



Evaluation of the Workplace Hazardous Products Program 2014-15 to 2018-19

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Health Canada and the Public Health Agency of Canada

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List of Acronyms

CCOHS	Canadian Centre for Occupational Health and Safety
CBI	Confidential Business Information
CIC	Current Issues Committee
ESDC	Employment and Social Development Canada
F/P/T	Federal / Provincial / Territorial
FTE	Full-time equivalent
GHS	Globally Harmonized System
HPA	<i>Hazardous Products Act</i>
HPR	<i>Hazardous Products Regulations</i>
HMIRA	<i>Hazardous Materials Information Review Act</i>
HC	Health Canada
IWCC	Inter-governmental WHMIS Coordinating Committee
MOU	Memoranda of Understanding
OHS	Occupational Health and Safety
OSHA	Occupational Safety and Health Administration
P/T	Provincial / Territorial
SDS	Safety data sheet
WHPP	Workplace Hazardous Products Program
WHMIS	Workplace Hazardous Materials Information System

Executive Summary

Executive Summary

Program Context

Health Canada's Workplace Hazardous Products Program (WHPP) is responsible for administering the *Hazardous Products Act* (HPA), the *Hazardous Materials Information Review Act* (HMIRA), and their associated regulations. WHPP regulates Canadian industry, defined as persons who, in the course of business, sell or import hazardous products. WHPP requires them to communicate hazards associated with products by providing supplier labels and safety data sheets via the standardized Workplace Hazardous Materials Information System (WHMIS). Implementation of WHMIS relies on a complex system of interactions between partners, including provinces and territories, and other stakeholder groups, such as suppliers of workplace hazardous products, employers, and workers. WHPP's activities include overseeing compliance and enforcement related to the HPA, issuing classification decisions for chemical substances, and reviewing suppliers' claims for confidential business information (CBI). It also develops policies and maintains the Acts and regulations.

Key Findings

What worked well

- Within a complex and interlocking multijurisdictional system such as WHMIS, engagement and coordination with various partners and stakeholders is essential. Most internal and external key informants view WHPP's engagement with stakeholders as one of its strengths.
- Strong engagement with partners also helped WHPP increase the number of HPA inspections conducted by provincial and territorial (P/T) inspectors since 2017, and by Employment and Social Development Canada (ESDC) as the occupational health and safety authority for federally regulated workplaces, at no additional cost to the Program. This enhanced partnership contributed to the development of an inspection program that is now conducted on a proactive basis, as opposed to the previous, reactive system where inspections were only conducted following a complaint.
- WHPP successfully led the modernization of the HMIRA, which enabled them to streamline the process for CBI claims review. This work allowed the Program to make significant progress on addressing its CBI backlog and enabled WHPP to take a calibrated risk approach to reviewing future CBI claims.

What are the challenges

- Supplier compliance with HPA requirements is low (e.g., compliance with SDS and label requirements), and more could be done to inform and promote the safe use of hazardous products in the workplace.
- The current level of compliance and enforcement activities does not appear to be sufficient, given the rates of non-compliance observed. WHPP's inspection capacity remains limited, as it relies extensively on P/T capacity and ESDC. While this arrangement is cost-effective, it presents challenges in terms of capacity for inspection activities and consistency in implementation. Compliance enforcement tools currently available also limit WHPP's ability to address compliance issues in a timely manner.
- Consumer chemical products excluded from the HPA were found to be a growing concern for worker safety. In particular, the evaluation found that these products are being increasingly used in the workplace, but without adequate hazard information to allow workers to protect themselves from extended and repeated use.

- Additional communication and engagement with suppliers on HPA requirements appear necessary, considering the poor compliance results to date. Data identified that smaller suppliers faced more barriers to awareness and understanding and that the current level of engagement with smaller suppliers by WHPP is limited and could be expanded.
- There is a lack of baseline data on workplace hazardous products needed to assess Program impact.
- Given WHPP's limited capacity and resources, it will not be in a position to address the challenges it faces, unless there are fundamental changes.

Recommendations

Recommendation #1: Consider means to increase compliance and enforcement activities, and explore an expanded range of enforcement tools.

Many key informants view the increase in HPA inspections as a success. However, this function's success will remain limited in supporting supplier compliance unless there are programmatic changes, such as additional enforcement tools. The Program could benefit from seeking input from other programs within Health Canada and from international partners on their compliance and enforcement strategies with respect to hazardous products in the workplace.

Recommendation #2: Enhance communication and guidance material on excluded products for all WHPP stakeholders and partners.

HPA product exclusions, especially for consumer chemical products, is an area of concern for many stakeholders, including inspectors, suppliers, and organized labour. For example, risks associated with consumer chemical products used in the workplace are not clearly communicated, and are thus misunderstood by employers and employees, who can become at greater risk of occupational exposure. In addition to enhancing communications on risks associated with these products, WHPP may also want to explore how to best manage exclusions within the legislation, such as exploring if they could be removed for some high-risk products.

Recommendation #3: Expand communication and engagement with suppliers, in particular with small suppliers.

As suggested by the high rate of non-compliance, supplier awareness and understanding of the HPA and *Hazardous Products Regulations* (HPR) should be enhanced. While the Program has developed a wide range of compliance promotion material, interview data suggests that the full range of suppliers is not being reached, and that information is not being understood. WHPP should continue its partnership with the Canadian Centre for Occupational Health and Safety in developing guidance documents and plain language material, and should consider implementing a targeted outreach program for small suppliers.

Recommendation #4: Explore means to improve measurement of Program impact.

Data collection could strengthen measures of Program impact on supplier compliance and downstream effects on overall worker safety. The Program could benefit from exploring if its existing partnerships could be leveraged to improve impact measurement.

Program Description

01



Canadian workers have the right to know about the safety and health hazards that may be associated with the materials or chemicals they use at work.

“Why was WHMIS created”, by the Canadian Centre for Occupational Health and Safety

What workplace hazardous products are and how they are regulated

Hazardous products are found in most Canadian workplaces, and can range from cleaning products and construction materials, to full-scale chemical production. These products can present physical hazards, such as flammability, and lead to health hazards, such as carcinogenicity and reproductive toxicity. If hazardous products are not used, stored, and handled properly, they can cause injury, death, illness, disease, fire, or explosions.¹

A key element in protecting workers from workplace hazardous products is to provide them with information that will identify the physical and health hazards associated with these products, as well as the appropriate precautions to take in order to work safely and avoid injury. As such, the *Hazardous Products Act* (HPA) requires suppliers of hazardous products to communicate the hazards associated with their products via product labels and Safety Data Sheets (SDSs) as a condition of sale and importation for workplace use. The *Hazardous Products Regulations* (HPR) specify the criteria for classifying hazards posed by chemical products and the requirements for product labels and SDSs (see Appendix A for an example of a label and SDS elements).

Labels and SDSs are key elements of the Workplace Hazardous Materials Information System (WHMIS), Canada's national hazard communication standard, which was first created in 1988. WHMIS is implemented through coordinated federal, provincial, and territorial (F/P/T) legislation.

Without WHMIS, employers would not have the necessary information to protect workers from the physical and health

hazards posed by these products. As a result, workers could potentially be exposed to avoidable risks in the workplace and rates of workplace injuries could increase.

Due to the absence of baseline data on workplace exposures, it is not possible to specifically attribute workplace injuries and fatalities to hazardous products under the HPA. However, data from the Association of Workers' Compensation Boards of Canada shows that exposure to harmful substances or environments was still the leading cause of workplace fatalities (64%), and the fourth most common reason for lost time claims (7%) in 2017.²

In addition, a 2019 report by the Occupational Cancer Research Centre estimated that exposure to common occupational carcinogens, such as ultraviolet radiation, asbestos, diesel engine exhaust, and silica dust, is responsible for over 10,000 cancer cases in Canada each year.³ Moreover, according to the Occupational Cancer Research Centre of Ontario, thousands of cases of occupational disease, such as dermatitis and respiratory conditions, occur annually in Ontario, but only a small percentage are recognized as being related to workplace exposures.⁴

Evaluation Scope and Approach

The evaluation had two objectives: the first was to assess how the Program contributes to informing the safe use of hazardous products in Canadian workplaces, and the second was to inform WHPP's senior management on sustainable potential Program improvements, with an enhanced focus on compliance and enforcement activities.

The evaluation reviewed Program activities from 2014-15 to 2018-19. This is the first evaluation of the Program's activities.

More details on the evaluation methodology, and on data collection methods and limitations, are included in Appendix B.

Program Structure

Health Canada (HC), through its Workplace Hazardous Products Program (WHPP), administers the HPA and HPR, which set the WHMIS labelling and SDS requirements for suppliers. WHPP is also responsible for HC's authorities under the *Hazardous Materials Information Review Act* (HMIRA) and the *Hazardous Materials Information Review Regulations*.

How the Program works

WHPP coordinates the administration and governance of WHMIS as an F/P/T partnership. WHMIS also operates through interrelated pieces of F/P/T occupational health and safety (OHS) legislation that cover hazardous products from manufacture to use in a workplace.

While WHPP regulates persons who, in the course of business, sell or import hazardous products, while other F/P/T OHS jurisdictions regulate the workplace (i.e., employers and workers). The federal OHS jurisdiction regulating federal workplaces is the Labour Program at Employment and Social Development Canada (ESDC). They conduct HPA inspections of federal workplaces.

WHPP's objective is to help workers obtain the information they need to safely use, handle, and store hazardous products, and take precautions to avoid injury, illness, and premature death. It does this by regulating a national standard for classifying and communicating hazards of workplace chemicals, including:

- **Overseeing compliance and enforcement** of suppliers with the HPA and HPR. It is important to note that, in accordance with a series of Memoranda of Understanding (MOU)

established in the late 1980s and early 1990s, P/T and ESDC OHS partners, on behalf of HC, conduct inspection activities related to the HPA and HPR, without transfer of funds.

