



NATIONAL ASSEMBLY

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FORTY-FIRST LEGISLATURE

Bill 43

**An Act to enhance the communication of
hazard-related information concerning
products present in the workplace and to
amend the Act respecting occupational
health and safety**

Introduction

**Introduced by
Mr. Sam Hamad
Minister of Labour, Employment and Social Solidarity**

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EXPLANATORY NOTES

This bill amends the Act respecting occupational health and safety and certain regulations made under it mainly to replace the concept of “controlled product” by that of “hazardous product” and determine how hazardous products are to be identified, as well as the requirements regarding the training and information employers give workers with respect to such products.

The bill replaces the Regulation respecting information on controlled products by the Hazardous Products Information Regulation. The latter regulation prescribes, among other things, the rules governing labelling, safety data sheets and the display of safety data for hazardous products, information disclosure exemption applications, and worker training and information programs.

Lastly, consequential and transitional provisions are included, some of which allow employers, until 1 December 2018, to also have in their possession, in a workplace, products whose labelling complies with the former regulatory framework.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting occupational health and safety (chapter S-2.1).

REGULATION REPLACED BY THIS BILL:

- Regulation respecting information on controlled products (chapter S-2.1, r. 8).

REGULATIONS AMENDED BY THIS BILL:

- Safety Code for the construction industry (chapter S-2.1, r. 4);
- Regulation respecting occupational health and safety (chapter S-2.1, r. 13).

Bill 43

AN ACT TO ENHANCE THE COMMUNICATION OF HAZARD-RELATED INFORMATION CONCERNING PRODUCTS PRESENT IN THE WORKPLACE AND TO AMEND THE ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

1. Section 1 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by inserting “, that is generated by equipment, a machine, a process, a product, a substance or a dangerous substance and that is” after “of these” in the definition of “**contaminant**”;

(2) by adding “, including a hazardous product” at the end of the definition of “**dangerous substance**”;

(3) by replacing the definition of “**controlled product**” by the following definition:

“**hazardous product**” means any product, mixture, material or substance governed by subdivision 5 of Division II of Chapter III and determined by a regulation made under this Act;”.

2. The heading of subdivision 5 of Division II of Chapter III of the Act is amended by replacing “*controlled*” by “*hazardous*”.

3. Sections 62.1 to 62.3 of the Act are replaced by the following sections:

“62.1. Except in the cases provided for by regulation, no employer may allow a hazardous product to be used, handled or stored in a workplace unless the product has a label and a safety data sheet that comply with this subdivision and the regulations under it and unless a worker who is exposed or likely to be exposed to the product has received the training and information required to safely carry out the work entrusted to him.

An employer may, however, store a hazardous product that does not have such a label or safety data sheet in a workplace or allow it to be handled for storage purposes under conditions prescribed by regulation, if he takes, without delay, the steps necessary to ensure that the product has such a label and safety

data sheet and if the worker is given, as soon as possible, the training and information regarding handling and storage that is included in the program required under section 62.5.

Despite sections 10 and 11, the training obligation provided for in this section does not apply to the persons described in paragraph 2 of the definition of “worker” in section 1.

“62.2. An employer who manufactures a hazardous product must, in the cases provided for by regulation, label it or identify it by means of a sign, as the case may be, and prepare a safety data sheet for it.

The label, sign and safety data sheet must comply with the standards determined by regulation.”

4. Section 62.4 of the Act is amended by replacing “and material safety data sheet of a controlled product” by “, sign and safety data sheet concerning a hazardous product”.

5. Section 62.5 of the Act is amended

(1) by replacing “controlled” in the first paragraph by “hazardous”;

(2) by inserting the following paragraph after the first paragraph:

“An employer must also ensure that the training and information received by a worker, during the periods and in the cases prescribed by regulation, allow the worker to develop the skills required to safely carry out the work entrusted to him.”;

(3) by replacing “the representative of the workers” in the third paragraph by “the workers or their representative, as the case may be.”;

(4) by replacing the fourth paragraph by the following paragraph:

“The program must be updated in the manner prescribed by regulation.”

