

WHMIS 2015 – General Fact Sheet



WHMIS 2015 – GENERAL

Important Information

Canada has aligned the Workplace Hazardous Materials Information System (WHMIS) with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

This document discusses the WHMIS 2015 supplier requirements as regulated by the federal legislation – the Hazardous Products Act and the Hazardous Products Regulations (HPR).

Health Canada is the government body responsible for the overall WHMIS supplier-related laws. Note that WHMIS is also regulated in the workplace by the provinces, territories and federal (for federally regulated workplaces) governments under their occupational health and safety legislation. While these jurisdictions based their WHMIS regulations on the common model, small variations between jurisdictions may exist in how they adopted WHMIS 2015.

Suppliers and employers must use and follow the WHMIS 2015 requirements for labels and safety data sheets (SDSs) for hazardous products sold, distributed, or imported into Canada.

What is WHMIS?

WHMIS stands for the Workplace Hazardous Materials Information System. It is a comprehensive system for providing health and safety information on hazardous products intended for use, handling, or storage in Canadian workplaces.

WHMIS has aligned with the worldwide hazard communication system known as GHS – the Globally Harmonized System of Classification and Labelling of Chemicals. Aligning with GHS provides many benefits, including:

- Hazard classification criteria are more comprehensive which improves ability to indicate severity of hazards.
- New hazard classes are included.
- Physical hazard criteria are consistent with the Transport of Dangerous Goods (TDG regulations).
- Standardized language (hazard and precautionary statements).
- Standardized SDS format and more comprehensive requirements.

What are the main parts of WHMIS?

The main components of WHMIS are hazard identification and product classification, labelling, safety data sheets, and worker education and training.

Is WHMIS law?

Yes. WHMIS first became law in 1988 through a series of complementary federal, provincial and territorial legislation and regulations. This original system is identified as WHMIS 1988. Updates to implement GHS are referred to as WHMIS 2015.

What is the status of the new WHMIS regulations?

The Hazardous Products Regulations were published in Canada Gazette, Part II on February 11, 2015. Both the amended Hazardous Products Act and regulations are currently in force. "In force" means that suppliers may begin to use and follow the new requirements for labels and SDSs for hazardous products sold, distributed, or imported into Canada.

Note that the federal, provincial, and territorial (F/P/T) occupational health and safety WHMIS regulations will also require updating.

Under WHMIS 2015, who is considered to be a supplier, manufacturer, importer, and distributor?

Under WHMIS 2015:

- a supplier is a "a person who, in the course of business, sells or imports a hazardous product"
- a manufacturer is "a supplier who, in the course of business in Canada, manufactures, produces, processes, packages or labels a hazardous product and sells it"
- an importer* is "a supplier who brings a hazardous product into Canada, but does not sell the product", and
- a distributor is "a Canadian supplier to whom a hazardous product was sold, and who then resells the hazardous product without modifying it in any way. If a distributor does modify a hazardous product that they purchased (for example, by repackaging or relabelling it) and subsequently sells it, then the distributor meets the definition of a "manufacturer"".

*You should also know that if you are an employer who imports a hazardous product only for use in your own workplace, you are considered to be the importer and are responsible for compliance with all WHMIS 2015 supplier requirements.

What products does WHMIS cover?

The Hazardous Products Regulations set out specific hazard classification criteria. If a product covered by the Hazardous Products Act meets the criteria to be included in a hazard class or category, it is considered to be a "hazardous product". All hazardous products used in the workplace are covered by the WHMIS regulations, and a WHMIS program, including education and training, must be in place.

Which products are not covered by WHMIS?

The exclusions under WHMIS 2015 are:

- Explosives as defined in the Explosives Act.
- Cosmetic, device, drug or food as defined in the Food and Drugs Act.
- Pest control products as defined in the Pest Control Products Act.
- Consumer products as defined in the Canada Consumer Product Safety Act.
- Wood or products made of wood.
- Nuclear substances within the meaning of the Nuclear Safety and Control Act, that are radioactive.
- Hazardous waste being a hazardous product that is sold for recycling or recovery, or is intended for disposal.
- Tobacco and tobacco products as defined in the Tobacco Act.
- Manufactured articles.

Many of these products are covered under other legislation. Note that while a product may be exempt from the requirement to have a WHMIS label and SDS, employers must still provide education and training on health effects, safe use, and storage.