- **Issuing classification decisions**, by conducting technical assessments of chemical substances and products against hazard classification criteria.
- **Reviewing Confidential Business Information (CBI) claims**, filed under the HMIRA, for companies to suppress the disclosure of ingredients on their SDSs to protect their trade secrets, while enabling workers to receive sufficient and accurate information on product hazards.
- **Developing general policy** on communication of workplace chemical hazards and maintaining the Acts and Regulations, as well as collaborating with international partners to advance standards for worker safety.

Program partners

Roles and responsibilities of key partners for this Program are as follows⁵:

Suppliers of hazardous products to Canadian workplaces must comply with the HPA and the HPR. Suppliers also participate in the consultative mechanisms established by WHPP.

P/T and ESDC OHS Authorities are responsible for establishing and implementing an inspection regime for the HPA in their jurisdiction. OHS authorities begin proceedings on contraventions of the HPA or HPR for hazardous products originating in, or imported into, their jurisdiction. They also set out the requirements and obligations for employers regarding workplaces and the training of workers.

Employers are responsible for implementing the health and safety requirements established by P/T and ESDC OHS authorities. When creating new products that contain hazardous ingredients for use in their own workplaces, employers must also comply with the information requirements set out in the F/P/T OHS regulations. Employer representatives also participate in the consultative mechanisms established by WHPP.

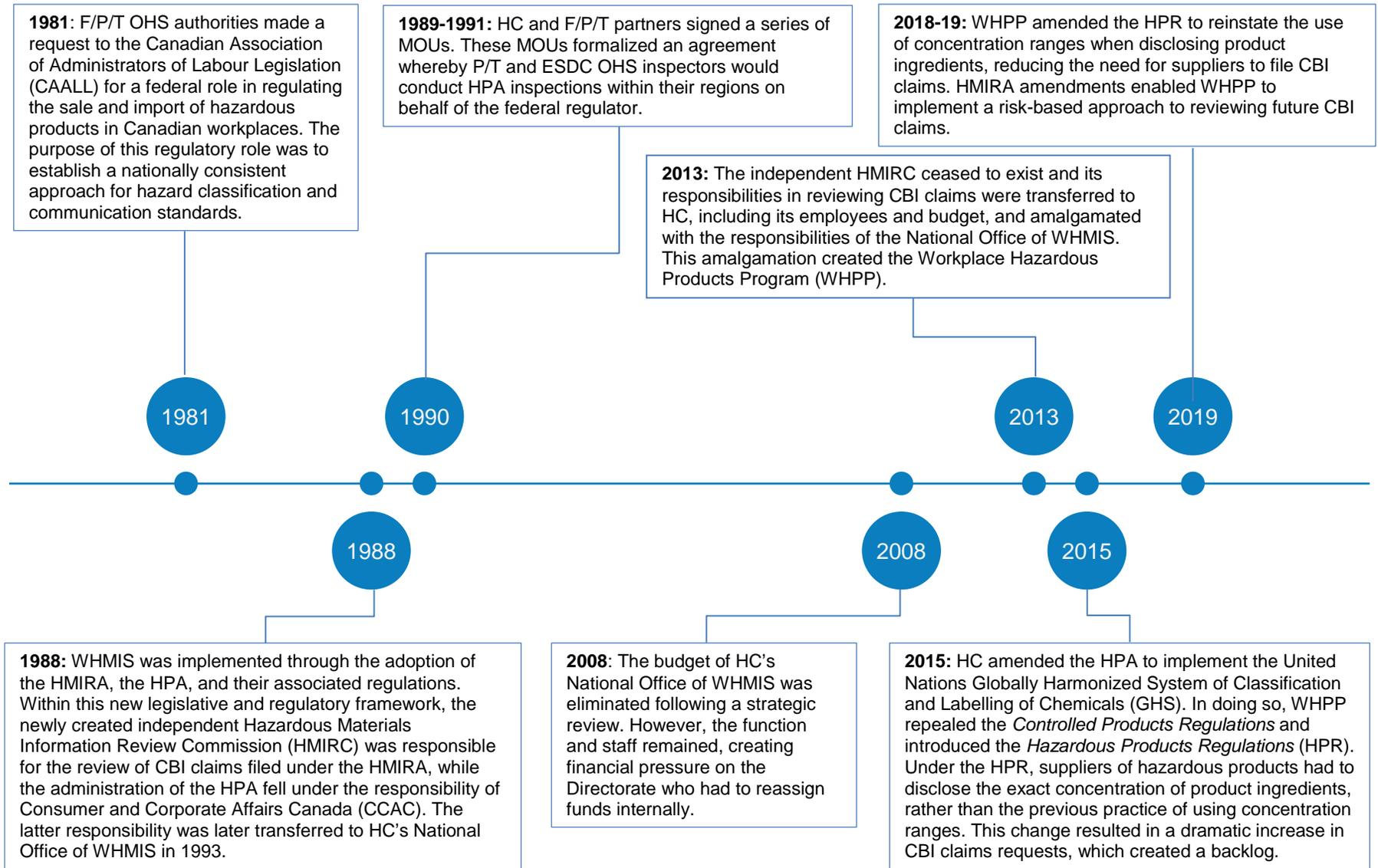
Workers participate in the consultative mechanisms established by WHPP through representatives from organized labour groups.

Canadian Centre for Occupational Health and Safety (CCOHS) is the primary national agency in Canada for the advancement of safe and healthy workplaces, and preventing work-related injuries, illnesses and deaths. Through an Interdepartmental Letter of Agreement, WHPP engages CCOHS to support its work. CCOHS work has included developing and disseminating WHMIS information products, webinars, and online courses. CCOHS also hosts a single window (WHMIS.org) for links to information on all WHMIS requirements.

United States (US) Occupational Safety and Health Administration (OSHA) has a Regulatory Partnership Statement and an MOU with HC. Through these documents, HC and OSHA have committed to aligning and synchronizing their implementation of the Globally Harmonized System (GHS), where appropriate, in order to minimize the impact of, and prevent, future regulatory differences or variances.

United Nations Subcommittee of Experts on the Globally Harmonized System is the forum through which Canada participates in the development of the GHS and helps to shape hazard classifications and criteria, as well as future hazard communication requirements.

Program history and current context



Evaluation Findings

03

Achievement of Results

Although WHPP has successfully managed and implemented many of its priorities over the last five years, its overall impact on informing the safe use of hazardous products through supplier compliance with HPA and HPR requirements was limited.

While recent changes within WHPP are expected to further support achievement of results, there is a need for more compliance and enforcement activities.

Informing the safe use of hazardous products

Ultimately, the purpose of WHPP is to facilitate consistent and effective communication on hazardous products in Canadian workplaces. Since occupational health and safety (OHS) is a federal, provincial, and territorial (F/P/T) responsibility, WHPP contributes to worker protection by facilitating international and domestic hazard classification and consistent communications, so employers have the information they need to help protect workers from hazards and fulfill their legal responsibilities.

Low Supplier Compliance

In 2017-18, WHPP conducted an internal audit of SDSs to assess their compliance with the HPA and HPR. The audit assessed whether the SDSs included all the necessary information for employers and employees on proper use, storage, and handling of the product, its risks, how to protect oneself from acute and chronic exposure, and first aid instructions in case of exposure.

The audit examined 188 SDSs produced by suppliers and found that certain components in all of the SDSs reviewed (100%) were non-compliant with HPA or HPR requirements. Overall, close to 4,967 observations of non-compliance were found; this comes to an average of 26.4 observations per SDS. The lowest number of non-compliance observations per SDS was two, and the highest number of non-compliance observations was 70. Of particular concern, the audit found a 96.3% non-compliance rate in Section 2 (Hazard Identification) of SDSs, which is the section that informs workers of the appropriate protective measures to take when using, storing, handling, or disposing of hazardous

products. Non-compliance observations for Section 2 included missing hazard statements and precautionary statements.

The SDS audit results showed non-compliance across all levels of hazard classification complexity, which included classifications of simple, medium, and complex. They also showed non-compliance across all suppliers, regardless of their region and size.

Data collected on suppliers' compliance, as part of HPA inspection activities, is limited. P/T and ESDC OHS inspectors conduct HPA inspections on behalf of the federal regulator, in accordance with various MOUs established in the late 1980s and early 1990s. Prior to 2017, HPA inspections were only conducted if a complaint was received; hence, only a handful were done over the past 29 years. Inspection activities have increased in number since 2017, with the implementation of a more proactive inspection protocol that was not accompanied by a transfer of funds. Thus, 101 inspections were conducted in 2017-18, 148 were planned for 2018-19, and a target of 138 inspections was set for 2019-20. The number of inspections conducted in 2018-19 was not available at the time this report was produced. The target number of inspections is based on the number of designated inspectors, which fluctuates from year to year.

While inspection activities have increased, the production of inspection reports is dependent on P/T and ESDC OHS partners, who are already managing their own workloads and dealing with other conflicting priorities. Within this context, WHPP has only partially received inspection results. To date, only 43 reports on results have been received for 2017-18, even though 101 inspections were conducted. As OHS inspectors are still submitting their HPA inspection reports for

2017-18 and 2018-19, WHPP did not complete a roll-up of inspection data in time for this evaluation. Still, as inspection results become available, WHPP intends to produce a roll-up of data.

While WHPP has strong data on supplier compliance through the audit that was conducted, this data remains limited as it only represents a small portion of hazardous products used in Canadian workplaces. The Program is lacking key data on hazardous products (e.g., a complete list of suppliers), which limits its ability to fully measure overall compliance with the HPA and HPR.

Contributing Factors to Non-Compliance

Awareness and understanding of requirements

As indicated in the SDS audit report, low supplier compliance can be indicative of low awareness and understanding of the HPA and HPR requirements. As such, one of the audit recommendations was to provide resources that clearly articulate these requirements for suppliers. Options for consideration included developing focused communications and guidance material on specific sections of the SDS that are often incorrect, and targeted outreach to vendors who develop SDS templates, as well as supplier associations and hazard communications organizations.⁶

While many HPA inspectors and WHMIS coordinators expressed appreciation for the existing guidance documents on HPA and HPR requirements for suppliers, some also noted challenges with them. Examples of challenges include limited reach and use of guidance material, and apparent inconsistencies in how suppliers understand and interpret requirements.

