

WHMIS: Model WHMIS Policy (Federal)

INTRODUCTION

WHMIS, short for Workplace Hazardous Materials Information System, is designed to ensure that workers are made aware of the hazardous chemicals and other products to which they're exposed in the workplace, the hazards posed by each product and the precautions needed to protect themselves. Key elements of the WHMIS system designed to effectuate the worker's "right to know" include training and education, container labels and so called Safety Data Sheets (SDS)—formerly known as Material Safety Data Sheets or MSDS—prepared by the product's manufacturer to describe the product's chemical characteristics, risks, use instructions and other key safety information.

WHMIS POLICY

Even though each jurisdiction has its own WHMIS regulations, the rules are pretty much the same across the country with only minor geographical differences. Thus, while this Policy is based on federal laws, it can be easily adapted for any jurisdiction.

1. PURPOSE

To ensure that all workers understand and are able to protect themselves from the health and safety hazards posed by the hazardous products used, stored, handled, *[insert if applicable: or manufactured]* at ABC Company's workplace in accordance with the Part II of the *Canada Labour Code*, the *Canada Occupational Health and Safety Regulations* ("OHS Regulations"), including but not limited to Division III, ("WHMIS Regulations"), as well as the ABC Company Occupational Health and Safety Program ("OHS Program"), and other applicable requirements and standards.

2. DEFINITIONS

"Bulk shipment" means a shipment of a hazardous product that is contained in any of the following, without intermediate containment or intermediate packaging: (a) a vessel that has a water capacity equal to or greater than 450 l; (b) a freight container, road vehicle, railway vehicle or portable tank; (c) the hold of a ship; or (d) a pipeline;

"Container" means any package or receptacle including a bag, barrel, bottle, box, can, cylinder, drum, or storage tank;

"Fugitive emission" means a hazardous product in gas, liquid, solid, vapour, fume, mist, fog or dust form that escapes from processing equipment, from control emission equipment or from a product into the work place;

"Hazard information" means, in respect of a hazardous substance, information on the proper and safe storage, handling, use and disposal of the hazardous substance, including information relating to the health and physical hazards that it presents;

"Hazardous product" means a product, mixture, material, or substance classified in accordance with the regulations made under Section 15(1)(a) of the *Hazardous Products Act* (Canada) ("HPA") in a category or subcategory of a hazard class listed in Schedule 2 of the HPA;

"Hazardous waste" means a hazardous product that is intended for disposal, or is acquired or generated for recycling or recovery;

"Laboratory sample" means a sample of a hazardous product that is packaged in a container that contains less than 10 kg of the hazardous product and is intended solely to be tested in a laboratory, but does not include a sample that is to be used (a) by the laboratory for testing other products, mixtures, materials or substances, or (b) for educational or demonstration purposes;

"Readily available" means, in respect of a document, present and easily accessible at the work place at all times;

“Safety data sheet” (SDS) means a document that contains information about a hazardous product, including information related to the hazards associated with any use, handling or storage of the hazardous product at a work place, in accordance with the regulations made under subsection 15(1) of the HPA;

“Significant new data” means new data regarding the hazard presented by a hazardous product that (a) change its classification in a category or subcategory of a hazard class, (b) result in its classification in another hazard class, or (c) change the ways to protect against the hazard presented by the hazardous product;

“Supplier” means a person who, in the course of business, imports or sells a hazardous product;

“Supplier label” means a label prepared by a supplier that discloses any information elements required by the HPA;

“Supplier safety data sheet” means a safety data sheet prepared by a supplier that discloses any information elements required by the HPA;

“Work place safety data sheet” means a safety data sheet prepared by an employer in accordance with subsection 10.33(1) or (2) of the WHMIS Regulations.

