

Employers must adhere to 'rules of the game'

By DOUGLAS ARMOUR
Toronto Bureau
Thomson News Service

TORONTO — New laws governing hazardous materials in the workplace present employers with "rules to the game," says Robert Dell, of the chemical consulting firm Dell Tech Laboratories Ltd.

Before federal and provincial Workplace Hazardous Materials Information System (WHMIS) legislation was drafted, information supplied by manufacturers, suppliers and importers of hazardous materials was unregulated, explains Dell.

"Prior to WHMIS, there were no rules to the game," says Dell. "Some suppliers would exercise responsibility and good conscience and supply material safety data sheets far beyond what other suppliers were doing, whereas another supplier would not. Now, at least there are rules to the game," says Dell.

These rules include employee training.

Describing WHMIS as a far-reaching "workplace legislation," Dell explains that WHMIS is designed to ensure all employers have the information needed to inform and train their employees about hazardous materials used in the workplace.

Information is the cornerstone of WHMIS, says Dell, whose company has been producing material safety data sheets for chemical companies for the past nine years.

"The most important benefit is just information; good information about handling (hazardous) chemical products."

Prior to WHMIS, only materials such as pesticides and products sold to food plants and hospitals were covered by legislation. But the plethora of hazardous materials used in the workplace and the paucity of detailed information on those materials pointed to the need for greater regulatory controls, says Dell.

Moreover, no common definition of what constituted a hazardous material existed to give employees an indication of the nature of materials they were handling.

WHMIS created that definition and backed it up with rules for employers in manufacturing, supply and importing sectors to follow in ensuring information on hazardous materials is passed on to employees in the workplace.

OBLIGATED

"Suppliers are now going to address those things across the board and workplaces, small and large, are going to be obligated to put protective measures in place that will protect the employees against those things," says Dell.

Much of that information already was being made available by larger companies. For them, much of the legwork of tailoring their product information to meet the requirements of WHMIS had already been done.

"What it means to smaller companies is that now they will get the same types of information that larger companies were demanding and getting

previously," says Dell.

Emphasizing that WHMIS does not apply to consumer goods, Dell says the regulations require more effort on the behalf of smaller companies.

"In terms of setting up and operating the workplace safely within the context of WHMIS, it's not a new thing (for larger companies). But for a lot of small firms, it will be."

Conceivably, adds Dell, even window washers will have to undergo training — regarding the hazardous chemical solvents used on the job.

Some companies may not welcome the added costs of complying with WHMIS, particularly suppliers of chemicals who are required to provide detailed product information for every chemical they market.

Most of the added expense, however, involves "front-end costs" for suppliers and users in reviewing and

categorizing ingredients of chemicals, including compiling material safety data sheets and labelling all products. WHMIS requires that all of this information be available in both English and French.

Ongoing costs also can be expected as new products are brought on the market, information is updated, and employees are retrained, Dell adds.

EXTENSION
Although the federal legislation, and the provincial companion legislation, came into effect Oct. 31, 1988, an extension was given to secondary suppliers (to March 15, 1989) to allow them time to comply with WHMIS requirements.

Additional time was needed, explains Dell, because it was difficult for many secondary suppliers, whose products are compounds of raw materials, to get information on all the

raw materials.

(The provinces had set Jan. 31, 1989 as the deadline for employers to complete employee training. The extension granted secondary suppliers should have had little effect on workplace training, said a spokesman for the Ontario Ministry of Labor.)

The employer must ensure that all the information from suppliers, including labelling and material safety data sheets (which provide more information than the labels), is available in the workplace. This includes ensuring information is available for materials decanted into smaller containers and that those containers are properly labelled.

The employer is responsible for making employees aware of WHMIS and their rights under the legislation, informing them of the employer's responsibility under the legislation and

of the general health hazards posed by hazardous chemicals.

The second facet of employee training is to address specific hazardous products used in the workplace, including making sure that material safety data sheets are available and products are handled safely, using the appropriate equipment.

"The training should be done to a level that addresses the exposure or the potential exposure of the person to hazardous materials," says Dell, "So, obviously, it's going to vary." Secretaries will need little if any training, compared to employees handling hazardous chemicals on a daily basis.

Although its requirements are many, Dell predicts it won't be long before stepping into line with WHMIS becomes a natural extension of doing business in Canada.



Employees' responsibilities under WHMIS

BY PETER HAGGERT
Toronto Bureau
Thomson News Service

So you're an employer with hazardous products in use at your workplace.

What's your responsibility?

The responsibility begins the moment a hazardous material arrives at your workplace.

Under WHMIS regulations, the employer must make sure he has the required material documentation for controlled substances. It's also the employer's responsibility to train workers how to deal with hazardous materials.

When a controlled (hazardous) material is received, it's the employer's responsibility to ensure the supplier's label is on the container and that a material safety data sheet has been supplied. If not, the employer

must contact the supplier and have him send the missing documentation.

If that material is to be decanted into another container at the workplace, the new container must be labelled to show the type of material and handling instructions, as well as make reference to the availability of a material safety data sheet.

Labelling isn't necessary if a material is being transferred for immediate use.

If a hazardous or controlled material is produced on site — not supplied — it is the employer's responsibility to produce a material safety data sheet, and to label the product to identify it as a controlled material. It's also the employer's duty to make sure proper handling instructions are immediately available.

For controlled materials contained in piping systems, reaction vessels or similar conveyances, the employer

can use various labelling devices or a combination of labelling and worker education to ensure identification of material and its safe handling.

After receiving a controlled material from a supplier, an employer may want to create his own material safety data sheet. That's allowable under WHMIS — as long as it contains the same information as the one from the supplier. Workers must be made aware the original sheet is also available.

Any material safety data sheet must be accessible at the workplace. It's also up to the employer to make sure workers understand what they're dealing with, in terms of hazardous or controlled materials.

To that end, an employer must establish a worker training program, in conjunction with the workplace joint health and safety committee or a workers' representative.

The employer must train employees to understand information on labels and information supplied on material safety data sheets.

The program must also educate employees on the safe handling, use and storage of the hazardous materials.

ials.

It's also necessary to train workers about emergency procedures to be used in relation to the materials.

The training program must be reviewed at least once a year.

Exposure to hazards loses working days

More working days are lost in Canada each year through illness and workplace accidents than through labor disputes, says the federal government.

Some of these accidents and illnesses are attributable to exposure to hazardous substances.

A federal socio-economic study of

1984 statistics estimated the social costs that year due to exposure to hazardous materials in the workplace to be about \$600,000.

This represents 31 per cent of all payments made by workers' compensation boards in Canada that year.