For example, the Compliance Promotion Package created by WHPP for suppliers undergoing an inspection appeared to be underused. While the package contains key information on HPA and HPR requirements and non-compliance, evidence from several interviews with WHMIS coordinators and inspectors suggested that suppliers often do not use it or understand it well. As such, only 17% of inspectors surveyed agreed that suppliers understood the pre-inspection information that was provided to them (i.e., the Compliance Promotion Package). A few noted that suppliers often do not read the material sent to them.

Still, some external key informants noted that WHPP, through its partnership with the Canadian Centre for Occupational Health and Safety (CCOHS), could further contribute to increasing the availability of plain language information related to HPA and HPR requirements. For its part, CCOHS produces educational and awareness tools and training for all stakeholders involved in WHMIS. Most P/T and ESDC OHS representatives interviewed noted that WHMIS stakeholders, including themselves, tend to turn to CCOHS and WHMIS.org as sources of plain-language information.

Compliance more challenging for small suppliers

Many internal and external key informants see small suppliers as facing more barriers to understanding and compliance with the HPA and HPR requirements, due in part to their limited capacity and resources. While this was raised as an area of concern, the proportion of small suppliers dealing with hazardous products is relatively unknown, thus creating uncertainty around the extent of the issue. Still, data from Industry Canada identified that, as of December 2017, small businesses represented 97.9% of all Canadian business.⁷ As

suggested by a few internal and external key informants and survey respondents, one assumption may be that smaller suppliers rely on their own suppliers' hazard information to develop their product labels and SDSs. If the original information is inaccurate, this can trigger a non-compliance cascade down the supply chain.

Several internal and external key informants pointed out the importance for WHPP to better understand and adapt its communication materials and guidance documents to the information needs of small suppliers. Reviewed documents showed that, in an effort to better engage small suppliers, WHPP has contacted small business representatives, but there has been minimal uptake from these groups.

Limited enforcement tools

Over the last five years, WHPP has taken a gradual approach to its compliance activities by aiming to facilitate voluntary compliance before moving to enforcement. While some consider this approach more efficient and effective, as it avoids the need to move to enforcement, reviewed documents indicate that jurisdictions have experienced challenges in getting timely voluntary compliance from suppliers. In fact, interviews with most internal and external key informants, as well as survey results, suggest that suppliers are not always proactive in, or motivated to, achieve compliance.

Several internal and external key informants also noted that the current system lacks enforcement tools for when voluntary compliance is not achieved. More specifically, the only enforcement tools available are ministerial orders, which are viewed as heavy-handed and thus rarely used. A few external key informants expressed a need to see an increased range of enforcement actions, in the hopes that it would give more

leverage for HPA inspectors to bring suppliers into compliance. Alternative enforcement actions suggested by some internal and external key informants included introducing mid-range enforcement tools. Examples provided were recalls, import bans, and conditions that have a financial impact on non-compliant suppliers, among others.

WHPP actions to support compliance

To support supplier compliance and facilitate the conduct of HPA inspections by P/T and ESDC OHS authorities, WHPP has been working over the last five years on various tools and initiatives:

- **Proactive publication of hazardous products classification decisions:** As a first step to addressing improper classifications, WHPP is currently working on publishing Hazardous Substance Assessments (HSA) online as a tool for suppliers and employers to use as the basis of the classification of their products. Publication of classification decisions will focus first on high-risk products that are also highly used.
- **Introduction of Focused Inspections:** Focused Inspections have been introduced in support of P/T and ESDC OHS authorities conducting HPA inspections. Focused Inspections assess the compliance of a supplier or workplace, as it relates to a specific area of interest or concern. The precise scope is determined with P/T and ESDC OHS partners to allow them to align resources.
- **Implementation of the Inspection Rating System:** To support the reporting of inspection results and increase national consistency of compliance and enforcement actions, WHPP has developed an Inspection Rating

System in collaboration with its partners. This System combines principles of risk analysis and management, and is used to categorize instances of non-compliance based on risk. This tool was first implemented in April 2019.

- **Implementation of FileMaker:** In 2019-20, to further support their P/T and ESDC OHS partners in the production of inspection reports, WHPP worked on the implementation of FileMaker, an online reporting system for HPA inspectors that is expected to streamline the process for recording non-compliances observed from inspections.

It should be noted that all of these tools and initiatives are either in the late stages of development, or early phases of implementation. Accordingly, there are no documented results on their success.

Other barriers to informing the safe use of hazardous products

Supplier compliance is not the only element related to the HPA and HPR that affects the safe use of hazardous products in the workplace. Several external and internal key informants expressed concerns over products that are excluded from the HPA, and for which information on chronic exposure risks is limited.

“There are several categories of substances that we know meet the definition of ‘hazardous’, but they are excluded from the HPA, and those exclusions really limit the effectiveness of both Health Canada and P/T regulators.”

- External key informant

According to the HPA, several product categories are excluded from the WHMIS 2015 legislation. These product categories include, but are not limited to, explosives, cosmetics, pest control products, consumer chemical products, and manufactured products.⁸ Labelling requirements for many of these products are covered under other laws and can be very different and less comprehensive than WHMIS compliant labelling, particularly for consumer chemical products.

Consumer products containing chemicals are reasonably expected to be obtained by individuals for non-commercial purposes, including domestic and recreational use. These products fall under the *Canada Consumer Product Safety Act*, and are excluded under the HPA. Labelling requirements are based on their non-commercial use and thus communicate hazards based on minimal use of the product, focusing more on acute risks.

In contrast, hazardous products covered by WHMIS are accompanied by a label and a SDS that communicate risks associated with both acute and chronic exposure to the product. They also indicate ways in which employees can protect themselves from the harms of single and repeated exposure to the product. The SDS also offers employers and workers information on hazard identification, ingredient composition, toxicological information, first aid measures, and more. Appendix C illustrates the difference between a consumer chemical product label and a WHMIS label for the same product.

Thus, if an employer purchases a hazardous product from a retail store instead of buying industrial grade products from a supplier, information on its safe use can vary largely as it is governed by different legislation. This may leave employers

and employees unaware of risks that can be associated with repeated exposure to some products, such as carcinogenicity, reproductive toxicity, and lung or skin sensitization. This is seen by many stakeholders as a growing concern, particularly for certain sectors, like janitorial services, and nail and beauty salons, which are known to use excluded consumer chemical products on a daily basis, including hair dye, nail polish and polish remover, cleaners, and more. It is also seen as a concern for employers with limited access to industrial grade products, such as employers in remote and northern regions.

Most external key informants, including P/T and ESDC OHS partners, reported that the different labelling systems used for WHMIS and for consumer chemical products has created challenges for ensuring that workers are informed of risks when dangerous consumer chemical products are used in the workplace. In response to this challenge, some external key informants even asked for the removal of some of the HPA exclusions.

Work done by WHPP to address the challenge

WHPP is currently working with a contracted specialist to explore the impact on the health and safety of workers related to the use of consumer chemical products in the workplace. While this research is underway, the Program is developing a communication and outreach campaign to raise employer and worker awareness of the risks associated with the use of consumer chemical products in the workplace, in collaboration with CCOHS.

Efficiency

Engagement and coordination with partners and other stakeholder groups is essential to program efficiency within an interlocking jurisdictional system such as WHMIS. Many key informants view WHPP's engagement with partners and stakeholders as a key strength.

In its effort to improve efficiency, WHPP could learn from the ways other international jurisdictions deal with similar compliance and enforcement challenges.

What worked well and what can be improved

Efficiency through engagement and collaboration

Implementation of WHMIS relies on a complex system of interactions between partners, including provinces and territories, and stakeholder groups, such as suppliers of workplace chemicals, employers, and workers. WHPP understands that successful engagement with these partners and stakeholders enhances the impact and effectiveness of its actions, through a combined and more efficient use of resources.

To facilitate engagement and coordination among partners and stakeholder groups, WHPP has established two formal committees: the Current Issues Committee (CIC) and the Intergovernmental WHMIS Coordinating Committee (IWCC).^{9, 10} Reviewed committee documents identify that WHPP has been successful at establishing relationships with a strong commitment to Program success from each partner and stakeholder.

Current Issues Committee

Current Issues Committee

Purpose: The CIC serves as the forum for consultation and advice on matters related to interpretation or modification of the HPA, and facilitates information and knowledge exchange between WHPP and stakeholders affected by the HPA.

Membership: WHPP, Organized Labour Associations, Supplier Associations, Employer Associations, CCOHS, and CAALL.

The CIC was seen by all parties involved as a valuable forum to reach external stakeholders and promote improved awareness of federal requirements. In particular, all key informants who participate in the CIC described the committee positively, stating that it helps promote awareness of HPA and HPR requirements by working with representatives of suppliers, employers, and workers across Canada.

The CIC was seen as a successful forum, yet some key informants still identified opportunities for improvement. More specifically, they saw opportunities to expand engagement with underrepresented groups, such as small and medium enterprises, regional and northern industry associations, employers and retailers, representatives for Indigenous peoples across Canada, and sector-specific associations.

Some key informants also indicated that, considering the occasionally differing views of members, such as industry and labour associations, the CIC could be slow in reaching consensus on advice for HC. To avoid delays in CIC's work, WHPP has implemented bilateral engagements with stakeholder groups. All those involved see such engagements as useful in ensuring that diverse stakeholder needs are heard.

Intergovernmental WHMIS Coordinating Committee

Inter-governmental WHMIS Coordinating Committee

Purpose: The IWCC supports intergovernmental cooperation on compliance, enforcement, and implementation of policies, legislation and regulations enhancing worker protection through hazard communication. IWCC provides a forum for F/P/T representatives to exchange ideas and information related to the HPA and HPR.

Membership: WHPP, Provincial and Territorial Health and Safety representatives, Federal Labour Program ESDC representatives, and CAALL.

