the Union
10 issues are getting solved in that process or	10	just about every day that I've been in here,
because they're dying in that process?	11	and there are a lot of people in this room who
12 MR. HUSSEY:	12	are getting paid for being here and matter of
A. I would have to guess, and I'm guessing, that	13	fact, the vast majority of us. This is our
14 you know, if it doesn't get to our level of a	14	work. And I'd just like to thank these people
committee meeting, that it's either been	15	because I don't think those of us who work
16 solved or again, it's made a dead issue or	16	Monday to Friday, and most of us work a few
something because unless it gets through that	17	bit longer than nine to five, but even at
process, it doesn't necessarily get to us. So	18	that, we don't appreciate that somebody who
19 we don't really have the knowledge of it.	19	works 21 days on and 21 days off, works 21
20 EARLE, Q.C.:	20	days of 12-hour shifts and now what we're
Q. So you really don't know whether it's solved	21	seeing these people here on is their Saturdays
22 or dies?	22	and their Sundays and their evenings off, and
23 MR. HUSSEY:	23	I'd just like to make that point because there
24 A. No.	24	are many ways in which people can contribute
25 EARLE, Q.C.:	25	to this Inquiry, but these people have
		D 00
	ge 281	Page 28
1 Q. And finally, just this business of the 10:15	1	certainly contributed significantly to this
2 flight and I understand, Mr. Hussey, that	2	Inquiry by being here to assist me and you can
3 there's lots of days when you might be there		imagine that these three gentlemen who have
4 for the first flight at 7, the 7 something		given evidence today, they didn't come in here
5 flight, but weather is such that the first	5	this morning to talk off the top of their
6 flight doesn't go until say 1:00 in the	6	heads. They've spent many long hours giving
7 afternoon, and am I correct that the third	7	of their own time, referring back to their
8 flight can't go until the first flight is back	8	members and many others who work in the
9 because we've got three helicopters?	9	offshore to bring forward the information that
10 MR. HUSSEY:	10	they've brought forward and they've given up
	1.1	
A. That's my understanding, yes.	11	an awful lot of their equivalent of Saturdays
A. That's my understanding, yes. 2 EARLE, Q.C.:	12	and Sundays and evenings off to be here,
<ol> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is</li> </ol>	12 13	and Sundays and evenings off to be here, particularly these three gentlemen, but also
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir</li> </ul>	12 13 rd 14	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> </ul>	rd 12 13 14 15	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> </ul>	rd 12 13 14 15 16	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave</li> </ul>	rd 12 13 14 15 16 es. 17	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr.
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours</li> </ul>	12 13 14 15 16 es. 17 5 18	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours for the return flight. So then it'll be 4:30.</li> </ul>	12 13 rd 14 15 16 es. 17 5 18 19	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for us, for our people to be participating in
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours for the return flight. So then it'll be 4:30.</li> <li>EARLE, Q.C.:</li> </ul>	12 13 rd 14 15 16 es. 17 5 18 19 20	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for us, for our people to be participating in Phase 1B but given the opportunity, we will
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours for the return flight. So then it'll be 4:30.</li> <li>EARLE, Q.C.:</li> <li>Q. So what we're really talking about then is in</li> </ul>	12 13 14 15 16 es. 17 5 18 19 20 21	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for us, for our people to be participating in Phase 1B but given the opportunity, we will participate in Phase 1B and 2 as well. Thank
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours for the return flight. So then it'll be 4:30.</li> <li>EARLE, Q.C.:</li> <li>Q. So what we're really talking about then is in those November to March months that peopl</li> </ul>	12 13 14 15 16 es. 17 5 18 19 20 21 le are 22	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for us, for our people to be participating in Phase 1B but given the opportunity, we will participate in Phase 1B and 2 as well. Thank you.