3. POLICY

Workers have the right to know about the hazards of any hazardous products they are exposed to at work. To ensure the effective exercise of workers’ right to know, ABC Company is committed to ensure that workers are afforded not only access to the required hazard information about the hazardous products they work with or near but also education about how to obtain and use that hazard information to protect their health and safety. The objective of this Policy is to ensure that all exposed workers receive such hazard information and education.

In accordance with the above, hazardous products may not be used, stored, handled, or manufactured in any ABC Company work place unless and until all of the WHMIS measures with respect to labels, identifiers, SDSs, and worker education required by this Policy are taken.

4. SCOPE OF POLICY

4.1. Workers This Policy Is Intended to Protect

The intent of this Policy is to ensure that all workers engaged to work at ABC Company work places where hazardous products are used, stored, handled, or manufactured receive the hazard information and WHMIS training and education necessary to exercise their right to know, regardless of who pays or employs those workers, including:

- Full- or part-time workers employed by ABC Company;
- Temporary employees placed by an outside agency to work at the site;
- Contract labourers engaged to perform work at the site;
- Volunteers who work at the site for free; and

- Workers employed by contractors and subcontractors to perform work at the site under a contract with ABC Company.

4.2. Hazardous Products Not Covered by This Policy

This Policy does not apply to any hazardous product that is:

- Wood or a product made of wood;
- Tobacco or a tobacco product governed by the *Tobacco Act* (Canada);
- Hazardous waste;
- A manufactured article;
- Subject to requirements for handling or transportation of dangerous goods under the *Transportation of Dangerous Goods Act, 1992* and the regulations made under it.

4.3. Products Not Covered by Label & SDS Requirements

The provisions of this Policy relating to labels and SDSs do not apply to:

- Wood or a product made of wood; or
- A nuclear substance that is radioactive regulated by the *Nuclear Safety and Control Act* (Canada).

5. HAZARDOUS WASTE

If a hazardous product in the work place is hazardous waste generated at the work site, ABC Company will disclose the generic name and hazard information for the hazardous product by:

- Applying a label to the hazardous waste or its container; or
- Posting a sign in a conspicuous location near the hazardous waste or its container.

Workers will also receive education and training on the safe storage and handling of hazardous waste in the work place.

6. ROLES & RESPONSIBILITIES

6.1. ABC Company/Employer

Owners, corporate officers and directors, upper managers, and other representatives of ABC Company who may be defined as an “employer” under Part II of the *Canada Labour Code* are responsible for overall implementation of this Policy, including ensuring that:

- The resources necessary to implement this Policy effectively are provided;
- All required WHMIS labels, SDS, and other means of identification are used to identify hazardous products;
- Up to date SDSs are kept for all hazardous products in the workplace and made readily available to workers;

- All workers who may be exposed to hazardous products receive and are required to demonstrate their understanding of the required WHMIS education and training;
- Workers are allowed to participate in hazard assessment and the development of WHMIS training and education either directly or through their workplace Joint Safety and Health Committee (“Safety Committee”) or Health and Safety Representative (“Safety Representative”);
- Where necessary, safe work procedures are developed and implemented for the safe use, handling, storage, or production of hazardous products;
- This Policy is appropriately reviewed.

6.2. Safety Coordinator, Site Manager

The safety coordinator, facility manager, or other person designated as being in charge of safety at the workplace is responsible for ensuring the effective implementation of the WHMIS measures required by this Policy, including ensuring that:

- All required WHMIS labels, SDS, and other means of identification are used to identify hazardous products;
- Up to date SDSs are kept for all hazardous products in the workplace and made readily available to workers;
- All workers who may be exposed to hazardous products receive and are required to demonstrate their understanding of the required WHMIS education and training;
- Workers are allowed to participate in hazard assessment and the development of WHMIS training either directly or through their workplace Safety Committee or Safety Representative;
- Where necessary, safe work procedures are developed and implemented for the safe use, handling, storage, or production of hazardous products;
- This Policy and is applied to contractors and subcontractors hired to perform work at ABC Company work places involving exposure to hazardous products in accordance with Section 13 of this Policy;
- All records required to implement this Policy are kept and retained;
- This Policy is appropriately reviewed.