HPA inspection activities rely on P/T and ESDC OHS authorities to conduct inspections on behalf of HC, through a series of MOUs. The IWCC helps support the values of inter-governmental cooperation enshrined in these agreements by providing an opportunity to share good practices and challenges across jurisdictional lines.

Interviewed P/T and ESDC OHS coordinators unanimously expressed appreciation for the IWCC forum. They noted that the committee provided an excellent opportunity to develop personal relationships with coordinators in other regions, and to understand the context in which their partners were working.

It was noted by several key informants that IWCC relationships also improved work-related transactions. For example, when inspectors identify non-compliant hazard communication information on a product, where the supplier is located in another jurisdiction or in more than one jurisdiction in Canada, collaboration between WHMIS coordinators in the implicated regions is required to plan the appropriate follow-up actions.¹¹ WHMIS coordinators are P/T and ESDC OHS representatives that coordinate HPA inspections within their respective jurisdiction and sit on the IWCC.

According to some IWCC participants, the relationships that coordinators have built through the committee and its working groups help facilitate the process of inter-jurisdictional referrals and timely evidence sharing across various jurisdictions. All WHMIS coordinators interviewed for the evaluation indicated that the relationships they had built through the IWCC were helpful in developing an understanding of the workload and capacity of provincial partners involved in inter-jurisdictional files. As a result, the sending and receiving provinces were able to develop a shared understanding of reasonable timelines to complete such files, particularly between provinces with many

suppliers, and provinces with very few suppliers. Furthermore, the IWCC and its working groups have enabled the sharing of resources and tools to facilitate the compliance verification process between jurisdictions.

Example of information sharing:

Silica in non-silica sandblasting products

The Alberta OHS inspectors used the IWCC to inform other jurisdictions about silica-related risks, as silica can cause serious or fatal respiratory disease. The inspectors shared the results of a study conducted in Alberta that found that a non-silica product recommended by their own authority as a substitute to sandblasting products containing silica, actually contained a percentage of silica that was still hazardous to workers. This information was sometimes not accurately disclosed on the SDS for the product. One key informant indicated that some jurisdictions would not have found out about this risk so promptly without the IWCC.

Opportunity to enhance exchanges between committees

While these two committees share different roles and purposes, many external key informants that sit on these committees expressed a desire to know more about each other's work. Some external key informants asked if there could be opportunities for WHPP to enhance communication and information sharing between these committees in order to satisfy participants' information needs.

Alignment with International Partners

As supply chains for hazardous products become increasingly globalized, many products used in Canadian workplaces come

from international suppliers.¹² The United Nations introduced the GHS with the goal of aligning international regulations for classification and communication of hazards associated with chemicals in each country.¹³ Canada is up-to-date with the fifth revision of the GHS, and will be implementing the seventh revision in tandem with the US, although the specific date has not been confirmed. It should be noted that, as WHPP was preparing to implement the sixth revision, the seventh revision was issued. Within this context, there was a decision to align implementation with the seventh revision instead of the sixth.

The GHS is not prescriptive, but rather based on a "building block" approach. Participating countries determine which elements of communication for physical, health, and environmental hazards they will implement, and to which sectors these will apply within their country.¹⁴ As such, there is a level of variation between Canada's GHS regulations and those in other countries. One internal key informant described alignment as a balance between ensuring that hazard communications are predictable and standardized, while also ensuring that domestic regulations meet the unique needs for worker safety in Canada. One example of this is the requirement under Canada's *Official Languages Act* that SDSs and labels be bilingual.

With the US being Canada's largest trading partner, WHPP aims to align Canadian requirements with those of the US to the greatest extent possible. A MOU with the US Occupational Safety and Health Administration (OSHA), signed in 2013 and renewed in 2018, formalized this relationship. Implementation of the MOU is supported by the Canada-US Regulatory Cooperation Council, a bilateral committee that works on shared initiatives related to guidance development, international engagement, and regulatory alignment.

A few internal and external key informants noted that many suppliers and employers believe that a US SDS is automatically compliant in Canada, when in fact it is not. WHPP has recently developed joint guidance with the US to address this issue.¹⁵ WHPP has made an effort to communicate the differences between Canadian and American requirements by publishing a description of some key variances between the US and Canadian regulations in an online guidance document¹⁶ and in the HPR technical guidance.¹⁷ Still some key informants noted that there is an opportunity to improve in this area, for example, through the publication of a complete list of differences between the US and Canada.

Canada is an active participant in international forums, and co-chairs a United Nations subcommittee to assess the possibility of the development of a global list of chemicals classified in accordance with the GHS.

How WHPP compares

A comparative analysis was done to see how Canada's hazard communication system compares to those of other international jurisdictions, with a particular focus on compliance and enforcement of suppliers with required labelling and SDSs. The comparative analysis focused on three jurisdictions where systems aligned with the GHS and operated within a similar context: the US, the European Union (EU), with a specific focus on the United Kingdom (UK), and Australia. Appendix D provides additional information on these models, including details on key best practices adopted by each.

Data from the comparative analysis showed Canada to be distinct in the way it manages proprietary information (i.e., CBI claims) of products, and in the multi-jurisdictional nature of its

system for administering hazard communications, as well as its system compliance and enforcement.

Proprietary information on products

The EU, through the European Chemicals Agency, has a requirement similar to Canada's for disclosure of the presence of a trade secret, and charges a fee in accordance with the regulations to process the claim. The EU system registers the information related to CBI claims in a central database accessible to consumers and professionals, enabling them to find hazard information. The European regulations cover both workplace hazardous products and consumer products.¹⁸ Conversely, in the US, there is no requirement to submit a CBI claim to OSHA and no fees are charged. The only requirement is if a product contains a trade secret hazardous ingredient, the SDS must indicate this.

In light of the differences described above, a few key informants described Canada as a middle ground between the US and EU, while some suggested that the EU offers more protection to workers. Until the amendments to the HMIRA come into force, the requirement for HC to guarantee the compliance of the full SDS or label submitted with a CBI claim sets Canada apart from its international counterparts who do not perform a compliance review.

System administration

All of the reviewed jurisdictions appear to have taken an all-inclusive approach that regulates not only the industry, but also employers. They all have one governing body responsible for the overall administration of the system, including administering legislation and regulations, coordinating compliance and enforcement activities, and ensuring that companies (industries

and employers) are meeting their obligations with respect to worker education and training.

Compliance and enforcement authorities in other jurisdictions oversee more than just hazardous products, such as fall protection, vehicle hazards, heat, unsanitary conditions, and noise. However, they still face challenges similar to the ones encountered in Canada. For instance, Australia identified a need to improve consistency in the application and enforcement of its laws across its jurisdictions, while the UK faced challenges in inspection reporting from its local authorities.

Key Lessons from Other Jurisdictions

The comparative analysis also examined good practices adopted by other jurisdictions, as the following demonstrates. It should be noted that, while not every good practice may be applicable to the Canadian context due to jurisdictional differences, they still offer insight on approaches that could be explored to help increase supplier awareness and compliance.



Compliance advice

In the US, OSHA has implemented a cooperative program to support collaborative efforts between various stakeholders. Compliance Promotion Specialists facilitate this by providing information on the different compliance resources that are available, including information on how to comply with OSHA standards.¹⁹ While WHPP offers similar compliance advice during inspections, it could explore other opportunities for this type of collaboration with suppliers.

Sharing success stories

In addition, OSHA also publishes success stories and case studies on their website to highlight lessons learned and best practices. For instance, they have a recognition program that highlights exemplary health and safety programs implemented by small businesses, including the methods companies have implemented to correct hazards, as well as business practices that have changed to prevent injuries and illnesses.²⁰ Public recognition may encourage businesses to be more proactive in achieving compliance.

Supporting consistency of approach through guidance and committee work

The UK model is similar to Canada's and relies on various local authorities to conduct enforcement activities. Much like WHPP's approach to supporting consistency through guidance and committee work, the UK has also created the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) to support coordination efforts in compliance and enforcement.²¹ This committee is similar to the IWCC created by WHPP to discuss compliance and enforcement activities conducted by P/T and ESDC OHS partners.

Targeted information for businesses, including small businesses

In the UK, the Health and Safety Executive (HSE) supports a number of advisory committees and industry groups, including the Strategy of the Small Business Trade Association, a committee dedicated to raising awareness and facilitating information sharing on common health and safety issues faced specifically by small and medium businesses.²² In light of the concerns raised about small suppliers, targeted information sharing through a dedicated advisory committee could be an interesting avenue for WHPP to consider going forward.

The comparative analysis also found that Australia faces similar challenges to Canada with respect to small businesses. In fact, a recent review of Australian workplace health and safety laws showed that small businesses are unclear on how to assess hazards in their workplace, including what actions to take to fulfil their obligations. Consequently, the review recommended that regulators focus on helping small businesses interpret the regulations within the context of their own workplaces.²³

Various compliance tools for various purposes

A literature review undertaken by SafeWork Australia found that small and large businesses could potentially benefit from different regulations. For large businesses, a model that focuses on easy access to information and strict enforcement of non-compliance may be more effective, whereas for small businesses, a more appropriate model may be to provide detailed information and support to enable them to become compliant.²⁴

Potential changes to compliance and enforcement

Key informants were asked to provide suggestions on how to improve compliance and enforcement activities, and many identified a variety of alternative approaches that WHPP could consider when implementing its compliance and enforcement program for the HPA. Options suggested included:

- Have HC run its own inspectorate to conduct compliance and enforcement activities for the HPA, no longer relying on P/T and ESDC OHS partners to conduct inspections on behalf of the Government of Canada.
- Provide HC-funded inspectors, who would be co-located with P/T OHS inspectors, who would focus exclusively on HPA inspections.
- Enhance interchange between WHPP and P/T and ESDC OHS inspectors, enabling WHPP to get first-hand exposure to challenges faced by regional inspectors, and HPA inspectors to benefit from in-person training or work terms within WHPP to get more advanced knowledge of the HPA and HPR.
- Change the approach to inspections so that, rather than having one or two inspections annually performed by each inspector in the regions, consider alternative approaches, such as conducting focused inspections or conducting a smaller number of inspections in some provinces.
- Increase reliance on paper-based inspections, similar to the audit of SDSs, by requesting labels and SDSs directly from suppliers, thus reducing the workload that is dependent on P/T and ESDC OHS inspectors.

