

Compliance Cheat Sheet: OHS Records that You Must Make Reasonably Available? at Your Workplace



What's At Stake

OHS laws aren't just a bunch of random rules; they're designed around key principles. One of these is that workers have the right to know about the hazards they face on the job. To implement workers' 'right to know,' employers must keep particular kinds of health and safety records 'readily available' for workers to inspect. WHMIS Safety Data Sheets (SDS) listing hazard information about hazardous products is the most obvious example but there are many others. Unfortunately, the list of 'readily available' records is different in each jurisdiction. We created this Cheat Sheet to enable you to comply with 'readily available' requirements no matter which part(s) of Canada you operate in.

What Does 'Readily Available' Mean'

By definition, you must retain all records that the OHS laws require you to create and make them available to government inspectors. After all, if you don't have the required records on hand, you can't prove you complied with the particular requirement. But there's a difference between 'available' and

‘readily available.’ The latter phrase generally refers to records that must be immediately available *at the workplace* where they were made or pertain to, e.g., confined space records must be kept at the site of the confined space.

Where Must ‘Readily Available’ Records Be Kept’

In some instances, the records must be kept not just at the site but next to the particular hazard or operation the information addresses. Examples include:

- Confined space records must be kept near the confined space entry;
- Safe work procedures for breaking up clogs of bulk materials stored in bins, hoppers or process vessels must be kept near those bins, hoppers or vessels; and
- Safety information and operation manuals for powered mobile equipment must be kept near the equipment.

To Whom Must Records Be Kept ‘Readily Available’

In addition to government inspectors, the following people typically have the right to inspect ‘readily available’ records:

- Workers exposed to the hazard to which the record relates, e.g., confined space entry permits must be readily available to workers entering the confined space;
- All workers at the workplace;
- The workplace joint health and safety committee (JHSC) or health and safety representative (safety rep), if there is one (note: Records that must be kept readily available to the JHSC and safety rep. *don’t include* records that you must provide them directly, e.g.,

copies of incident and injury reports that you submit to your province's OHS agency and/or workers' comp board); and/or

- Union representatives if there is no JHSC or safety rep.

Which Records Must Be Kept 'Readily Available'

The one record that must be 'readily available' in all jurisdiction is an SDS for each hazardous substance. Other records which may also have to be 'readily available' vary by jurisdiction and include:

- Copies of the OHS Act or relevant regulations;
- JHSC or safety rep information;
- Copies of codes of practice and/or hazard control plans and procedures implemented at the site, e.g., for fall protection, traffic control or working alone;
- Certain types of inspection and maintenance records, e.g., for ventilation systems; and/or
- First aid logs.

The Table below summarizes the 'readily available' list in each part of Canada.