6.3. Supervisors

Supervisors are responsible for day-to-day implementation of many of the measures provided by this Policy, including ensuring that:

- All workers exposed to hazardous products receive, understand, and follow their WHMIS training and education;
- Safe work procedures for using, handling, storing, and producing hazardous products are created and implemented;
- All hazardous products at the workplace are properly labelled (or otherwise identified) and have an up-to-date SDS;
- Workers are held accountable for complying with this Policy, including where necessary via the imposition of discipline for infractions;
- This Policy is properly applied to workers of contractors and subcontractors hired to work at ABC Company work places who may be exposed to hazardous products;

- This Policy is appropriately reviewed.

6.4. Workers

Workers are responsible for knowing, cooperating, and complying with this Policy, including:

- Showing up for and paying attention to their WHMIS training and education, including:
 - How to read a WHMIS label;
 - How to read an SDS;
 - How to access the SDS binder or electronic database;
- Actually applying their WHMIS training when working with or near hazardous products;
- Being aware of and carrying out safe work procedures for use, handling, production, and storage of hazardous products;
- Immediately reporting any hazards or infractions they know about to their supervisor or manager.

6.5. Safety Committee/Safety Representative

ABC Company will consult with and secure the participation of the Safety Committee, Safety Representative, or where no Committee or Representative exists, the affected workers at the site in developing and implementing this Policy, including with regard to:

- Identification and assessment of hazards;
- Development of WHMIS training;
- Selection of methods used to make SDSs readily available at the work place;
- Development of safe work procedures;
- Selection and monitoring of hazard controls; and
- Review of this Policy.

6.6. Visitors

Visitors to ABC Company work places are responsible for:

- Staying away from areas of the work site where hazardous products are used, handled, produced, or stored unless they:
 - Are authorized to be in those areas;
 - Follow all applicable safe work procedures while in those areas;
 - Use all required personal protective equipment;
- Refraining from engaging in any conduct that distracts or interferes with the implementation of the procedures and protections set out in this Policy;
- Complying with the terms of the ABC Company Visitors' Health & Safety Duties & Responsibilities Policy.

7. WHMIS TRAINING & EDUCATION

7.1. Development & Content of WHMIS Training

ABC Company will, in consultation with the work place Safety Committee, Safety Representative, or where there is no Safety Committee or Safety Representative, directly with the workers at the work place, develop a WHMIS training and education program covering, at a minimum:

- The hazard information listed on an SDS and the significance of that information;
- The hazard information listed on a label and the significance of that information;
- How to read a label and access electronic or paper versions of an SDS;
- Procedures for safely storing, using and handling the hazardous product;
- The procedures for safely manufacturing the hazardous product, if the product is actually manufactured at the workplace;
- Procedures to be followed if there are fugitive emissions;
- Procedures to be followed in case of an emergency involving the hazardous product.

7.2. Workers Who Will Receive WHMIS Training

WHMIS training will be provided by a competent person to all exposed workers, including but not limited to:

- New workers hired to perform work with or near a hazardous product; and
- Current workers who haven't received WHMIS training because they are not exposed to hazardous products and who are subsequently assigned to new or non-routine duties that involve working with or near a hazardous product.

7.3. When WHMIS Training Will Be Provided

WHMIS training and information will be provided to workers before they are exposed to hazardous products and renewed and refreshed as necessary when new hazard information becomes available and to otherwise ensure its continuing effectiveness in protecting their health and safety.

7.4. Documentation & Verification of WHMIS Training

Steps will be taken to ensure that all workers who receive WHMIS training and education understand and are able to apply the information to protect their health and safety, including via testing and demonstration of comprehension of the material. ABC Company will keep a paper or electronic record of the education and training given to each worker and make it readily available for examination by the worker in any form, as determined in consultation with the work place Safety Committee or Safety Representative. Training and education records must be retained for at least two years after the worker no longer handles or is exposed to the hazardous product.