6. Section 62.6 of the Act is amended

(1) by replacing “An employer must, in respect of every controlled product” in the introductory clause by “Subject to the cases provided for by regulation, an employer must, in respect of every hazardous product”;

(2) by striking out all occurrences of “material”;

(3) by adding the following paragraph at the end:

“For the purposes of subparagraph 2 of the first paragraph, an employer must consult the health and safety committee or, in the absence of such a committee, the certified association or, if there is no certified association, the workers or

their representative, as the case may be, on the best way to make safety data sheets available in the workplace.”

7. Section 62.7 of the Act is replaced by the following section:

“62.7. An employer who is required to disclose information the employer considers confidential on a label or safety data sheet may apply for an exemption from that obligation in respect of the information prescribed by regulation.”

8. Section 62.20 of the Act is amended by replacing “controlled” in the first paragraph by “hazardous”.

9. Section 62.21 of the Act is amended by replacing “contemplated by the first paragraph of section 62.7” by “covered by an exemption obtained under section 62.7”.

10. Section 113 of the Act is amended by inserting “or dangerous substance” after “contaminant” in paragraph 8.

11. Section 184 of the Act is amended by replacing “he” by “the person”.

12. Section 223 of the Act is amended, in the first paragraph,

(1) by inserting “contaminant or” before “dangerous substance” and before “substance” in subparagraph 21;

(2) by replacing subparagraph 21.1 by the following subparagraph:

“(21.1) defining and identifying hazardous products, establishing a classification of such products, and specifying the criteria or methods for classifying them into the categories identified;”;

(3) by striking out subparagraph 21.3;

(4) by replacing “controlled” in subparagraph 21.4 by “hazardous”;

(5) by replacing “the material safety data sheets concerning the controlled products” in subparagraph 21.5 by “safety data sheets concerning hazardous products”, and by replacing subparagraph *c* of that subparagraph by the following subparagraph:

“(c) the updating, distribution, conservation and replacement of safety data sheets;”;

(6) by adding “ and determining how the program is to be updated and how the skills required by the workers are to be acquired” at the end of subparagraph 21.6;

(7) by inserting the following subparagraphs after subparagraph 21.6:

“(21.6.1) determining the information regarding which an application for exemption may be filed under section 62.7;

“(21.6.2) determining the information that must appear on a label or safety data sheet when information is exempted from disclosure;”;

(8) by striking out subparagraph 21.7.

13. Section 223.2 of the Act is repealed.

REGULATION RESPECTING INFORMATION ON CONTROLLED PRODUCTS

14. The Regulation respecting information on controlled products (chapter S-2.1, r. 8) is replaced by the following regulation:

“HAZARDOUS PRODUCTS INFORMATION REGULATION

“CHAPTER I

“DEFINITIONS AND SCOPE

“**1.** In this Regulation and in subdivision 5 of Division II of Chapter III of the Act, if applicable,

“Act” means the Act respecting occupational health and safety (chapter S-2.1);

“container” means any package or receptacle, including a bag, barrel, bottle, box, drum, can, cylinder or storage tank;

“fugitive emission” means a hazardous product in the form of a gas, liquid, solid, vapour, fume, steam, mist or dust that escapes from a product or from process equipment or emission control equipment in a workplace when a worker may be exposed to it;

“hazard statement” means a phrase assigned to a category or subcategory of a hazard class that describes the nature of the hazard presented by a hazardous product as defined by section 1 of the Hazardous Products Regulations (SOR/2015-17);

“hazardous product” means a hazardous product within the meaning of the Hazardous Products Act (R.S.C., 1985, c. H-3) that is classified, in accordance with the Hazardous Products Regulations, in a category or subcategory of a hazard class;

“hazardous product in bulk form” means a hazardous product contained in any of the following, without intermediate containment or intermediate packaging:

(a) a vessel that has a water capacity equal to or greater than 450 litres;

(b) a freight container, road vehicle, railway vehicle or portable tank;

(c) the hold of a ship; or

(d) a pipeline;

“hazardous waste” means a hazardous product that is intended for disposal or is sold for recycling or recovery;

“label” means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed or written on or attached to the hazardous product or the container in which the hazardous product is packaged. For the purposes of this Regulation and subdivision 5 of Division II of Chapter III of the Act, “label” refers to both a supplier’s label and a workplace label;

