

Law and Policy Bulletin



Employers'
Advisers

*A Bulletin by the Employers' Advisers Office, Ministry of Jobs, Tourism and Skills Training and Responsible for Labour, B.C. Government.
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WHMIS 2015 – In Force August 4, 2015; Three Year Implementation

On February 25, 2015, the requirements pertaining to the Workplace Hazardous Materials Information System ("WHMIS") in the Occupational Health and Safety Regulation were amended to harmonize with the federal government's implementation of the Globally Harmonized System of Classification and Labelling of Chemicals ("GHS"). The changes were brought into force on August 4, 2015, along with other [Bill 9](#) amendments.

Why the Change? The change is to standardize the product safety information used worldwide by suppliers, distributors, and manufacturers.

What's Changing? Overall, the language in the regulations has been amended to reflect that used in the federal government's Hazardous Products Regulation. For example, the term "controlled product" has been replaced by "hazardous product". Further, the Material Safety Data Sheet ("MSDS") has been replaced by the Safety Data Sheet ("SDS") which will use a 16-section format for information, rather than the current 9-section format. There are also new hazard classification groups to make the more dangerous materials easier to identify and understand, as well as new label requirements, signal words, pictograms, and precautionary statements. (For more specific changes to Part 5 – Chemical Agents and Biological Agents, and to Part 6 – Substance Specific Requirements, see the table on page 2.)

When Does WHMIS 2015 Begin? The three year implementation began on February 11, 2015. The phases are as follows:

- Now – May 31, 2017: Introduction of new labels and SDSs. Suppliers, Manufacturers, Importers, Distributors and Employers may use WHMIS 1988 or WHMIS 2015 requirements.
- June 1, 2017 – May 31, 2018 – Gradual retirement of old labels and MSDSs. Suppliers, Manufacturers, Importers, Distributors and Employers may use WHMIS 1988 or WHMIS 2015 requirements.
- June 1, 2018 to November 30, 2018 – Old labels and MSDSs must be eliminated. Suppliers, Manufacturers, Importers, and Distributors must follow only WHMIS 2015 rules. Employers may still use WHMIS 1988 or 2015.
- Completion – December 1, 2018: All parties must follow WHMIS 2015.

What Do You Need to Do? Your responsibility to ensure all hazardous products are properly labeled and up-to-date safety data sheets are available for your workers remains unchanged. You will continue to be required to provide worker and supervisor education and training, which will include education and training of WHMIS 2015 as new labels and SDSs gradually begin to appear in your workplace.

For More Information, including Education and Training Resources, Please go to [WorkSafeBC WHMIS Info Page](#); [CCOHS](#); or contact the Employers' Advisers Office.

The Employers' Adviser

The following is a brief summary of some of the changes made to the Occupational Health and Safety Regulation (“OHSR”) and is designed for general information purposes only. Please consult the Workers Compensation Act and the OHSR for more complete information.

Part 5 – Chemical Agents and Biological Agents

5.1 – **Definitions** – includes amendments to bring terms in line with Hazardous Materials Information Review Act, Hazardous Products Act, Hazardous Products Regulations, Model OSH, or GHS.

5.5 – **WHMIS Program** – New Requirement: periodic evaluation of the knowledge of workers using suitable means such as written tests and practical demonstrations.

5.7 – **Worker Training** – New Requirement: workers to be trained regarding the content required on supplier labels and workplace labels and SDSs and the purpose and significance of the information.

5.8 – **Supplier Label** – New Requirement: employers to update labels as soon as significant new data is provided to them from the supplier. (The HPR requires suppliers to update label content within a required period of time when significant new data becomes available. Subsection (7) exempts labelling provisions where the container is 3ml or less and the label interferes with the normal use of the hazardous product.

5.9 – **Workplace Label for Employer-Produced Products** - New Requirement: employers to update labels as soon as significant new data is available.

5.13 – **Laboratory Label**: New Requirement: Subsection (2) sets out a more detailed description of circumstances where a laboratory sample is exempt from labelling. Subsection (3) describes how to clearly identify the hazardous product and worker education and training.

5.14 – **Supplier SDS**: Subsection (2), requiring updates every three years, has been maintained though this varies from the Model OHS; however, subsection (3) provides exemptions. New Requirements: To be exempted, the employer must obtain, if practicable, written confirmation from the supplier that the SDS has not changed or the up-to-date supplier SDS does not apply to the hazardous product. Evidence of such supplier advice in written form is required. Under subsection (4), employers are also to add any significant new data to an existing SDS (“significant new data” is defined in 5.1).

5.16 – **Availability of an SDS**: New Requirement: Joint Committee or worker rep must be consulted on the means on how best to achieve SDS accessibility at the workplace.

5.16.1 – **Availability of toxicological data**: New Requirement: Employer to disclose this information if it manufactures a hazardous product in the workplace.

5.18 – **Confidential business information and claims for exemption under the HMIRA**: Provides details about circumstances in which an employer may apply for exemptions from disclosing information on SDS or labelling. This provision also stipulates conditions in which the employer is deemed to have complied with the requirements regarding employer SDSs (5.15). Claims for exemption, and any appeals from decisions or orders arising from such claims, are made under the *Hazardous Materials Information Review Act*.

Part 6 – Substance Specific Requirements

6.116 – **Definitions**: The definition of toxic process gas has been amended to reflect the hazard class acute toxicity hazard categories in line with the federal Hazard Products Regulation.