7.5. WHMIS Training Review

ABC Company will, in consultation with the Safety Committee, Safety Representative, or where no Safety Committee or Safety Representative exists, directly with workers, review its WHMIS training and

education program at least once a year and immediately in response to significant changes in work or work place conditions or other indications suggesting the need for re-evaluation, including:

- After injuries, illnesses, accidents, incidents, or near-misses involving hazardous products;
- Before implementing new or revised safe work procedures involving hazardous products for the work place;
- Before introducing new hazardous products not covered by previous training;
- In response to receiving significant new hazard information about hazardous products not covered by previous training;
- In response to significant and credible complaints or concerns or other indications casting doubt on the adequacy of current WHMIS training.

8. WHMIS LABELS

Hazardous products must be properly labelled or otherwise identified as required by the WHMIS Regulations.

8.1. Supplier Labels

Every hazardous product or container of hazardous product at the work place that ABC Company receives from a supplier at the workplace must:

- In the case where the hazardous product is in a bulk shipment, be accompanied by a supplier label;
- In the case where ABC Company has undertaken in writing to apply a label to the inner container of the hazardous product, have applied to it a supplier label as soon as possible after the hazardous product is received;
- In all other cases, have a supplier label applied to it.

In accordance with Section 10.31(2) of the WHMIS Regulations, if ABC Company receives a hazardous product from a supplier without a supplier label, it may store the hazardous product. In such instances, ABC Company will make active efforts to seek the supplier label and ensure that any labelling affixed to the container of the hazardous product containing information on the hazardous product is not removed, defaced, modified or altered.

8.2. Labels for Hazardous Products Moved from their Original Containers

A hazardous product received from a supplier may not be placed in a container other than the container in which it was received from the supplier, unless the container has a supplier label or work place label listing the following information:

- The product identifier;
- The hazard information for the hazardous product; and
- A statement indicating that an SDS for the hazardous product is available in the work place.

8.3. Removing & Defacing Labels

No person may remove, deface, modify or alter the supplier label applied to a hazardous product that is in the work place or the container of a hazardous product that is in the work place.

8.4. Work Place Label for Manufactured or Imported Products [*Insert the following Section if relevant*]

(a) Any hazardous product that ABC Company produces in the work place (other than a fugitive emission) or imports into Canada that is not in a container must have a work place label applied or, in lieu of a label, there must be a sign posted in a conspicuous place in the work place listing:

- The product identifier;
- The hazard information for the hazardous product; and
- A statement indicating that an SDS for the hazardous product is available in the work place.

(b) Any hazardous product that ABC Company produces in the work place (other than a fugitive emission) or imports into Canada and places into a container must have a work place label on the container listing:

- The product identifier;
- The hazard information for the hazardous product; and
- A statement indicating that an SDS for the hazardous product is available in the work place.

Exception: The above requirement for placing an ABC Company-produced or imported hazardous product into a container does not apply to a hazardous product that is:

- Intended for export, if the information that the information the work place label referred to above is disclosed on a sign posted in a conspicuous place in the work place; or
- Packaged in a container and offered for sale in Canada, if the container is or is in the process of being appropriately labelled for that purpose.

8.5. Label Exemptions for Portable Containers

A hazardous product stored in a container with a proper supplier or work place label may be poured into a portable container without such a proper supplier or work place label if:

- The hazardous product is required for immediate use;
- The hazardous product is under the control of and used exclusively by the worker who filled the portable container;
- The hazardous product is used only during the shift during which the portable container was filled; and
- The portable container the hazardous product is poured into has a label that discloses the product identifier.

8.6. Updating & Replacing Labels

If a label applied to a hazardous product or its container is removed or becomes illegible, it must be replaced with a work place label that lists:

- The product identifier;
- The hazard information for the hazardous product; and
- A statement indicating that an SDS for the hazardous product is available in the work place.

