

Compliance Cheat Sheet: OHS Records Retention Requirements Across Canada



What's At Stake

OHS laws require you to “keep,” “retain” or “**maintain**” literally dozens of different types of health and safety records covering everything from air testing results to safety committee meeting minutes. Question: Just how long must you hang onto these OHS records? Although it sounds like such a simple question, it takes hours of research to answer. So, we created this Cheat Sheet to spare you the trouble.

What Does Records ‘Retention’ Mean’

The first thing you need to know to comply with retention requirements is what “retention,” “keeping” and/or “maintenance” of records means. Unfortunately, the OHS laws don’t define these terms. But what they’re basically saying is having the records readily available to not only internal staff but others who have a right to see them, including OHS inspectors, law enforcement officials, safety committee members, workers and their representatives. The media can be paper, digital or a combination, just as long as you can produce and provide access to the records at fairly short notice.

How Long Must You Retain OHS Records’

Retention requirements vary depending on the type of record involved. The problem is that, with a handful of exceptions, most OHS regulations require the employer to retain the record without specifying a minimum period. Adding to the frustration, especially for those of you with operations in multiple provinces or territories, is that those express retention requirements that do exist vary by jurisdiction.

Retention Rules of Thumb

The Cheat Sheet below includes only records for which the OHS laws that list how long employers must retain the record. But based on expert interviews, laws from other jurisdictions and best practices, we can suggest the following rules of thumb for OHS records that don't have an express retention period:

- Technical records, e.g., air or soil testing results: 10 years;
- Training and other records pertaining to a specific worker: 5 years from the date the worker leaves the company (or is no longer exposed to the hazard that prompted you to create the record);
- All other records: 5 years.

The 2 Default Jurisdictions: Two provinces make life easy by providing default retention minimums for records required by the OHS regulations that apply unless the regulation expressly lists a different period for a particular document. In Manitoba, 5 years is the default. Table 1 below lists the defaults for particular types of records in Nova Scotia:

Table 1: Nova Scotia Minimum Retention Periods (unless OHS Regs. specify otherwise)

| OHS Record | Minimum Retention Period |
|--|--|
| Inspection reports or orders received from Division | 2 years after date of receipt |
| Written procedures, plans or codes of practice | 2 years after plan, procedure or code is cancelled or replaced |
| Employer records of inspection, maintenance or repair work | 2 years after date record is made |
| All other records required by OHS Regs. | 5 years |

Retention Requirements by Types of Record

Here's a summary of the required retention requirements by record type in each jurisdiction.

Training Records

Retention is usually a big concern for training records. Unfortunately, OHS regulations rarely specify retention periods for training records. Table 2 below lists the exceptions.

Table 2. OHS Training Records Retention Requirements by Jurisdiction

| Jurisdiction(1) | Required Training + Minimum Retention Period |
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| Federal | <u>*General hazard prevention program training</u> : 2 years after worker no longer exposed to hazard <u>*Workplace violence training</u> : 2 years after worker no longer exposed to violence hazard <u>*Hazardous substance training</u> : 2 years after worker no longer handles or is exposed to hazardous substance (or installs, operates, maintains or repairs a pipe assembly containing such substances) <u>*Ventilation system training</u> : As long as worker remains employed with company <u>*Motorized equipment for materials handling operator training</u> : As long as worker remains employed with company <u>*Manual lifting instructions</u> : 2 years after they no longer apply <u>*Emergency response wards training</u> : 2 years after provided |
| BC | <u>*Safety Committee/Safety Representative training</u> : 2 years after person is no longer committee member or representative <u>*Cytotoxic drugs exposure training</u> : 3 years |
| Manitoba | All training records required by WSH Regs.: 5 years |
| New Brunswick | New worker orientation + safety training: 3 years |
| Nova Scotia | All training records required by OHS Regs.: 5 years |
| Ontario | <u>*OHS Awareness training</u> : 6 months after worker is no longer employed by company <u>*Training records required by OHS Const. Regs. for workers at construction project</u> : 1 year after project ends |
| Prince Edward Island | Asbestos training records: 40 years |
| Saskatchewan | <u>Training in safe use of atmosphere-supplying respirator</u> : As long as worker remains employed with company |
| Northwest Territories + Nunavut | <u>Training in safe use of atmosphere-supplying respirator</u> : As long as worker remains employed with company |

Note

(1) Alberta, Newfoundland, Québec and Yukon don't list specific minimum retention period for required training records

Inspection Records

As with training, OHS regulations require employers to keep various inspection records but don't generally specify how long. There are a few exceptions, particularly involving certain kinds of technical exceptions. Table 3 below lists all the minimum retention periods for inspection records contained in OHS regs. across the country.

