

# WHMIS & Workplace Availability of Safety Data Sheets – Know the Laws of Your Province



**WHMIS rules require that SDS', whether paper or electronic, be readily available to workers.**

WHMIS regulations require employers to ensure that each hazardous product used in the workplace has a Safety Data Sheet (SDS) that's readily available to workers that may be exposed to the product. While the SDS availability rules are similar in each jurisdiction, there are also subtle differences with regard to:

- Whether the regulations specifically define what 'readily available' means;
- Whether members of the workplace JHSC or health and safety representative must also have access to SDS';
- Whether employers must consult with the JHSC or HSR in deciding on a format for maintaining accessible SDS'; and
- What, if anything, the regulations say about whether SDS' may be maintained electronically.

Here's a summary of the requirements in each jurisdiction.

**Abbreviations:**

- **JHSC:** Joint health and safety committee for the workplace
- **HSR:** Health and safety representative for the workplace

## **WHMIS SDS Accessibility Rules Across Canada**

### **FEDERAL**

(1) Employer must keep SDS readily available, in English and French, for examination by employees and JHSC or HSR, if any; (2) Employer must determine format of SDS, in consultation with JHSC or HSR; (3) No definition of 'readily available' (*COHS Regs.*, Section 10.34)

### **ALBERTA**

(1) Employer must ensure that SDS is readily available at a work site to workers who may be exposed to a hazardous product and to the JHSC or HSR, if any; (2) No definition of 'readily available' (*OHS Code*, Sec. 407)

### **BRITISH COLUMBIA**

(1) Employer must ensure that copy of SDS is made readily available: (a) at the workplace to workers who may be exposed to the hazardous product, and (b) to the JHSC or HSR, if any; (2) Employer must consult JHSC or HSR on 'how best to achieve SDS accessibility in the workplace' (*OHS Reg.*, Section 5.16); (3) 'Readily available' defined as present in an appropriate place and in the form of either: (a) a physical copy that can be handled, or (b) an electronic copy, that's accessible to a worker at all times (Sec. 5.1)

## **MANITOBA**

(1) Employer must ensure that workers who work with or may be exposed to a hazardous product, and JHSC or HSR can readily access the SDS required for the product by having a physical copy of it that can be handled or an electronic copy of it that can be accessed present in an appropriate place at all times; (2) No definition of 'readily access' (*WSH Regs.*, Section 35.15(1))

## **NEW BRUNSWICK**

(1) Employer must ensure that: 16An employer shall ensure that: (a) a copy of the SDS is readily available to employees who may be exposed to the hazardous product and to the JHSC or HSR; (b) The JHSC or HSR is consulted on the means to best achieve SDS accessibility in the place of employment (*WHMIS Reg.*, Section 16); (3) 'Readily available' defined as present in an appropriate place and accessible to an employee at all times in either: (a) a physical copy that can be handled; or (b) an electronic copy (Section 3)

## **NEWFOUNDLAND**

(1) Employer must ensure that: (a) a copy of the SDS is made readily available at a workplace to workers who may be exposed to the hazardous product; (b) a copy of the SDS is made readily available to the JHSC or HSR; and (c) the JHSC or HSR is consulted on how to best achieve accessibility of SDS' in the workplace (*WHMIS Regs.*, Section 15); (3) Readily available' defined as: (i) present in an appropriate place that's known to workers, (ii) accessible to workers at all times, and (iii) in the form of either a physical copy that can be handled or an electronic copy that's easily available in hard copy to workers likely to be exposed to a hazardous product (Section 2(q))

## **NOVA SCOTIA**

(1) Employer must ensure that a copy of an [SDS] required is made readily available for viewing at a workplace in a physical form that can be handled: (a) at all times during their working hours, by employees who may be exposed to the [hazardous] product; and (b) by the JHSC, if any; (2) Employer is in compliance if it: (a) ensures that an [SDS] is made readily available for viewing on a video display terminal or a computer terminal in the workplace; (b) takes every precaution reasonable in the circumstances to ensure that the terminal is in active working order; and (c) ensures that an [SDS] in a physical form that can be handled is made available for viewing without unnecessary delay and within 24 hours if requested by an employee or JHSC member; (3) No definition of 'readily available' (*WHMIS Regs.*, Section 14)

## **ONTARIO**

(1) Copy of SDS must be: (a) made available by employer in the workplace in a way that allows examination by the workers; (b) furnished by the employer to the JHSC or HSR, or if there's no JHSC or HSR, to a worker selected by the workers to represent them; (2) Employer must make copy of SDS readily available to workers who may be exposed to the hazardous material to which it relates; (3) Term 'copy of SDS' means both paper and electronic format; (4) Employer must consult with JHSC or HSR on making SDS' available in the workplace; (5) No definition of 'readily accessible' (*OHS Act*, Section 38)

## **PRINCE EDWARD ISLAND**

(1) Employer must ensure that a copy of an SDS is readily available to (a) each worker who works with or may be exposed to the hazardous product; and (b) the JHSC or HSR, if any; applicable; (2) Employer must consult with JHSC or HSR on the best means to comply with subsection (1); (*WHMIS Regs.*,

Section 16); (3) 'Readily available' defined as present in physical or electronic form in an appropriate place at a workplace where it's accessible at all times (Section 1(o))

## QUÉBEC

(1) Employer must keep an SDS for each hazardous product present in the workplace in a place that's known to workers for as long as the hazardous product remains in that workplace; (2) Employer may select medium for keeping SDS, including a technology-based medium, to the extent that the SDS is easily legible and rapidly available in hard copy to a worker likely to be exposed to a hazardous product; (3) No definition of 'rapidly available' (*Hazardous Product Information Regs.*, Section 20)

## SASKATCHEWAN

(1) Employer shall ensure that a copy of SDS is made readily available to: (a) workers who may be exposed to the hazardous product; (b) the JHSC, if any; (c) the HSR, if any; (d) a worker representative (*OHS Regs.*, Section 22-13); (2) 'Readily available' defined as present in an appropriate place, accessible to a worker at all times, and in the form of: (a) a physical copy; or (b) an electronic copy (Section 22-1)

## NORTHWEST TERRITORIES & NUNAVUT

(1) Employer must ensure that a copy of an SDS is made readily available: (a) to workers who could be exposed to the hazardous product; and (b) to the JHSC or HSR; (2) An SDS may be made available on a computer terminal if the employer (a) keeps the terminal in active working order; (b) makes the SDS readily available on the request of a worker; and (c) provides training in accessing computer-stored SDS' to workers and members of the JHSC or the HSR; (3) No definition of 'readily available' (*OHS Regs.*, Section 335)

## YUKON

(1) Employer must ensure that a copy of an SDS is readily available to: (a) a worker who may be exposed to the hazardous product; (b) the JHSC or HSR, if any; or (c) a first-aid attendant or health professional providing treatment to a worker who may have been exposed to the hazardous product (*WHMIS Reg.*, Section 14); (2) 'Readily available' defined as easily accessible, whether the information is in physical or electronic form, to the worker and the health professional at all relevant times (Section 1)