8.7. Identification of Hazardous Substances that Are Not Hazardous Products

The above labelling rules apply to hazardous products. Any container of a hazardous substance that is not a hazardous product that is stored, handled, used or disposed of in the work place must be labelled in a way that clearly discloses:

- The generic name of the substance; and
- The hazard information for the substance.

9. SIGNS

9.1. Use of Signs in Lieu of Labels

A sign listing a hazardous product's product identifier must be posted in a conspicuous place next to any hazardous product that is:

- In a process, reaction or storage vessel;
- In a continuous-run container;
- In a bulk shipment that is not placed in a container at the work place; or
- Not in a container and stored in bulk.

In addition, signs may be used in lieu of the work place label required by Section 8.4(a) above to identify any hazardous product that ABC Company produces in the work place (other than a fugitive emission) or imports into Canada that is not in a container, or required by Section 8.4(b) above to identify any hazardous product that ABC Company produces in the work place (other than a fugitive emission) or imports into Canada that it places into a container intended for export, provided that such sign lists:

- The product identifier;
- The hazard information for the hazardous product; and
- A statement indicating that an SDS for the hazardous product is available in the work place.

9.2. Sign Requirements & Standards

Where a sign is used to identify or provide information about hazardous products it must:

- List the required information in a size large enough to be legible to workers; and
- Be located in a conspicuous place in the work place where workers are likely to see it.

10. SPECIAL RULES FOR IDENTIFYING LABORATORY SAMPLES [*use only if you produce or receive laboratory samples of hazardous products*]

10.1. When Supplier Label Not Required for Laboratory Samples

In accordance with Section 39(5), the supplier label requirements listed in Section 8.1. above do not apply if the hazardous product ABC Company receives at a work place is a laboratory sample of the hazardous product received from a supplier who is exempt from the Hazardous Products Regulations requirement to provide a label for that product.

10.2. Alternative to Supplier Label for Certain Exempt Laboratory Samples

The following Section 10.2. applies to a laboratory sample of a hazardous product that has a labelling exemption covering either: (i) sale or importation of “Biohazardous Infectious Materials — Category 1” (under subsection 5(5) of the Hazardous Products Regulations); or (ii) transfer of possession of a laboratory sample for a specific purpose, without transferring ownership (under subsection 5(6) of the Hazardous Products Regulations). For such laboratory samples, a label provided by the supplier that is affixed to, printed on or attached to the container of the sample received at the work place is deemed to meet the requirements for a supplier label set out in Section 8.1. above, provided that it lists:

- If known by the supplier, the chemical name or generic chemical name of any material that is in the hazardous product and that is classified under the Hazardous Products Act and the Hazardous Products Regulations as a biohazardous infectious material; and
- The statement “*Hazardous Laboratory Sample. For hazard information or in an emergency, call/Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d’urgence, composez*”, followed by an emergency telephone number for obtaining the information that must be provided on the safety data sheet of a hazardous product.

10.3. Alternative to Work Place Label for Imported or Produced Products

The requirements set out in Section 8.4. above for work place labels on hazardous products that ABC Company produces in the work place (other than a fugitive emission) or imports into Canada that are in a container that is not the original container in which it was received or produced in the work place do not apply if:

- The hazardous product is a laboratory sample;
- The hazardous product is intended solely for the use of analysis, testing or evaluation in a laboratory;
- The hazardous product is clearly identified;
- Workers are given clear information about how to get an SDS for the hazardous product; and
- Workers receive the education and training required by Section 7 above.

11. SDS REQUIREMENTS

ABC Company will ensure that all hazardous products used, handled, stored, and manufactured at the workplace have a proper SDS.