Table 3. OHS Inspection Records Retention Requirements by Jurisdiction

| Jurisdiction(1) | Inspections Records Type + Minimum Retention Duration |
|-----------------|--|
| Federal | <u>*General workplace inspections</u> : Records from last 2 inspections <u>*Inspection of window cleaning anchor points + platforms</u> : 2 years <u>*HVAC system inspections</u> : 5 years <u>*Inspection of elevating devices</u> : 2 years <u>*Tests of emergency lighting systems</u> : 2 years <u>*Materials handling equipment inspections reports</u> : 1 year <u>*Emergency response equipment inspections</u> : 2 years |
| Alberta | <u>Confined spaces equipment inspections</u> : 2 years if incident during entry, 1 year if no incident during entry |
| Manitoba | <u>*Annual inspections of asbestos-containing materials</u> : 30 years <u>*All other inspection records required by WSH Regs.</u> : 5 years |

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| Newfoundland | <u>*Tests on new motor vehicles: As long as motor vehicle remains in service</u> <u>*Inspections of automotive lifts or hoists: 5 years</u> <u>*Inspections of permanent powered platforms: 5 years</u> |
| Nova Scotia | <u>All inspection records required by OHS Regs.: 5 years</u> |
| Ontario | <u>*Inspections of lifting devices used at an Industrial Establishment: 1 year or such longer period necessary to ensure that records of 2 most recent inspections are available</u> <u>*Inspection records required by OHS Const. Regs. for workers at construction project: 1 year after project ends</u> |
| Saskatchewan | <u>Inspection (+ maintenance) of atmosphere-supplying respirators: As long as worker using respirator remains employed with company</u> |
| Northwest Territories + Nunavut | <u>Inspection (+ maintenance) of atmosphere-supplying respirators: As long as worker using respirator remains employed with company</u> |

Note

(1) BC, New Brunswick, Prince Edward Island, Québec and Yukon don't list specific minimum retention period for required inspection records

Safety Committee Meeting Minutes

Most jurisdictions require employers to retain or post meeting minutes but don't specify a minimum duration. The exceptions:

- Alberta: 2 years;
- BC: 2 years;
- Manitoba: 10 years;
- Nova Scotia: 5 years; and
- Québec: 5 years.

Confined Spaces Records

All jurisdictions require employers to retain records associated with the hazard assessment and control of confined spaces entry, including air monitoring results, entry permits, etc.

Table 4. Confined Spaces Records Minimum Retention Period by Jurisdiction

| Jurisdiction | Entry Permit | Air Testing Records | Other Records |
|---------------|---|---|--|
| Federal | | | <u>Verification report of qualified person before entry:</u> *10 years if entry specifications not met *2 years in every other case |
| Alberta | *2 years incident or unplanned event occurred during entry *1 year if no incident or unplanned event occurred during entry | *2 years incident or unplanned event occurred during entry *1 year if no incident or unplanned event occurred during entry | <u>All other entry records:</u> *2 years incident or unplanned event occurred during entry *1 year if no incident or unplanned event occurred during entry |
| BC | 1 year | | |
| Manitoba | 5 years | 5 years | 5 years |
| New Brunswick | | | Report of competent person before entry: 2 years |
| Nova Scotia | 12 months(1) | 5 years | 5 years |

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|------------|---|--|---|
| Ontario(2) | 1 year after permit created or enough time to ensure at least 2 most recent permits are retained, whichever is longer | 1 year after report created or enough time to ensure at least 2 most recent reports are retained, whichever is longer | 1 year after record created or enough time to ensure at least 2 most recent records are retained, whichever is longer |
| Québec | | 5 years if readings reveal: *Oxygen content not between 19.5% to 23%; or *Concentration of inflammable gases or vapours above 10% of lower explosion limit | |
| Yukon | 1 year | | |