“manufactured article” means any article that is formed to a specific shape or design during manufacture, the intended use of which when in that form is dependent on its shape or design, and that, when being installed, if the intended use of the article requires it to be installed, and under normal conditions of use, will not release or otherwise cause a person to be exposed to a hazardous product;

“mixture” means a combination of, or a solution that is composed of, two or more ingredients that, when they are combined, do not react with each other, but excludes any such combination or solution that is a substance;

“outer container” means the most outward container of a hazardous product that is visible under normal conditions of handling, unless it is the only container of the hazardous product;

“precautionary statement” means a phrase that describes the recommended measures to take in order to minimize or prevent adverse effects resulting from exposure to a hazardous product or resulting from improper storage or handling of a hazardous product. Such statements may include the general precautionary statements and the prevention, response, storage and disposal precautionary statements contained in section 3 of Annex 3 of the United Nations document entitled *Globally Harmonized System of Classification and Labelling of Chemicals (GHS)*, Fifth Revised Edition;

“safety data sheet” means a supplier’s safety data sheet or a workplace safety data sheet;

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

“supplier” means a person who, in the course of business, sells or imports a hazardous product within the meaning of the Hazardous Products Act;

“supplier’s label” means a label required under the Hazardous Products Act (R.S.C. 1985, c. H-3) and that meets the requirements set out in the Hazardous Products Regulations (SOR/2015-17);

“supplier’s safety data sheet” means a document provided by a supplier under the Hazardous Products Act that contains, under the headings that, under the Hazardous Products Regulations, are required to appear in the document, information about a hazardous product, including information related to the hazards associated with any use, handling or storage of the hazardous product in a workplace;

“transfill” means to transfer a hazardous product into another container for the sole purpose of using it in the workplace, with no intention of selling it;

“transit” means, in relation to a hazardous product, its transport through Canada after being imported and before being exported, when the place of initial loading and the final destination are outside Canada, and, while in transport, its loading, unloading, packing, unpacking or storage;

“workplace label” means a label prepared by an employer that meets the requirements set out in this Regulation;

“workplace safety data sheet” means a safety data sheet prepared by an employer that meets the requirements set out in this Regulation.

“2. This Regulation applies to hazardous products intended to be used, handled or stored in a workplace. It also applies to hazardous products manufactured or produced by an employer.

“3. The provisions of subdivision 5 of Division II of Chapter III of the Act and those of this Regulation also apply with respect to a hazardous product covered by an exception provided for in the Hazardous Products Regulations. The same is true for the following products covered by an exemption provided for in the Hazardous Products Act:

(1) any nuclear substance, within the meaning of the Nuclear Safety and Control Act (S.C. 1997, c. 9), that is radioactive;

(2) any hazardous waste, being a hazardous product that is sold for recycling or recovery or is intended for disposal;

(3) any tobacco or tobacco product as defined in section 2 of the Tobacco Act (S.C. 1997, c. 13);

(4) any manufactured article;

(5) any pest control product as defined in section 2(1) of the Pest Control Products Act (S.C. 2002, c. 28);

(6) any explosive as defined in section 2 of the Explosives Act (R.S.C. 1985, c. E-17);

(7) any cosmetic, device, drug or food, as defined in section 2 of the Food and Drugs Act (R.S.C. 1985, c. F-27);

(8) any consumer product as defined in section 2 of the Canada Consumer Product Safety Act (S.C. 2010, c. 21); and

(9) any wood or product made of wood.

“CHAPTER II

“HAZARDOUS PRODUCTS INFORMATION

“DIVISION I

“LABELLING OF HAZARDOUS PRODUCTS

“§1. — *Obligation to label*

“4. For the purposes of subdivision 5 of Division II of Chapter III of the Act, an employer fulfills the obligation to label a hazardous product obtained from a supplier if the product is labelled in accordance with the Hazardous Products Act and the Hazardous Products Regulations, except in the cases provided for in this Regulation.

“5. If a hazardous product present in the workplace and obtained from a supplier does not have a supplier’s label, in accordance with an exemption provided for in the Hazardous Products Act or an exception provided for in the Hazardous Products Regulations, the employer is not required to affix a workplace label on the product or to install a sign, as applicable, except in the cases provided for in this Regulation.