Sustainability

Given WHPP's limited capacity and resources, the Program will not be in a position to address the challenges it faces unless there are fundamental changes.

Sustainability of Activities and Results

Multiple elements can define the sustainability of a program. For the purposes of this evaluation, sustainability was understood to be the ability of a program to continue to deliver activities that meet the expectations of its stakeholders, within available resources.

The evaluation found that WHPP had made progress towards the achievement of key initiatives (i.e., implementation of the GHS, modernization of the HMIRA). However, programmatic changes will be necessary in order to support further actions, as current resource allocation limits progress towards the achievement of expected results.

WHPP planned budget and expenditures

The planned allocated budget of WHPP is \$3,248,642 per year, and includes 32 full-time equivalents (FTEs). Over five years, this represents an allocated budget of about \$16.2 million. Table 1 details actual WHPP expenditures from 2014-15 to 2018-19.

Table 1: WHPP actual expenditures, 2014-15 to 2018-19

Year	Salary	Operation	Total
2014-15	\$4,348,827	\$1,040,227	\$5,389,054
2015-16	\$3,616,100	\$564,036	\$4,180,136
2016-17	\$3,126,595	\$619,918	\$3,746,513
2017-18	\$3,365,879	\$585,695	\$3,951,574
2018-19	\$3,708,907	\$530,824	\$4,239,731
Total	\$18,166,308	\$3,340,700	\$21,507,008

Source: WHPP

From 2014-15 to 2018-19, actual expenditures were, on average, 33% higher than the appropriated budget. The implementation of the GHS in 2015 required additional funding. Within this context, the Consumer and Hazardous Products Safety Directorate initially reallocated about \$800,000 to support WHPP delivery. This annual funding pressure increased to \$1,330,000 from 2016-17 to 2018-19, in order to keep the Program operational, and to address the CBI claims backlog, which had resulted from an unforeseen increase of CBI claims (i.e., an additional 10 term FTEs paid by the Directorate since 2018-19).

While these supplements have helped WHPP, they are not guaranteed year after year. As productivity has reached a threshold within its current operational setting, the Program may not be able to sustain its achievement of expected results. Thus, WHPP is exploring options for securing additional funding.

CBI activities

WHPP roles and responsibilities involve activities that support the process for exemption claims due to CBI. As previously outlined, the implementation of the GHS in 2015 introduced a requirement for suppliers to disclose on labels and SDSs the exact concentrations of all ingredients in their products, rather than concentration ranges, resulting in a major increase and backlog of CBI claims.

WHPP's financial information is not recorded by its activities (i.e., CBI claims, compliance and enforcement); however, various documents reviewed and several internal key informants identified that most of WHPP resources, between 50% and 80% annually, have been used over the last five years for CBI claim activities. Other internal estimates suggest that \$2

million is spent each year for processing CBI claims, which represents close to two-thirds of the Program's allocated budget.

In April 2018, the HPR was amended to reinstate the use of concentration ranges as an option to mask proprietary information on labels and SDSs. As a result, 20 of 117 companies submitted cancellation requests, HC reimbursed their application fee, and the backlog of claims for exemption was reduced by approximately 1,500 applications.

Amendments to the HMIRA have enabled WHPP to take a risk-based approach to reviewing future CBI claims and improve communication of their work. Amendments are expected to increase efficiency by:

1. Streamlining the review of CBI claims and allowing WHPP to focus on risk areas. Under the new amendments, WHPP will no longer be required to review the full accuracy of labels and SDSs of the products reviewed. This will allow WHPP to focus its resources in a strategic fashion and allocate efforts on activities of higher risk and value, all of which is expected to result in better protection of workers' health and safety.
2. Removing unnecessary activities, including a lengthy and outdated appeals process, to make WHPP's decision-making process more agile, which will reduce regulatory burden for both the Program and businesses.
3. Increasing openness and transparency by repealing the requirements regarding the publication of information on claims for exemption in the Canada Gazette, and the use of registered mail for communications with claimants. WHPP will soon be able to use timelier means to communicate decisions and information about claims once the amendments to the HMIRA come into force.

4. Enabling proactive disclosure of CBI information to other departments when there is an interest for public health, without notification to the claimant.

While the total number of CBI claims is expected to stabilize in light of these changes, WHPP's capacity will remain limited. Most of its current allocation is still expected to be used for the treatment of CBI claims within their stabilized number, leaving limited resources for other activities, such as compliance and enforcement.

Cost recovery for CBI claims

WHPP collects a fee for CBI claims, but this fee does not correspond to the actual costs of processing the claim.²⁵ Internal estimates indicate that it costs approximately \$9,500 to process one CBI claim. However, fees paid by claimants are well below this estimate. Table 2 details the CBI fee structure adopted for fiscal year 2019-20. As shown in the table, a volume discount applies based on the number of claims submitted. An additional discount of 50% also applies for small businesses submitting claims at each quantity level, which the table does not show.

Table 2: Fee Structure for CBI under HMIRA, 2019-20.

Number of claims	Cost per claim
Between 1 to 15 claims	\$1,839.60
Between 16 to 25 claims	\$408.80
26 claims and above	\$204.40

Source: WHPP

While the fee structure for CBI claims filed under the HMIRA was originally designed in 1988, with the intention of recovering all costs for processing claims, this was never achieved. When the fees were last updated in 2002, the cost recovery objective was

reduced to 20% to correspond to the cost of only registering claims.

Furthermore, when the responsibilities of processing CBI claims under the HMIRA were transferred from the Hazardous Materials Information Review Commission to HC in 2013, all revenues were, and continue to be, deposited to the Consolidated Revenue Fund, which has no authority to re-spend its revenues. The fees collected to process CBI claims could no longer be invested in the Program.

WHPP is currently working on developing and implementing a cost-recovery regime for its CBI activities that would offset private interests and increase revenue generation to fund the CBI portion of the Program. Such a system could enable the Program to recoup costs associated with CBI claims, thus giving it more flexibility to use a larger part of its allocation budget towards compliance and enforcement activities.

Compliance and enforcement activities

Audit work

Over the last five years, WHPP's compliance and enforcement activities have included an audit of 188 publically available SDSs. CCOHS and an external contractor conducted this audit at WHPP's request, and it cost about \$126,000.

Several internal and external key informants recognized the high value of the information obtained through this audit, particularly within the operating context of WHPP, where baseline data is scarce. While the resources and capacity for such audits are limited, some key informants see conducting such "desk audits" as a potential way for WHPP to enhance its compliance activities and collect the needed data to better focus its future activities on addressing key risk gaps.

Inspection activities

As previously outlined, in accordance with MOUs created in the late 1980s and early 1990s, P/T and ESDC OHS inspectors conduct HPA inspections on behalf of the federal regulator. Such a model is not common in HC, as its Regulatory Operations and Enforcement Branch typically delivers the inspection components for other HC regulatory programs.

Still, within this unique context, WHPP, in collaboration with its P/T and ESDC OHS partners, has managed to expand its inspection activities in 2017. This was done through the development of an HPA inspection training program, accompanied by HPA inspection material and procedures. WHPP does not provide a transfer of financial resources to support the conduct of inspections. Instead, WHPP provides their partners with training and scientific support expertise. Several internal and external key informants noted that P/T and ESDC OHS partners have worked hard to implement the HPA inspection program and continue to fully engage with WHPP through committee work. However, the same key informants also indicated that it is difficult to maintain the increased inspection footprint, and that without additional funding or resources, P/T and ESDC OHS partners are struggling to balance HPA inspections with their other obligations.

Even though inspection activities have increased, WHPP's inspection capacity remains limited, as it relies extensively on P/T and ESDC OHS capacity. While this arrangement is cost-effective, it presents challenges in terms of timeliness of inspection activities and consistency in implementation.

Furthermore, many P/T and ESDC key informants discussed barriers to HPA inspections due to different levels of capacity and resources between OHS partners (e.g., smaller versus larger

provinces), as well as their varying levels of HPA expertise (e.g., limited number of inspections, approximately one to two per year per inspector, for a very technical and complex piece of legislation). This, in turn, is seen as a barrier to consistent implementation of the inspection program across Canada.

Based on information gathered from the interviews and survey, there is mixed support for the current model for administering HPA inspections. While some internal and external key informants noted that WHPP benefits from the accessibility and regional context of P/T and ESDC OHS inspectors, they also raised concerns that HPA inspections cannot be a priority for these inspectors, as it constitutes a very small part of their work.

In fact, survey results suggested that HPA inspectors faced a number of challenges when conducting HPA inspections, such as being unsure about their role and responsibilities (33%), as well as the lack of clarity on how to assess a SDS or label (33%). While half of the respondents (54%) noted that the HPA inspection process is clear and well defined, some respondents provided suggestions on how to improve the overall process. These included:

- Improve training through refresher e-courses before conducting inspections, and with concrete examples to illustrate common issues.
- Simplify inspection forms, which some inspectors view as tedious and redundant.
- Develop memory aids and checklists to increase knowledge retention.
- Simplify Standard Operating Procedures (SOPs). SOPs are viewed as unnecessarily long and overly complicated. One respondent noted that inspections rarely follow what the SOPs anticipate when providing instructions.

Conclusions and Recommendations

04

Conclusions

What worked well

Within a complex and interlocking system such as WHMIS, engagement and coordination with various partners and stakeholder groups is essential. Several external and internal key informants view WHPP's engagement with stakeholders as one of its strengths.

Strong engagement with partners has also helped WHPP increase the number of HPA inspections conducted since 2017 by P/T and ESDC OHS inspectors, at no additional cost to the Program. This enhanced partnership has contributed to the development of an inspection program that is now conducted on a proactive basis, as opposed to the previous reactive system where inspections were only conducted following a complaint.

WHPP has successfully led the modernization of the HMIRA, enabling them to streamline the process for CBI claims review. This work will allow the Program to make significant progress in addressing its CBI backlog and enable WHPP to take a calibrated risk approach to reviewing future CBI claims.