What are the suppliers' duties under WHMIS?

Suppliers are those organizations who, in the course of business, sell or import hazardous products. Suppliers must ensure the appropriate classification of hazardous products. This classification is determined based on comparison of all available hazard data for the ingredients or mixture to the WHMIS requirements as outlined in the Hazardous Products Regulations (WHMIS 2015).

When a product is considered to be a "hazardous product", the supplier must label the product or container and they must provide a safety data sheet (SDS) to their customers. The purpose of the label is to clearly identify the hazardous product, the supplier, the hazards and precautionary measures. The SDS provides more information about that product.

What are the employers' duties under WHMIS?

When a hazardous product is used in the workplace, employers are required to:

- Educate and train workers on the hazards and safe use of products.
- Ensure that hazardous products are properly labelled.
- Prepare workplace labels, as needed.
- Prepare SDSs, as necessary (e.g., if an employer manufactures a hazardous product that is used on-site).
- Provide access to up-to-date SDSs to workers.
- Ensure appropriate control measures are in place to protect the health and safety of workers.

What are the workers duties under WHMIS?

Workers will participate in WHMIS education and training programs, take necessary steps to protect themselves and their co-workers, and participate in identifying and controlling hazards.

What happens if consumer products are used in the workplace?

Consumer products are those products that can be purchased in a store and are generally intended to be used in the home. They often include cleaning products, adhesives, or lubricants. These products are labelled according to other legislation.

A comprehensive chemical safety program would include both hazardous products as regulated by WHMIS, and any other products that a worker may be exposed to (which includes consumer products). Workers should still receive education and training for safe use of these products.

Who enforces WHMIS?

WHMIS requirements are implemented through coordinated and interlocking Health Canada and federal, provincial and territorial occupational health and safety (OHS) laws. WHMIS is enforced by the provincial or territorial government departments or agencies responsible for health and safety, or by the Labour Program for federally regulated workplaces.

What happens when an inspector visits the workplace?

Inspectors have the authority to make sure that the employer requirements specified in the occupational health and safety legislation are being followed. In addition, some inspectors have been trained and designated to conduct inspections and enforce compliance with the supplier requirements of the Hazardous Products Act (HPA) and/or

the Hazardous Products Regulations (HPR).

Inspectors may enter a workplace if they have reasonable grounds to believe that:

- an activity related to WHMIS is being conducted at that place; or
- a “thing” to which the legislation relates (for example a hazardous product) is located in that place.

In some cases, inspectors may be determining if products are arriving from suppliers with the required labels and SDSs. In other cases, they may be determining if there is a compliant WHMIS program in the workplace.

Employers should, for example, be prepared to:

- Demonstrate that a WHMIS program is in place.
- Show where the SDSs are for the hazardous products used at that workplace.
- Show that hazardous products in use have the appropriate labels.
- Show education and training records for workers who work with or may be exposed to a hazardous product.

Inspectors may need to speak to workers to confirm that education and training has taken place. Workers should be able to answer these questions for every hazardous product they work with:

- What are the hazards of the product?
- How do I protect myself from those hazards?
- What do I do in case of an emergency?
- Where can I get further information?

Suppliers of hazardous products may, for example, be asked to demonstrate that they are preparing and maintaining:

- true copies of labels and safety data sheets in both official languages, and
- documents detailing the required sales and purchasing information.

Inspectors may also examine safety data sheets and labels to verify compliance with the requirements of the HPA and/or the HPR.

What does it mean when I see a generic chemical identity listed on a SDS?

This listing indicates that the supplier has applied to have the exact ingredients in the hazardous product considered as “confidential business information” (CBI). There is a strict process that must be followed to have an ingredient or ingredients considered as confidential business information, and approval is only granted by Health Canada. For example, a CBI claim may be granted if stating the ingredient name on the SDS would give competitors of that product financial gain and/or there was a significant cost to the development of the product.

Each claim is given a Registry Number. The Registry Number and approval or filing date must be shown on the SDS. If the name of an ingredient is claimed as CBI, a generic chemical identity must be listed, as well as all physical or health hazard information, preventive measures, and first aid.

While the ingredients may not be disclosed on the SDS, there is a requirement that the supplier must disclose the name of the ingredient to a safety or health professional, for example, in an emergency.

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