“6. An employer must prepare and affix a workplace label on a hazardous product if

(1) the employer wishes to use or handle such a product that the employer obtained from a supplier and that does not have a supplier’s label when such a label is required under the Hazardous Products Act and the Hazardous Products Regulations;

(2) the product is referred to in section 5.2(a) of the Hazardous Products Regulations and obtained from a supplier and the label affixed on the inside container is no longer visible through the outer container; in such a case, the workplace label must be affixed on the outer container of the product;

(3) the product is referred to in section 5.2(b) of the Hazardous Products Regulations and obtained from a supplier but does not have a supplier’s label, and is removed from its outer container having a label that meets the

requirements of the Transportation of Dangerous Goods Regulations (SOR/2001-286);

(4) the employer receives the product from a supplier in bulk form or without packaging; or

(5) the employer manufactures such a product, including a product referred to in subparagraph 1, 2, 5, 6, 7 or 8 of the second paragraph of section 3, in the workplace.

In the case described in subparagraph 1 of the first paragraph, the employer may only, in accordance with section 62.1 of the Act, store the product. The employer must then display a sign that contains the same information as the workplace label and that meets the signage and sign maintenance requirements set out in section 25, until the employer affixes a label obtained from the supplier or a workplace label on the product.

In the case of a product in bulk form or without packaging, the employer must affix a sign that contains the same information as that required on the workplace label. Such a sign must meet the signage and sign maintenance requirements set out in section 25.

In the case described in subparagraph 5 of the first paragraph, the employer may replace the workplace label by a sign that contains the same information. If the product is a manufactured product intended for sale, a sign is not required if the product has a supplier's label that is visible under normal handling and storage conditions.

“§2. — *Workplace label*

“7. A workplace label must contain the following information:

(1) the name of the product, as it appears on the safety data sheet relating to the product;

(2) general, prevention, response, storage and disposal precautionary statements; and

(3) a statement that the safety data sheet for the hazardous product may be consulted, if such a sheet is available.

A workplace label may also contain other information presented in a variety of ways, such as through images, concerning the precautions to take when handling or using the product.

“8. In addition to meeting the linguistic requirement set out in section 62.4 of the Act, the information on a workplace label must be clear, specific and consistent with the information on the safety data sheet, if any. It must be easily

legible and contrasted with any other information on the hazardous product or its container.

A workplace label must be prominently displayed on a surface that is visible under normal conditions of use of the product.

In addition, the information on such a label must, under normal conditions of use of the product, remain present and remain legible.

“§3. — *Replacement and updating of a label*

“**9.** Subject to its replacement under section 10 or its updating under section 11, or subject to the exception under section 15, a label may not be removed, modified or altered so long as the hazardous product remains in the container in which it is received.

In the case of a product referred to in subparagraph 1, 5, 6, 7 or 8 of the second paragraph of section 3 and obtained from a supplier, any information of the same nature as that listed in the first paragraph of section 7 that is set out on the product must remain present on it.

“**10.** An employer must immediately replace a label that is totally or partially lost, destroyed or illegible. The replacement label must contain the same information as the label it replaces.

In the case of a product referred to in the second paragraph of section 9, the employer must reproduce the information required under that section on the product, or affix a workplace label to the product if the information has been lost or destroyed or is illegible.

“**11.** An employer must, as soon as possible after being informed by a supplier, in accordance with section 3(1) and section 5.12(4) and (5) of the Hazardous Products Regulations, of significant new data regarding a hazardous product or on becoming otherwise aware of such data, send a written notice to the workers and to the members of the health and safety committee or, if applicable, to the job-site committee or the safety representative.

The employer must update the label within 180 days of becoming aware of such data, either by substituting new information for the information concerned or by replacing the label.

When the employer substitutes new information, it must completely cover the previous information without affecting the legibility of any other information on the label.

In the case of a label for stored products, the employer may update it by affixing a sign that complies with the second paragraph of section 24 and with section 25. The employer must, however, ensure that the products or their container have an updated label when being used.

During the period specified in the second paragraph, the employer must display the notice required under the first paragraph near the product until the label has been updated. The signage requirements set out in section 25 apply to the notice. The employer must also ensure that products or their containers have an updated label when being used.