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours for the return flight. So then it'll be 4:30.</li> <li>EARLE, Q.C.:</li> <li>Q. So what we're really talking about then is in those November to March months that peopl complaining about is how being in slot numb</li> </ul>	12 13 14 15 16 es. 17 5 18 19 20 21 le are 22 ber 23 COMM	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for us, for our people to be participating in Phase 1B but given the opportunity, we will participate in Phase 1B and 2 as well. Thank you. MISSIONER:
<ul> <li>A. That's my understanding, yes.</li> <li>EARLE, Q.C.:</li> <li>Q. So that would mean that if the first flight is at 1:00 in the afternoon, when would the thir flight be?</li> <li>MR. HUSSEY:</li> <li>A. You're looking at 4:30-5:00 before she leave Usually allows about three and a half hours for the return flight. So then it'll be 4:30.</li> <li>EARLE, Q.C.:</li> <li>Q. So what we're really talking about then is in those November to March months that peopl</li> </ul>	12 13 14 15 16 es. 17 5 18 19 20 21 le are 22 ber 23 COMM	and Sundays and evenings off to be here, particularly these three gentlemen, but also all the other members of the Local who have been here throughout the hearing and who will be here throughout the hearing, right through to the end of Phase 1A, and I thought Mr. Mahoney was going to say it was important for us, for our people to be participating in Phase 1B but given the opportunity, we will participate in Phase 1B and 2 as well. Thank you.

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<ul> <li>Pa</li> <li>three of you most sincerely because what y</li> <li>have given me is good, solid, practical</li> <li>observations of how things are and how you</li> <li>things and how you would like to see thin</li> <li>be, and I will not forget.</li> <li>MR. HUSSEY:</li> <li>A. Thank you, Mr. Commissioner.</li> <li>COMMISSIONER:</li> <li>Q. Now, I think, Ms. Fagan, you've got somet</li> <li>to say before we adjourn. Have you anyth</li> <li>else?</li> <li>ROIL, Q.C.:</li> <li>Q. Oh, I'm sorry.</li> <li>ROIL, Q.C.:</li> <li>Q that is all the evidence on behalf of CEP</li> <li>Local 2121, and unless a worker outside ti</li> <li>organized union regime comes forward, tha</li> <li>all the evidence that I'm aware of that will</li> <li>come forward on behalf of the workforce.</li> <li>COMMISSIONER:</li> <li>Q. I see. Okay then, yes.</li> <li>ROIL, Q.C.:</li> <li>Q. Now I believe Ms. Fagan will have sor</li> </ul>	u see 3 gs 4 5 6 7 8 hing 9 ing 10 11 12 COMN 13 Q. 14 15	Page 286 field any questions that the media may have. The presentations by the family members will be broadcast on Rogers Cable and webcast over the web and internet as has been the norm for the rest of the proceedings. Beyond that, I would ask that counsel for the parties stay until after the proceedings today have closed. I'd just like to have a briefing on a couple of other matters once the Commissioner has left. If you'd be good enough to stay, I'd appreciate it. Thank you. MISSIONER: Okay, thank you. All right then, we'll adjourn until 9:30 tomorrow morning. UPON CONCLUSION AT 4:35 P.M.
Pa 1 discussion on tomorrow's agenda. 2 COMMISSIONER: 3 Q. Yes, some notice that you have to give, M 4 Fagan. 5 MS. FAGAN: 6 Q. That's correct, Commissioner. I think, wel 7 I guess you can stay there if you want. Thi 8 is only going to take a second. 9 COMMISSIONER: 10 Q. Only take a minute. 11 MS. FAGAN: 12 Q. This will only take a minute. I'd just like 13 to give the group notice that tomorrow mor 14 at 9:30, we will start with three family 15 members of the deceased passengers of Fli 16 491. We'll start at 9:30. Each family meml 17 will speak for about 15 minutes. They hav 18 prepared a you know, they have speaki 19 notes. There won't be a slide PowerPoint, 20 you know, there won't be any exhibits. T 21 family members do not wish to be intervie 22 by the media and a media protocol has be 23 sent to the media so the media are aware th 24 they are asked not to approach family mem 25 Their solicitors will be here, of course, to	Is. 3 the 4 hea 5 Tar 1, 6 Nev s 7 to t 8 app 9 Dat 10 9th 11 Cin 12 Dis ning 13 Jud 14 Dis and he wed een at	Page 287 CERTIFICATE We, the undersigned, do hereby certify that foregoing is a true and correct transcript of a ring heard on the 9th day of February, 2010 at a Place, 31 Peet Street, Suite 213, St. John's wfoundland and Labrador and was transcribed by us he best of our ability by means of a sound aratus. red at St. John's, NL this day of February, 2010 dy Sooley coveries Unlimited Inc. y Moss coveries Unlimited Inc.

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