10.1. Supplier SDS

Every hazardous product that ABC Company receives from a supplier at the work place must have an accompanying supplier SDS. If it does not, ABC Company will seek to obtain a supplier SDS without delay. Exceptions: A supplier SDS is not required if:

- The supplier is exempt from the requirement to supply an SDS by the Hazardous Product Regulations;
- ABC Company already has an SDS for the hazardous product that:
 - Has the same product identifier and is from the same supplier;
 - Lists information that is still current when ABC Company receives the product;
 - Was prepared and dated less than three years before the day ABC Company receives the product.

In accordance with Section 10.31(2) of the WHMIS Regulations, if ABC Company receives a hazardous product from a supplier without a supplier SDS, it may store the hazardous product. In such instances, ABC Company will make active efforts to seek the supplier SDS and ensure that any labelling affixed to the container of the hazardous product containing information on the hazardous product is not removed, defaced, modified or altered.

11.2. Currency of Supplier SDS

If a supplier SDS for a hazardous product in the work place is three years old or more, ABC Company must seek to obtain a current SDS from the supplier. If it is not practicable to obtain a current supplier SDS, ABC Company will update the hazard information on the most recent supplier SDS it has, on the basis of the ingredients listed on that SDS and any significant data ABC Company is aware of.

11.3. Work Place SDS

[insert first sentence only if relevant] ABC Company will prepare a work place SDS for any hazardous product that it imports into Canada and brings into the work place or produces at its work site other than a fugitive emission or intermediate product undergoing reaction within a reaction or process vessel. ABC Company may prepare a work place SDS to be used instead of a supplier SDS for a hazardous product received from a supplier. In such case, ABC Company will ensure that:

- The SDS includes at least the information listed on the supplier SDS;
- The work place SDS information does not contradict or disclaim the information listed on the supplier SDS;
- The supplier SDS is readily available for workers' examination in a form to be determined in consultation with the Safety Committee or Safety Representative; and
- The work place SDS notes that the supplier SDS is available in the work place.

11.4. Currency of Work Place SDS

Where a work place SDS is used, ABC Company will review the accuracy of the information it lists and update it as soon as practicable after new hazard information or significant new data becomes available

to it. If the information that must be listed in the work place SDS is not available or not applicable to the hazardous product, ABC Company will, in place of the information, insert the words “not available” or “not applicable”, as the case may be, in the English version of the SDS and the words “non disponible” or “sans objet”, as the case may be, in the French version.

11.5. Worker Access to SDSs

ABC Company will keep all supplier and work place English and French copies of SDSs readily available for examination by workers and the Safety Committee or Safety Representative in any work place in which a worker is likely to handle or be exposed to a hazardous product. ABC Company will consult with the Safety Committee or Safety Representative on the best means of making SDSs readily available to the workers at the work place.

11.6. SDSs for Hazardous Substances that Are Not Hazardous Products

ABC Company will also seek to obtain an SDS for other hazardous substances that are not hazardous products that are stored, handled, used or disposed of in the work place from the supplier of the hazardous substance. ABC Company will keep all SDSs for hazardous substances it obtains from suppliers readily available for examination by workers using methods to be determined in consultation with the work place and the Safety Committee or Safety Representative.

12. PRIME CONTRACTORS, CONTRACTORS & SUBCONTRACTORS

ABC Company will ensure that any contractors, and subcontractors hired to perform work involving potential exposure to hazardous products at an ABC Company work place are, before such work begins:

- Notified of the hazards the hazardous products may pose to workers involved in the contract work;
- Notified about the WHMIS protections provided under this Policy; and
- Required to follow ABC Company’s WHMIS Policy and procedures or policies and procedures providing at least equivalent protection including with regard to ensuring proper WHMIS education and training to their workers.

13. MONITORING OF POLICY

ABC Company will review this Policy, in consultation with the workplace Safety Committee or Safety Representative, or if no Safety Committee or Representative exists, directly with the workers at the work place, at least once a year and more often as necessary if new hazard information is received and/or in response to changes affecting workers’ health and safety.