“§4. — *Transfiling of hazardous products*

“**12.** Except in the case described in section 13, when a hazardous product that has a label is transfilled, the employer must ensure that the container into which the product is transfilled has a label that is similar to that of the original container and contains the same information.

However, the employer is not required to reproduce the pictogram, if any, in the case of a product having a label associated with an exemption referred to in Part 5 of the Hazardous Products Regulations. If the product was obtained from a supplier to whom such an exemption has not been granted, the employer may affix a workplace label on the container into which the employer transfills the hazardous product instead of reproducing the supplier’s label.

If the transfilled product is a product referred to in subparagraph 1, 5, 6, 7 or 8 of the second paragraph of section 3, the employer must, if not reproducing the same information as that set out on the original container, affix a workplace label.

If the transfilled product is hazardous waste referred to in subparagraph 2 of the second paragraph of section 3, the employer may, instead of affixing a workplace label, use a sign that meets the requirements set out in the second paragraph of section 24 and in section 25.

The employer must also make sure the label on a container corresponds to the product in the container.

“**13.** The employer is not required to affix a label when a hazardous product is transfilled from one container to another if

(1) the product is transfilled into a portable container from a container labelled in accordance with this Regulation; and

(2) the container into which the product is transfilled bears the name of the product or an abbreviation of that name and is under the responsibility of the worker who transfilled the product, and that worker is the sole user of the product and uses it up completely during the work shift in which the worker transfilled it.

“DIVISION II

“RULES RELATING TO CERTAIN CONTAINERS

“**14.** The employer must clearly identify a hazardous product present in a pipe, system of pipes with valves, process vessel, reaction vessel, tank car, tank truck, ore car, conveyor belt or any similar equipment so that the product is used, handled and stored safely.

That obligation is fulfilled if such a product is identified in accordance with a safety standard prescribed by a standardization agency or if a label, a sign or colour codes applied to the equipment make it possible to identify the product.

Subdivision 3 of Division I, regarding the replacement and updating of a label, applies with the necessary modifications.

“**15.** A label relating to a hazardous product may be removed if the container has a capacity not exceeding 3 ml and the label interferes with the use of the product under normal conditions of use.

The employer must make sure that a product with no label remains identified by another means and can be associated at all times with its label, which must be kept and remain available to the worker.

“DIVISION III

“SAFETY DATA SHEETS CONCERNING HAZARDOUS PRODUCTS

“§1. — *Obligation to produce a workplace safety data sheet*

“**16.** Sections 4 and 5 also apply, with the necessary modifications, to an obligation relating to a safety data sheet.

“**17.** An employer must prepare a workplace safety data sheet on a hazardous product if

(1) the employer obtains such a product from a supplier who does not provide a supplier’s safety data sheet when such a data sheet is required under the Hazardous Products Act and the Hazardous Products Regulations; or

(2) the employer manufactures such a product, including a product referred to in subparagraph 1, 5, 6, 7 or 8 of the second paragraph of section 3, in the workplace.

In the case described in subparagraph 1 of the first paragraph, the employer may only, in accordance with the second paragraph of section 62.1 of the Act, store the product until the supplier gives the employer the safety data sheet the supplier was required to provide or until the employer prepares a workplace safety data sheet.

“§2.— *Workplace safety data sheet*

“**18.** Subject to an application for exemption submitted under section 62.7 of the Act, a workplace safety data sheet must contain information for each of the following information headings:

- (1) identification;
- (2) hazard identification;
- (3) composition/information on ingredients;
- (4) first-aid measures;
- (5) fire-fighting measures;
- (6) accidental release measures;
- (7) handling and storage;
- (8) exposure controls/personal protection;
- (9) physical and chemical properties;
- (10) stability and reactivity;
- (11) toxicological information;
- (12) ecological information;
- (13) disposal considerations;
- (14) transport information;
- (15) regulatory information; and
- (16) other information.

In addition to meeting the linguistic requirement set out in section 62.4 of the Act, the workplace safety data sheet must contain the information headings set out in the first paragraph and list them in the same order.

Each information column must contain, as a minimum, the information listed in Schedule 1 to the Hazardous Products Regulations. However, the employer is not required to provide information relating to items 12 to 15.