What the challenges are

Supplier compliance with HPA requirements is low (e.g., compliance with SDS and label requirements). This is an important barrier to achieving the Program's overall goal of informing the safe use of hazardous products in Canadian workplaces. In the interest of worker safety, more can be done to promote and inform the safe use of hazardous products in the workplace. However, given WHPP's limited capacity and

resources, the Program will not be in a position to address the challenges it faces unless there are fundamental changes.

The current level of compliance and enforcement activities does not appear to be sufficient, given the rates of non-compliance observed. Even though inspection activities have increased since 2017, WHPP's inspection capacity remains limited, as it relies extensively on P/T and ESDC OHS capacity. While this arrangement is cost-effective, it presents challenges in terms of capacity for inspection activities and consistency in implementation. The evaluation also found that the compliance enforcement tools associated with the HPA are time-consuming to implement.

Recent changes within WHPP, such as additional compliance promotion activities and the upcoming publication of classification decisions (i.e., HSA), are expected to have a positive impact on overall supplier awareness and compliance. However, additional communication and guidance are still needed, considering the poor compliance results to date. Data from the survey and several external and internal key informants also identified that smaller suppliers faced more barriers when it came to overall awareness of HPA requirements, and that they would benefit from targeted communications. Reviewed program documents showed limited engagement with smaller suppliers.

Consumer chemical products excluded from the HPA were found to be a growing concern for worker safety. In particular, the evaluation found that these products are being increasingly used in the workplace, but without adequate hazard information to allow workers to protect themselves from extended and repeated use. In the interest of worker safety, findings suggest that workers need action to further inform them of the hazards of excluded products.

There is limited information with which to assess Program impact. While WHPP has strong data on supplier compliance from the SDS audit it conducted, the Program is still lacking key data on hazardous products used in the workplace (e.g., a complete list of suppliers), which limits its ability to measure overall compliance with the HPA and HPR.

Recommendations

Recommendation #1: Consider means to increase compliance and enforcement activities, and explore an expanded range of enforcement tools.

Many key informants view the increase in HPA inspections as a success. However, this function's success will remain limited in supporting supplier compliance unless there are programmatic changes, such as additional enforcement tools. The Program could benefit from seeking input from other programs within Health Canada and from international partners on their compliance and enforcement strategies with respect to hazardous products in the workplace.

Recommendation #2: Enhance communication and guidance material on excluded products for all WHPP stakeholders and partners.

HPA product exclusions, especially for consumer chemical products, is an area of concern for many stakeholders, including inspectors, suppliers, and organized labour. For example, risks associated with consumer chemical products used in the workplace are not clearly communicated, and are thus misunderstood by employers and employees, who can become at greater risk of occupational exposure. In addition to enhancing communications on risks associated with these products, WHPP may also want to explore how to best manage

exclusions within the legislation, such as exploring if they could be removed for some high-risk products.

Recommendation #3: Expand communication and engagement with suppliers, in particular with small suppliers.

As suggested by the high rate of non-compliance, supplier awareness and understanding of the HPA and HPR should be enhanced. While the Program has developed a wide range of compliance promotion material, interview data suggests that the full range of suppliers is not being reached, and that information is not being understood. WHPP should continue its partnership with the Canadian Centre for Occupational Health and Safety in developing guidance documents and plain language material, and should consider implementing a targeted outreach program for small suppliers.

Recommendation 4: Explore means to improve measurement of Program impact.

Data collection could strengthen measures of Program impact on supplier compliance and downstream effects on overall worker safety. The Program could benefit from exploring if its existing partnerships could leverage to improve impact measurement.

Management Response and Action Plan

05

Management Response and Action Plan

WHPP welcomes the findings from the evaluation conducted by Health Canada’s (HC) Office of Audit and Evaluation (OAE). The Program will explore ways to leverage current and potential partnerships to improve its delivery and implementation using existing human and financial resources, keeping in mind the interlocking jurisdictional system for occupational health and safety (OHS).

Recommendation 1				
Consider means to increase compliance and enforcement (C&E) activities, and explore an expanded range of enforcement tools.				
Management response				
<p>Management agrees with this recommendation. The Program will explore options to increase its C&E activities, including consideration of new models and enforcement tools. Since WHPP’s inspection capacity currently relies heavily on provincial and territorial (P/T) inspectors, as well as Employment and Social Development Canada (ESDC) to inspect federally regulated workplaces, potential options to increase C&E activities will need to take into account implications for the interlocking jurisdictional system in which the Program operates. The ability to undertake new activities will need to take into consideration the availability of current resources.</p>				
Action Plan	Deliverables	Expected Completion Date	Accountability	Resources
Explore potential means of increasing C&E activities, in consultation with provinces and territories, ESDC and other potential partners.	Meeting with ESDC to explore options for increased C&E activities in federally regulated sectors.	December 31, 2020	Director General (DG), Consumer and Hazardous Products Safety Directorate (CHPSD)	Activities will be carried out within CHPSD’s existing levels of human and financial resources.
	2021-22 C&E Plan.	April 1, 2021	DG, CHPSD	
	Options and recommendations to increase the Program’s C&E activities.	September 30, 2021	DG, CHPSD	
	Options to expand the range of <i>Hazardous Products Act</i> (HPA) enforcement tools available to the Minister of Health.	September 30, 2021	DG, CHPSD	

Recommendation 2				
Enhance communication and guidance material on excluded products for all WHPP stakeholders and partners.				
Management response				
<p>Management agrees with this recommendation. The Program will continue to enhance its communication and guidance material regarding HPA product exclusions. There are a number of product exclusions, but consumer chemical products are considered the highest priority given that they are commonly used in a wide range of workplaces. Organized Labour and P/T OHS regulators have also raised the consumer chemical product exclusion as a priority. As such, the Program's initial focus will be on consumer chemical products in the workplace as a priority area.</p>				
Action Plan	Deliverables	Expected Completion Date	Accountability	Resources
<p>Finalize a communication and outreach campaign to raise employer and worker awareness regarding consumer chemical products in the workplace, in consultation with HC's Communications and Public Affairs Branch (CPAB), the Canadian Centre for Occupational Health and Safety (CCOHS) and the Workplace Hazardous Materials Information System (WHMIS) Current Issues Committee (CIC).</p> <p>Determine how to best deal with consumer chemical product exclusions in the HPA, in consultation with the CIC and the Intergovernmental WHMIS Coordinators Committee (IWCC).</p>	<p>Report on the impact on the health and safety of workers related to the use of consumer chemical products in the workplace (preliminary analysis).</p>	<p>June 15, 2020</p>	<p>DG, CHPSD</p>	<p>Activities will be carried out within CHPSD's existing levels of human and financial resources.</p>
	<p>New communication and outreach campaign materials available to media and the public to raise employer and worker awareness of the risks associated with consumer chemical products in the workplace.</p>	<p>July 30, 2020</p>	<p>DG, CHPSD</p>	
	<p>Proposal on how to best deal with the consumer chemical product exclusions in the HPA.</p>	<p>April 30, 2021</p>	<p>DG, CHPSD</p>	

Recommendation 3				
Expand communication and engagement with suppliers, in particular with small suppliers.				
Management response				
<p>Management agrees with this recommendation. Supplier awareness and understanding of the HPA and <i>Hazardous Products Regulations</i> (HPR) are relatively low and small suppliers face additional barriers to awareness and understanding. The Program will look at ways to expand its engagement with suppliers, with a focus on small suppliers. The ability to undertake new activities will need to take into consideration the availability of resources.</p>				
Action Plan	Deliverables	Expected Completion Date	Accountability	Resources
<p>Review the Terms of Reference and membership of the CIC to ensure a balanced stakeholder representation including small suppliers. Small business representatives (e.g., Canadian Federation of Independent Business) will be solicited for their interest in becoming members of the CIC. Participation by small business representatives would help the Program better understand their unique challenges, and help inform potential improvements in communications.</p>	<p>Approved revised Terms of Reference and CIC Membership.</p>	<p>May 31, 2021</p>	<p>DG, CHPSD</p>	<p>Activities will be carried out within CHPSD's existing levels of human and financial resources.</p>
<p>Develop, in collaboration with stakeholders and program partners, an updated information package detailing HPA/HPR requirements.</p>	<p>Updated information package on the HPA/HPR for stakeholders.</p>	<p>September 30, 2021</p>	<p>DG, CHPSD</p>	

Recommendation 4				
Explore means to improve measurement of program impact.				
Management response				
<p>Management agrees with this recommendation. There is limited baseline data on workplace hazardous products. WHPP will explore options, including partnerships, to collect and monitor relevant information to better measure the Program's impact. However, it is important to recognize that there are challenges to attributing worker safety data to the activities of WHPP in an interlocking jurisdictional system. The ability to undertake new activities will need to take into consideration the availability of resources.</p>				
Action Plan	Deliverables	Expected Completion Date	Accountability	Resources
Leverage WHPP's existing partnerships (e.g., federal, provincial and territorial authorities, industry associations, worker organizations) to identify new data collection and monitoring practices to better measure the Program's impact on supplier compliance and downstream effects on overall worker safety.	Report identifying potential new data sources.	October 31, 2020	DG, CHPSD	Activities will be carried out within CHPSD's existing levels of human and financial resources.
	Report identifying opportunities to better measure and monitor the Program's impact, taking into consideration available resources.	December 31, 2021	DG, CHPSD	