Note

(1) Newfoundland, Northwest Territories, Nunavut, Prince Edward Island and Sask don't list a specific retention minimum for required confined space entry records

(2) In Nova Scotia, the entry permit is referred to as the certification

(3) In Ontario, records for entry of confined spaces at a construction project must be kept for at least 1 year after project ends

Lockout Tagout Records

While all jurisdictions require employers to keep documentation of their hazardous energy control measures, only a few specify how long they must retain those records, including:

- Federal: 1 year for records verifying isolation of electrical equipment;
- Manitoba: 5 years for all lockout tagout records required by the WSH Regs;
- Nova Scotia: 5 years for all lockout tagout records required by the OHS Regs.; and
- Québec: 1 year for records documenting alteration of lockout tagout procedure by authorizing removal of lock when a key is lost.

Hazardous Noise Reporting & Monitoring Records

Most jurisdictions (all but Ontario, New Brunswick and Newfoundland) say how long employers must retain records documenting sound measurements, monitoring and other required actions they take to protect workers from exposure to hazardous noise levels, as summarized by Table 5.

Table 5. OHS Noise Exposure Monitoring Records Retention Requirements by Jurisdiction

| Jurisdiction(1) | Required Record + Minimum Retention Duration |
|----------------------|---|
| Federal | <u>Report of investigation by qualified person at work place with potential exposure at or above 84 dBA</u> : 10 years |
| Alberta | * <u>Noise exposure measurements</u> : As long as the company operates in Alberta * <u>Audiometric testing of workers</u> : 10 years |
| BC | <u>Annual hearing tests of workers</u> : As long as the worker is employed by the company |
| Manitoba | * <u>Audiometric testing records</u> : 10 years(2) * <u>All other noise hazard records WSH Regs. require</u> : 5 years |
| Nova Scotia | <u>All hazardous noise records required by OHS Regs.</u> : 5 years |
| Prince Edward Island | <u>Initial + annual hearing tests of workers</u> : As long as the worker is employed by the company |
| Québec | <u>Annual noise measurements</u> : 5 years |
| Saskatchewan | <u>Noise exposure measurements</u> : As long as the company operates in Saskatchewan |

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| Northwest Territories + Nunavut | <u>Noise exposure measurements</u> : As long as the company operates in Northwest Territories or Nunavut |
| Yukon | <u>Audiometric testing records</u> : As long as the worker is employed by the company |

Note

(1) New Brunswick, Newfoundland and Ontario are the only provinces that don't list specific minimum retention period for required noise hazard records

(2) Audiometric test records must also be kept by physician, audiometric technician or audiologist that performs the test for the employer

Hazardous Substance Monitoring & Exposure Records

OHS laws require employers to designate a qualified person to perform technical tests to monitor the airborne concentrations of asbestos, lead and other hazardous substances and keep workers' exposure below the occupational exposure limit (OEL). The retention minimum for test records ranges from 3 to 40 years. There may also be specific retention periods for investigations, training, medical assessments and other records related to protecting workers from exposure to hazardous substances, as illustrated by Table 6.

Table 6. OHS Hazardous Substance Exposure Records Retention Requirements by Jurisdiction

| Jurisdiction(1) | Required Record + Minimum Retention Duration |
|----------------------|--|
| Federal | <u>*Report of investigation by qualified person recommending measures to protect workers from exposure to hazardous substances</u> : 30 years <u>*Air sampling measuring airborne concentration of chemicals or asbestos fibres</u> : 3 years |
| Alberta | <u>*Measurements of airborne concentration of harmful substances</u> : 3 years <u>*Health assessment of workers exposed to asbestos, silica or coal dust</u> : 30 years(2) |
| BC | <u>*Report assessing potential exposure to hazardous substances in response to worker signs + symptoms</u> : 10 years <u>*Asbestos records including risk assessments, inspections, air monitoring, training + instruction, incident investigation</u> : 10 years <u>*Cytotoxic drug exposure records</u> : As long as worker is employed by company + 10 years <u>*Air monitoring for lead (including results justifying determination that "equivalent work operations" exemption applies)</u> : 10 years <u>*Air monitoring for RCS dust (including results justifying determination that monitoring exemptions apply)</u> : 10 years |
| Manitoba | <u>*Air monitoring for hazardous substances</u> : 30 years <u>*Asbestos inventory and annual inspection records</u> : 30 years <u>*All other hazardous substance records WSH Regs. require</u> : 5 years |
| Nova Scotia | All hazardous substance records required by OHS Regs.: 5 years |
| Ontario | <u>*Asbestos air testing clearance results at construction project</u> : 1 year(3) <u>*Designated substances air monitoring results</u> : 5 years <u>*Other asbestos exposure records required at construction project</u> : 1 year after project ends <u>*Copy of worker's personal exposure record to designated substances provided to physician + results of medical exams</u> : 40 years from date of first record in file or 20 years from last record, whichever is later(2) |
| Prince Edward Island | <u>*Asbestos air monitoring</u> : "Indefinite period of time" <u>*Asbestos exposure records including physician reports of routine medical exams, detailed work history, training records</u> : 40 years |
| Québec | Air monitoring for hazardous substances: 5 years(4) |