An employer must also prepare a workplace safety data sheet in accordance with the classification standards prescribed in those Regulations.

If no information can be given in relation to a specific information element in an information column mentioned in the first paragraph, the employer must provide the following statement under the heading concerned:

- (1) “not applicable”, if there is no relevant information for that heading;
- (2) “not available”, if there is no information available for the product; or
- (3) in the case of an application for exemption submitted under section 62.7 of the Act, the name of the applicant, the registration number of the application and, if a decision was made granting the application, in whole or in part, the date of the decision.

If information concerning toxicological data for a hazardous product is or appears to be contradictory, the safety data sheet must explicitly state the source and the references for the studies from which the information was drawn so that no one is misled regarding the nature and scope of the hazard presented by the product.

“19. The employer may add information elements regarding a hazardous product by including them in an appendix at the end of the supplier’s safety data sheet, if those elements

- (1) subject to the last paragraph of section 18, are complementary, accurate and do not contradict the information elements contained in the supplier’s safety data sheet; and
- (2) do not constitute information regarding which an application for exemption has been submitted under section 62.7 of the Act.

“§3. — Conservation, replacement and updating of a safety data sheet

“20. The employer must keep a safety data sheet for each hazardous product present in the workplace, in a place that is known to the workers and so long as the hazardous product remains present in that workplace.

The employer may keep the safety data sheet on the medium of the employer’s choice, including a technology-based medium, to the extent that the safety data sheet is easily legible and rapidly available in hard copy to a worker likely to be exposed to a hazardous product.

“21. Subject to its replacement under section 22 or its updating under section 23, a safety data sheet, when one is required, may not be modified or altered so long as the hazardous product remains present in the workplace.

“22. The employer must immediately replace a lost, destroyed, illegible or unusable safety data sheet.

The replacement safety data sheet must meet the form requirements set out in section 18 and the conservation requirements set out in section 20.

“23. The employer must, as soon as possible after being informed by a supplier, in accordance with section 4(1) and section 5.12(2) and (3) of the Hazardous Products Regulations, of significant new data regarding a hazardous product or on becoming otherwise aware of such data, send a notice to the workers and to the members of the health and safety committee or, if applicable, to the job-site committee or the safety representative.

The employer must update the safety data sheet within 90 days of becoming aware of such data.

“DIVISION IV

“DISPLAY OF SAFETY DATA

“24. The employer must notify the workers, by means of a sign, of the presence of a hazardous product in fugitive emissions, as well as in intermediary products undergoing reactions in a reaction vessel or a process vessel. The same applies in the case of hazardous waste or a hazardous product in transit.

The sign must also set out the precautions to take when handling and storing hazardous products, hazardous waste, and hazardous products in transit, and the measures to take in cases of exposure to such products.

“25. The information on a sign must be clear and specific.

The sign must be prominently displayed near the hazardous product to which it relates. It must be easily legible and contrasted with any other sign on the same surface.

The sign must also remain present and visible under normal conditions of use and storage of such a product.

The employer must immediately replace a lost, destroyed or illegible sign. The replacement sign must meet the requirements set out in this section.

In the case of hazardous waste, the sign may be displayed on the product or its container.

“DIVISION V

“APPLICATIONS FOR EXEMPTION FROM OBLIGATION TO DISCLOSE INFORMATION ON A LABEL OR SAFETY DATA SHEET

“26. In accordance with section 62.7 of the Act, any employer who is required to disclose any of the following information may, if the employer considers it to be confidential information, file, with the body designated under

subdivision 5 of Division II of Chapter III of the Act, an application for a disclosure exemption regarding

(1) in the case of a material or substance that is a hazardous product,

(a) the chemical name of the material or substance;

(b) the CAS registry number, or any other unique identifier, of the material or substance, and

(c) the chemical name of any impurity, stabilizing solvent or stabilizing additive that is present in the material or substance, that is classified in a category or subcategory of a health hazard class under the Hazardous Products Act and that contributes to the classification of the material or substance in the health hazard class under that Act;

(2) in the case of an ingredient in a mixture that is a hazardous product,

(a) the chemical name of the ingredient;

(b) the CAS registry number, or any other unique identifier, of the ingredient; and

(c) the concentration or concentration range of the ingredient;

(3) in the case of a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or any ingredient in the mixture;

(4) the product identifier of a hazardous product, being its chemical name, common name, generic name, trade-name or brand name;

(5) information about a hazardous product, other than the product identifier, that constitutes a means of identification; and

(6) information that could be used to identify a supplier of a hazardous product.