Appendixes

06

Appendix A – Label and Safety Data Sheet

Example of Label

SuperKleen 007



<p>Danger Fatal if swallowed. Causes skin irritation.</p> <p>Precautions: Wear protective gloves. Wash hands thoroughly after handling. Do not eat, drink or smoke when using this product.</p> <p>Store locked up. Dispose of contents/containers in accordance with local regulations.</p> <p>IF ON SKIN: Wash with plenty of water. If skin irritation occurs: Get medical advice or attention. Take off contaminated clothing and wash it before reuse. IF SWALLOWED: Immediately call a POISON CENTRE or doctor. Rinse mouth.</p>	<p>Danger Mortel en cas d'ingestion. Provoque une irritation cutanée.</p> <p>Conseils : Porter des gants de protection. Se laver les mains soigneusement après manipulation. Ne pas manger, boire ou fumer en manipulant ce produit.</p> <p>Garder sous clef. Éliminer le contenu/récipient conformément aux règlements locaux en vigueur.</p> <p>EN CAS DE CONTACT AVEC LA PEAU : Laver abondamment à l'eau. En cas d'irritation cutanée : Demander un avis médical/consulter un médecin. Enlever les vêtements contaminés et les laver avant réutilisation. EN CAS D'INGESTION : Appeler immédiatement un CENTRE ANTIFOISON ou un médecin. Rincer la bouche.</p>
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Content of Safety Data Sheet

SDS Section and Heading	Specific Information Elements
Identification	Product identifier (e.g. Product name), other means of identification (e.g. product family, synonyms, etc.), recommended use, restrictions on use, Canadian supplier identifier, emergency telephone number and any restrictions on the use of that number, if applicable
Hazard identification	Hazard classification (class, category or subcategory). Label elements: Symbol or the name of the symbol, signal word, hazard statement(s), precautionary statement(s), other hazards which do not result in classification (e.g., molten metal hazard)
Composition/Information on ingredients	When a hazardous product is a material or substance: Chemical name, common name and synonyms, chemical Abstract Service (CAS) registry number and any unique identifiers, chemical name of impurities, stabilizing solvents and/or additives. For each material or substance in a mixture that is classified in a health hazard class: Chemical name, common name and synonyms, CAS registry number and any unique identifiers, concentration NOTE: Confidential business information rules can apply
First-aid measures	First-aid measures by route of exposure and most important symptoms and effects.
Fire-fighting measures	Suitable extinguishing media, unsuitable extinguishing media, specific hazards arising from the hazardous product (e.g., hazardous combustion products), special protective equipment and precautions for fire-fighters
Accidental release measures	Personal precautions, protective equipment and emergency procedures, methods and materials for containment and cleaning up
Handling and storage	Precautions for safe handling, conditions for safe storage (including incompatible materials)
Exposure controls/ Personal protection	Control parameters, including occupational exposure guidelines or biological exposure limits and the source of those values, appropriate engineering controls, individual protection measures (e.g. personal protective equipment)
Physical and chemical properties	Appearance (physical state, colour, etc.), odour, odour threshold, pH, melting point/freezing point, initial boiling point/boiling range, flash point, evaporation rate, flammability (solid; gas), lower flammable/explosive limit, upper flammable/explosive limit, vapour pressure, vapour density, relative density, solubility, partition coefficient - n-octanol/water, auto-ignition temperature, decomposition temperature, viscosity
Stability and reactivity	Reactivity, chemical stability, possibility of hazardous reactions, conditions to avoid (e.g., static discharge, shock, or vibration), incompatible materials, hazardous decomposition products
Toxicological information	Concise but complete description of the various toxic health effects and the data used to identify those effects, including: Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact), symptoms related to the physical, chemical and toxicological characteristics, delayed and immediate effects, and chronic effects from short-term and long-term exposure, numerical measures of toxicity, including acute toxicity estimates (ATEs)
Ecological information	Ecotoxicity, persistence and degradability, bioaccumulative potential, mobility in soil, other adverse effects
Disposal considerations	Information on safe handling for disposal and methods of disposal, including any contaminated packaging
Transport information	UN number, UN proper shipping name, transport hazard class(es), packing group, environmental hazards, transport in bulk (if applicable), special precautions
Regulatory information	Safety, health and environmental regulations specific to the product
Other information	Date of the latest revision of the SDS

Appendix B – Evaluation Methodology

The evaluation reviewed Program activities from 2014-15 to 2018-19. This is the first evaluation of the Program's activities. The evaluation was guided by the following three targeted questions developed in consultation with the Program:

1. **Results:** What result does WHPP have on worker safety, with an enhanced focus on compliance and enforcement activities? What challenges or barriers limit effectiveness? What baseline should WHPP use to assess results going forward?
2. **Efficiency:** How efficient is WHPP's current activity delivery model, with an enhanced focus on compliance and enforcement activities? Are there efficiencies to be found? How does the model compare to other jurisdictions?
3. **Sustainability:** How sustainable are WHPP's results? What impact does the funding model have on Program results? Would a cost-recovery regime be practical and beneficial?

The evaluation findings are based on multiple lines of evidence, including the following data sources:



Academic and Grey Literature

A scan of relevant peer-reviewed and grey literature published between 2014-15 and 2018-19 was conducted, with support from HC's Health Library Information Branch. A total of 25 articles were selected for inclusion.



Document and Files

Program staff at WHPP provided administrative and policy documentation for evaluators to review. A total of 305 internal files were reviewed.



Comparative Analysis

Comparative analysis of hazard communication systems in other jurisdictions, including the UK, the US, and Australia was conducted.

The analysis was based on a review of public program documents and academic literature.



Key Informant Interviews

Evaluators conducted 42 interviews with a total of 45 key informants, 21 key informants internal to HC and 24 external key informants, including:

- P/T and ESDC WHMIS Coordinators: 15
- Industry: 2
- Organized Labour: 4
- CCOHS: 2
- CAALL – Occupational Safety and Health: 1

Emerging themes from interviews were identified and quantified using NVIVO qualitative analysis software.



Financial Data

Program staff provided financial data on planned and actual Program expenditures. This data was used to assess the extent to which funding was spent as anticipated, and to examine the sustainability of the Program.



Survey of HPA Inspectors (response rate of 31%)

HPA inspectors from P/T and ESDC OHS authorities were asked to participate in a survey to gather their views on the HPA training they received, the HPA inspections they conducted, and the HPA inspection material they used. Voxco software was used to administer the survey to the participants and track their results.



Case Study

The evaluation examined a case study, resulting from an HPA inspection, to identify successes, challenges, and lessons learned.

Data was analyzed by triangulating information gathered from the different methods listed above. The use of multiple lines of evidence and triangulation was intended to increase the reliability and credibility of the evaluation findings and conclusions. Still, most evaluations face constraints that may affect the validity and reliability of evaluation findings and conclusions. The following table outlines the limitations encountered during the implementation of the selected methods for this

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evaluation and mitigation strategies put in place to ensure that the evaluation findings are sufficiently robust.

Limitation	Impact	Mitigation Strategy
Research on the impact of workplace hazardous products on Canadian workers is limited and mostly associated with broader occupational health and safety.	There are limited peer-reviewed academic publications and overall data on workplace exposure to hazardous products.	Grey literature and international sources were used to supplement the literature review.
Key informant interviews are retrospective in nature, providing recent perspective on past events.	This can affect the validity of assessments of activities or results that may have changed over time.	Triangulation with other lines of evidence substantiated or provided further information on data captured in interviews. Document review also provided corporate knowledge.
The administration and regulation of workplace hazardous products under WHMIS is done through a multi-jurisdictional partnership system.	Limited the ability to assess WHPP's impact on informing the safe use of hazardous products by workers.	Interviews with WHMIS coordinators in each jurisdiction provided insight on HC's general contribution within the multi-stakeholder system.
Due to the current financial data reporting procedures at HC, limited information on human resource (i.e., Full-time equivalent – FTE) allocation per Program activity was available.	Limited the ability to assess the efficiency and sustainability of current Program activities in relation to number of FTEs.	Estimation of FTEs allocated to WHPP activities were conducted by the Program.
Performance measurement data and information were limited	Performance data was limited to supplier compliance, which made it difficult to assess the Program's subsequent impacts on workers safety.	Other lines of evidence, such as file and document review and key informant interviews, were used to help provide as clear a picture as possible of activities' impacts on workers.
Low response rate on HPA inspector survey (31%)	Lack of meaningful trend information for some survey questions.	Results from the survey were triangulated with other lines of evidence (i.e., key informant interviews and document review) to substantiate survey data.

Appendix C – WHMIS and Consumer Product Labels

WHMIS label elements as identified in the Safety Data Sheet for Product X

<p>2.2. Label elements</p> <p>Signal word Danger</p> <p>Symbols Flame Exclamation mark Health Hazard </p> <p>Pictograms</p>  <p>Hazard statements Flammable liquid and vapour. Causes serious eye irritation. May cause an allergic skin reaction. May cause drowsiness or dizziness. May damage fertility or the unborn child. May cause cancer. Causes damage to organs: liver sensory organs Causes damage to organs through prolonged or repeated exposure: respiratory system sensory organs May cause damage to organs through prolonged or repeated exposure: liver </p> <p>Precautionary statements General: Keep out of reach of children.</p>	<p>Prevention: Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Ground and bond container and receiving equipment. Use non-sparking tools. Take action to prevent static discharges. Keep container tightly closed. Use explosion-proof electrical/ventilating/lighting equipment.</p> <p>Do not breathe dust/fume/gas/mist/vapours/spray. Use only outdoors or in a well-ventilated area. Wear protective gloves and eye/face protection. Do not eat, drink or smoke when using this product. Wash exposed skin thoroughly after handling. Contaminated work clothing must not be allowed out of the workplace.</p> <p>Response: IF INHALED: Remove person to fresh air and keep comfortable for breathing. IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water or shower. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical advice/attention. If skin irritation or rash occurs: Get medical advice/attention. Take off contaminated clothing and wash it before reuse. IF exposed or concerned: Get medical advice/attention. Call a POISON centre or doctor/physician if you feel unwell. In case of fire: Use a fire fighting agent suitable for flammable liquids such as dry chemical or carbon dioxide to extinguish.</p> <p>Storage: Store in a well-ventilated place. Keep cool. Store locked up.</p> <p>Disposal: Dispose of contents/container in accordance with applicable local/regional/national/international regulations.</p> <p>2.3. Other hazards None known.</p> <p>5% of the mixture consists of ingredients of unknown acute oral toxicity. 5% of the mixture consists of ingredients of unknown acute dermal toxicity. 5% of the mixture consists of ingredients of unknown acute inhalation toxicity.</p>
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Consumer Product Label for Product X