Note

(1) New Brunswick, Newfoundland, Saskatchewan and the 3 territories don't list specific minimum retention period for required hazardous substance exposure records

(2) Records must also be kept by physician that does the health assessment or receives the medical record

(3) Clearance records must be kept by building owner

(4) Applies only if employer employs 50 or more workers and concentrations are above OEL

Other Hazardous Physical Exposure Records

Employers must also monitor and maintain records of workers' exposure to other hazardous physical agents, including radiation, heat and vibration. A few jurisdictions have a specific retention minimum for these records, including:

- Federal: 5 years for indoor air quality complaint and investigation records;
- BC: 10 years for radiation surveys and 10 years after employment ends for a worker's personal exposure and dosimetry data records; and
- Québec: 5 years for heat stress exposure air monitoring records (if employer employs 50 or more workers).

Respiratory Protective Equipment Records

Four jurisdictions list a specific retention period for records relating to inspection and maintenance of respiratory protective equipment, including:

- Québec: 5 years for analyses of breathing samples of compressed breathing air for supplied-air respirators and self-contained respiratory protective apparatus and maintenance of such equipment;
- Saskatchewan: For as long as a worker is employed by the company for fit-testing, maintenance and health assessment records of workers required to use respiratory protective devices; and
- Northwest Territories + Nunavut: For as long as a worker is employed by the company for fit-testing, maintenance and health assessment records of workers required to use respiratory protective devices.

Other OHS Records

Table 7 summarizes the retention periods for other required health and safety records listed in each jurisdiction's OHS regulations.

Table 7. Other Specific OHS Records Retention Requirements by Jurisdiction

| Jurisdiction(1) | Required Record + Minimum Retention Duration |
|----------------------|--|
| Federal | <ul style="list-style-type: none">*<u>Records of high-visibility apparel, barricades and other equipment to protect workers from moving vehicles</u>: 2 years*<u>Workplace violence prevention program evaluation report</u>: 3 years*<u>Hazard prevention program evaluation</u>: 6 years*<u>Hazardous occurrence report</u>: 10 years*<u>Minor injury records</u>: 10 years*<u>Reports of disabling injuries, electric shock, loss of consciousness in toxic or oxygen-deficient atmosphere, initiation of rescue, revival or emergency procedures, fire or explosion</u>: 10 years*<u>Annual accident report to MOL</u>: 10 years |
| Manitoba | <u>Illness and injury records</u> : 5 years |
| Newfoundland | <u>Emergency evacuation drill records</u> : 5 years |
| Nova Scotia | <u>Rope access logbook</u> : 2 years(2) |
| Ontario | <u>Accident, Injury and Hazardous Occurrence Reports at Indust. Establishments</u> : 1 year or longer period to ensure 2 most recent reports are kept |
| Prince Edward Island | <u>Record of first aid treatment</u> : 3 years |
| Saskatchewan | <ul style="list-style-type: none">*<u>First aid register</u>: 5 years after register is no longer used*<u>Ethylene oxide sterilizer maintenance records</u>: 5 years |

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| Northwest Territories + Nunavut | <u>Ethylene oxide sterilizer maintenance records</u> : 5 years |
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Note

- (1) Alberta, BC, New Brunswick, Quebec and Yukon don't list any other retention periods
- (2) Logbook must be kept by rope access technician