“27. The information required under section 5.7(3) of the Hazardous Products Regulations must be set out on a label or safety data sheet in the place of information regarding which an application for exemption has been filed. The information required under section 5.7(4) of those Regulations must be set out on a label or safety data sheet to which a decision granting an exemption applies.

“DIVISION VI

“WORKER TRAINING AND INFORMATION PROGRAM

“28. This division applies to all hazardous products, except those referred to in subparagraph 3, 4 or 9 of the second paragraph of section 3.

“29. The training and information program referred to in section 62.5 of the Act is intended for all the persons referred to in section 62.1 of the Act who are exposed or likely to be exposed to a hazardous product.

The program must be adapted to the workers, the specific characteristics of the workplace and the nature of the hazardous products present in the workplace.

The program must set out the means to be implemented by an employer to promote workers' understanding and mastery of the knowledge acquired by them and to help them properly apply the safety rules aimed at protecting their health and physical integrity. For that purpose, the program may include practical and theoretical evaluations and exercises, practical demonstrations, safety contests, signs displayed in the workplace to remind workers of safety rules or give them information on hazardous products and safe work methods, or any other appropriate means. The program may also determine the intervals at which the workers are to take such training.

“30. A training and information program must include

(1) information on the nature and meaning of the information on labels, signs and safety data sheets;

(2) training regarding information on hazards, including hazard statements and precautionary statements, for each hazardous product present in the workplace;

(3) training regarding the directives applicable to ensure that hazardous products, including any contained in a pipe, system of pipes with valves, process vessel, reaction vessel, tank car, tank truck, ore car, conveyor belt or any similar equipment, are used, handled, stored and disposed of safely;

(4) training regarding the precautions to take with respect to any fugitive emissions, intermediary products undergoing reactions in a reaction vessel or process vessel, and any hazardous waste if any of them are present in the workplace;

(5) training regarding the procedure to be followed in an emergency; and

(6) training regarding the place where safety data sheets are kept, how to access them, the technology relating to the medium on which they are kept, and how to transfer them to hard copy.

“31. The training and information program must be updated annually or as soon as the situation requires it, including

(1) if a new hazardous product for which the workers have not received training or information is present in the workplace; and

(2) if a change occurs in the workplace that has an impact on work methods, on the risks of exposure to a hazardous product or on the procedure to be followed in an emergency.

“32. In accordance with section 62.1 of the Act, the employer must ensure that a worker carrying out new duties receives the training and information regarding any hazardous product involved. The same applies before a new hazardous product is used or when significant new data require a change in a label or a safety data sheet.

The employer must also ensure that a new worker receives the training and information included in the training and information program.”

SAFETY CODE FOR THE CONSTRUCTION INDUSTRY

15. Section 3.16.10 of the Safety Code for the construction industry (chapter S-2.1, r. 4) is amended

(1) by replacing “Regulation respecting information on controlled products (chapter S-2.1, r. 8)” in subsection 1 by “Hazardous Products Information Regulation (*insert the year and chapter number of this Act and the number of the section that enacts that Regulation*)”;

(2) by replacing all occurrences of “controlled” by “hazardous”.

16. Section 3.23.13 of the Code is amended by replacing “Controlled Products Regulations (SOR/88-66)” in the first paragraph by “Hazardous Products Regulations (SOR/2015-17)”.

REGULATION RESPECTING OCCUPATIONAL HEALTH AND SAFETY

17. Section 69.4 of the Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended by striking out “material” in paragraph 1.

18. Section 70 of the Regulation is amended by replacing “controlled” in the introductory clause by “hazardous”.

19. Section 71 of the Regulation is amended

(1) by replacing “Regulation respecting information on controlled products (chapter S-2.1, r. 8)” in the first paragraph by “Hazardous Products Information Regulation (*insert the year and chapter number of this Act and the number of the section that enacts that Regulation*)”;

(2) by replacing all occurrences of “controlled” by “hazardous”.