Appendix D – International Comparison

Description of US Model		
<p>The equivalent of Canada's WHMIS system in the US is the Hazard Communication Standard (HCS) program. The US Department of Labor's Occupational Health and Safety Administration (OSHA) is the governing body responsible for its administration. The HCS falls under the Occupational Safety and Health (OSH) Act and is implemented by the OSHA or a State, depending on whether they have an OSHA-approved state plan.²⁶</p>		
Disclosure of CBI	Compliance and Enforcement	Role of Supplier, Employer, and Worker
<p>A manufacturer may provide an ingredient concentration range on its SDS instead of an exact concentration, but it must indicate that the exact concentration has been withheld as a trade secret. Prior approval from OSHA to protect confidential business information (CBI) is not required and no fees are charged.</p>	<p>OSHA inspectors, also known as compliance safety and health officers, are responsible for implementing the compliance and enforcement program and regulating OSHA legislation. OSHA created a Directive that outlines the inspection procedures for the HCS. The Directive provides inspection guidance for hazard classification, the written hazard communication program, labels, and other forms of warning, SDSs, employee training, as well as trade secrets. Given the large number of worksites that OSHA oversees (approximately seven million), the Agency has taken a targeted approach by identifying six inspection priorities: imminent danger situations, severe injuries and illnesses, worker complaints, referral, targeted inspections, and follow-up inspections.²⁷</p>	<ul style="list-style-type: none"> Manufacturers classify the hazards and prepare labels and SDSs based on classifications Employers must prepare a written hazard communication program, including a list of hazardous chemicals in the workplace. Workers are trained by the employer on program elements, hazards, and protective measures²⁸
Lessons Learned and Best Practices		
<p>Compliance advice</p>	<p>Compliance Assistance Specialists provide information on the different compliance resources that are available, as well as information on how to comply with the OSHA standards. Compliance Assistance Specialists are responsible for the promotion and implementation of OSHA's cooperative program, which includes the Voluntary Protection Programs, the Strategic Partnership Program, the Alliance Program, and the OSHA Challenge Program. In general, these programs help support collaborative efforts between various stakeholders (unions, employers, workers, consulates, trade or professional organizations, businesses, faith- and community-based organizations and educational institutions, etc.) in an effort to improve and raise awareness of worker health and safety.²⁹ OSHA also provides on-site consultation through its On-Site Consultation Program. The Program offers free confidential occupational safety and health services to small- and medium-sized businesses across the country. On-site consultations are separate from inspections and cannot result in violations or citations.³⁰</p>	
<p>Sharing success stories</p>	<p>The US OSHA publishes success stories and case studies on their website to highlight lessons learned and best practices. They also have a program called the Safety and Health Recognition Program that recognizes exemplary workplace safety and health programs implemented by small businesses. Highlights from these success stories include hazards that OSHA's voluntary On-Site Consultation has helped identify, methods companies have implemented to correct hazards, business practices that have changed to prevent injuries and illnesses, as well as challenges and successes.³¹</p>	

Description of UK Model		
<p>In the UK, the Health and Safety Executive (HSE) is the government agency responsible for the oversight of the laws and regulations related to workplace hazardous products. More broadly, the HSE is responsible for the regulation and enforcement of occupational health and safety legislation, which includes the Health and Safety at Work etc. Act. In relation to workplace hazardous products, the HSE, with local authorities, enforces the Control of Substances Hazardous to Health Regulations 2003 (COSHH), the Classification, Labelling and Packaging of Chemicals Regulations 2015 (CLP) and the Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation (REACH).³² The CLP, combined with REACH, are the equivalent of the HPA. The REACH Regulation and the CLP Regulation work together to provide hazard communications tools. The provisions under COSHH target employers, but are regulated by the HSE.³³</p>		
Disclosure of CBI	Compliance and Enforcement	Role of Supplier, Employer and Worker
<p>Companies who are concerned about disclosing the full composition of a mixture in an SDS or on product labels can request the use of an alternative chemical name for a hazardous substance to protect their trade secrets. The request must be submitted to European Chemicals Agency (ECHA). A fee also needs to be paid, in accordance with the EU CLP regulation. However, as per the ECHA manual on dissemination and confidentiality under the REACH regulation, "information listed under REACH Article 119(1) will always be disseminated, regardless of whether a registrant attempts to request this information confidential. Additionally, the information listed under REACH Article 119(2) will also be disseminated unless a confidentiality request has been submitted and accepted as valid, and the relevant fee paid if applicable."³⁴</p>	<p>The HSE implements the compliance and enforcement policy. The policy is known as the Enforcement Policy Statement (EPS). The HSE works in collaboration with other regulators, agencies, and government departments to ensure that the most appropriate organization intervenes. They also work with Local Authorities (LA) in lower-risk workplaces such as offices, shops, warehouses, and consumer services. To ensure a consistent, proportionate, and targeted approach to regulation based on risk, the HSE developed the LA National Enforcement Code in 2013 and supplementary guidance material for LA inspectors. In addition to these tools, the HSE also created the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) to support coordination efforts around compliance and enforcement.³⁵</p>	<ul style="list-style-type: none"> Employers are responsible for taking effective measures to control exposure and protect health. Effective measures include finding out what the health hazards are from a product; providing control measures to reduce harm to health; making sure they are used; providing information, instruction, and training for employees and others; and providing monitoring and health surveillance in appropriate cases, among others.³⁶ Under REACH, the manufacturer or importer is responsible for assessing the risk from substances manufactured or imported in quantities of 10 or more tonnes per year in the EU, as well as developing exposure scenarios and identify Risk Management Measures.³⁷
Lessons Learned and Best Practices		
<p>Supporting consistency of approach through guidance and committee work</p>	<p>The UK model relies on various Local Authorities (LA) to conduct enforcement activities, similar to the Canadian system that uses P/T partners to conduct inspections. To ensure a consistent approach to health and safety regulations based on risk, the HSE developed a National Enforcement Code for LA, accompanied by supplementary guidance material for local authority inspectors. In addition to these tools, the UK also created HELA to support coordination efforts related to compliance and enforcement.³⁸ Such a committee is similar to the IWCC that the WHPP created to discuss compliance and enforcement activities conducted by F/P/T partners.</p>	
<p>Targeted information for businesses, including small businesses</p>	<p>The UK model also supports a number of advisory committees and industry groups, including the Strategy of the Small Business Trade Association (SBTAF). Membership is open to any such trade associations and provides an excellent opportunity to access and share information with other organizations, industries, and sectors that face similar issues. Through this group, the HSE seeks to raise awareness and communicate information on health and safety issues facing small- and medium-sized enterprises across many diverse industry sectors.³⁹</p>	

Description Australia's Model		
<p>Safe Work Australia (SWA) is the governing body that oversees workplace hazardous products, and more broadly, occupational health and safety in the workplace. They are a government statutory body jointly funded by the Commonwealth, state, and territorial governments through an intergovernmental agreement. Similar to the Canadian Centre for Occupational Health and Safety (CCOHS), the SWA is a tripartite body that works in partnership with government, employers, and labour. As a national policy body, they are not responsible for regulating Work Health and Safety (WHS) laws, as regulation and enforcement lies with the Commonwealth, state, and territories within their jurisdictions.⁴⁰</p>		
Disclosure of CBI	Compliance and Enforcement	Role of Supplier, Employer and Worker
<p>Only in specific instances is the use of a generic name for a hazardous ingredient permitted (moderate hazard category and if no occupational exposure limit is established). If the exact concentration of an ingredient is considered confidential, the concentration of the ingredient can be disclosed using prescribed ranges.⁴¹</p>	<p>The SWA is not responsible for regulation. Compliance and enforcement lies with the Commonwealth, state, and territories. WHS laws only becomes legally binding if these entities adopt them as their own law. WHS law encompasses the WHS Act, the WHS Regulations, and the various Codes of Practice developed to guide regulators, manufacturers, employers, workers, and medical practitioners. The National Compliance and Enforcement Policy (NCEP) supports WHS regulators in implementing these various elements in their jurisdictions.⁴²</p>	<ul style="list-style-type: none"> • Suppliers: ensuring that chemicals they supply are without risks to health and safety, and providing SDSs with hazardous chemicals. • Manufacturer or importer: ensuring that chemicals they supply are without risks to health and safety, correctly classifying the chemicals that they import or manufacture, and preparing correct labels and SDSs for those labels. • Employers: maintaining a register and manifest, where required, of hazardous chemicals; identifying any risk of hazards; ensuring workplace exposure standards for hazardous chemicals are not exceeded; providing health and monitoring to workers, if relevant; providing information, training, instruction, and supervision to workers, among others.⁴³
Lessons Learned and Best Practices		
<p>Various compliance tools for various purposes</p>	<p>A literature review undertaken by Safe Work Australia found that small and large businesses could potentially benefit from different regulation models. For large businesses, a model that focuses on easy access to information and strict enforcement of non-compliance may be more effective, whereas for small businesses, a more appropriate model may be to provide detailed information and support to enable them to become compliant. From a policy perspective, other lessons learned included considering how voluntary partnerships and incentive schemes could be of value for businesses.⁴⁴</p>	
<p>Targeted information for businesses, including small businesses</p>	<p>Safe Work Australia recently conducted a review of the Workplace Health and Safety laws. Data from the review showed that businesses found it difficult to navigate through the legislative framework to identify the aspects that applied to them. As such, Australian business and industry representatives suggested more practical guidance on how to comply with the Workplace Health and Safety regulations, with some calling for more industry-specific guidance, as opposed to issue-specific guidance. Safe Work Australia also found that small businesses were unclear about how to assess hazards in their workplace, including what actions to take to fulfil their obligations. Small business advocates consulted as part of the review noted that the Workplace Health and Safety model is designed for big businesses and does not reflect the reality of small businesses. As a result, the report suggested that regulators should focus on helping small businesses translate Workplace Health and Safety regulations within the context of their own workplaces, as well as assistance with implementation.⁴⁵</p>	

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