

# Does WHMIS Training Have to Be Personal?

## – Ask The Expert



The Safety Data Sheet (SDS), workplace label and other hallmarks of the WHMIS system are based on the principle that workers have the right to know about the 'hazardous products' to which they are or may be exposed at work. WHMIS training is the starting point because it ensures that workers understand how to read SDS', labels, placards, etc. But while OHS laws require employers to provide workers WHMIS training, they don't specify exact training methods. This may result in misunderstandings and disputes regarding the validity of certain methods, including the use of self-directed training materials. Consider this scenario, which is based on an actual case.

### Situation

For years, an Ontario company has hired a professional consultant to come to the workplace and spend 2 days delivering WHMIS training to workers. But to save money, the company decides to try something different. It buys videos, computer-based training programs, print materials and other training resources that cover all of the required WHMIS topics. Each worker is required to read, view and/or listen to the materials. Workers are tested to ensure comprehension. They also continue to get paid for the time they spend consuming the WHMIS training materials. The union complains to the Ministry of Labour (MOL) that the company must bring in a consultant and that a self-directed training program doesn't satisfy WHMIS.

### Question

**Does the company's new training program meet WHMIS requirements'**

1. Yes, because employers can use self-directed learning materials to satisfy WHMIS
2. Yes, but only if the company can show that providing personal instruction is cost-prohibitive
3. No, because WHMIS training must be provided by an on-site instructor in a classroom setting
4. No, because WHMIS bans the use of computerized training materials unless they're readily available

## Answer

1. The company's reliance on self-directed training materials does comply with WHMIS requirements.

## Explanation

The union in this case contended that WHMIS is too important to entrust to a self-directed training program and that personal instruction is necessary to ensure workers' right to know. The arbitrator disagreed. Since WHMIS doesn't expressly ban self-directed training, it must be legal, the arbitrator reasoned. Lawyers say that the ruling that self-directed training is acceptable is consistent with the view of courts and OHS regulators, not just in Ontario but across the country.

*Toronto Board of Education and O.P.S.E.U. (Re)*, Unreported, Ont. Of. Adj., M.E. Cummings, June 7, 1996

## Why Wrong Answers Are Wrong

**B is wrong** because WHMIS training obligations aren't based on cost. They're based on making sure that workers exposed to hazardous products know the hazards and how to guard against them. The training program must cover all the bases, including WHMIS labels, SDS's, safe use, handling, storage and disposal, fugitive emissions and emergencies. In addition, employers must ensure that all exposed workers take and complete the training and provide follow-up, if necessary. Although you don't necessarily have to opt for the most expensive training method, you can't spend less than necessary to meet these minimum standards.

**C is wrong** because WHMIS regulations just say that training must be provided, it doesn't specify how. Personal instruction in classroom setting is one of many acceptable methods.

**D is wrong** but it might sound right. WHMIS does in fact say that an employer can keep electronic versions of an SDS at the workplace as long as they're readily available to workers. But this rule doesn't apply to training materials. In fact, there are no WHMIS restrictions on the use of electronic materials for training purposes.