20. Section 312.1 of the Regulation is amended by inserting “or dangerous substances” after “contaminants” in the definition of “contaminated environment”.

21. Section 312.31 of the Regulation is amended by inserting “or dangerous substances” after “contaminants” in paragraph 9.

22. Section 312.75 of the Regulation is amended by striking out “material” in subparagraph 3 of the first paragraph and by replacing “controlled” in that subparagraph by “hazardous”.

TRANSITIONAL AND FINAL PROVISIONS

23. Until the regulations adopted under the Act respecting occupational health and safety (chapter S-2.1) are amended to harmonize them with the new classification of hazardous products, the expressions listed in Schedule I that designate a class of controlled products classified in accordance with the Controlled Products Regulations (SOR/88-66) designate the corresponding hazard classes listed in the Hazardous Products Regulations (SOR/2015-17) and set out in the Schedule.

24. Despite the new Act, an employer may, until 1 December 2018, manufacture for their use or have in their possession, in the workplace, controlled products whose labelling and material safety data sheet comply with the former Act. During that period, the employer may have in their possession a safety data sheet that complies with the new Act concerning a controlled product labelled in accordance with the former Act.

For the purposes of this section and sections 25 to 27, as applicable, “former Act” means the Act respecting occupational health and safety and the Regulation respecting information on controlled products (chapter S-2.1, r. 8) as they read on (*insert the date preceding the date of assent to this Act*), while “new Act” means the Act respecting occupational health and safety and the Hazardous Products Information Regulation, enacted by section 14, as they read from (*insert the date of assent to this Act*). “Controlled product” means a product classified in accordance with the former Act, and “hazardous product” means a product classified in accordance with the new Act. “Material safety data sheet” means a sheet referred to in the former Act, and “safety data sheet” means a sheet referred to in the new Act.

25. Despite sections 31 and 32 of the Hazardous Products Information Regulation, enacted by section 14, an employer has until 1 December 2018 to update their training and information program, in particular to integrate the elements relating to the Globally Harmonized System of Classification and Labelling of Chemicals, and to apply it as updated.

However, as soon as a hazardous product labelled in accordance with the new Act or a safety data sheet is present in a workplace, the employer must draw to the workers' attention the information and training elements set out in paragraphs 1 and 2 of section 30 of the Hazardous Products Information Regulation.

26. On or before 1 December 2018, an employer must, for each hazardous product present in the workplace that is not labelled in accordance with the new Act or for which the employer is not in possession of a safety data sheet that complies with that Act, label the product or prepare a safety data sheet for it in accordance with the new Act.

27. On or before 1 December 2018, an employer must, for each hazardous product present in the workplace, display a sign that complies with the Hazardous Products Information Regulation, enacted by section 14, where a sign is required under that Regulation.

28. Despite section 14, the Hazardous Products Information Regulation continues to apply until 1 December 2018 with regard to situations described in section 24.

29. This Act comes into force on (*insert the date of assent to this Act*).

SCHEDULE I
(Section 23)

Classes (Controlled Products Regulations)	Hazard Classes (Hazardous Products Regulations)
“compressed gas”	“gases under pressure”;
“flammable and combustible material”	“flammable gases”; “flammable aerosols”; “flammable liquids”; “flammable solids”; “pyrophoric gases”; “pyrophoric liquids”; “pyrophoric solids”; “substances and mixtures which, in contact with water, emit flammable gases”; “self-heating substances and mixtures”; “combustible dusts”;
“oxidizing material”	“oxidizing gases”; “oxidizing liquids”; “oxidizing solids”; “organic peroxides”, types A to F;
“poisonous material”	“acute toxicity (oral), acute toxicity (dermal) and acute toxicity (inhalation)”, categories 1, 2 and 3; “skin corrosion/irritation”, category 2; “serious eye damage/eye irritation”, category 2; “respiratory or skin sensitization”; “germ cell mutagenicity”; “carcinogenicity”; “reproductive toxicity”, categories 1 and 2; “specific target organ toxicity — repeated exposure”; “biohazardous infectious materials”; “health hazards not otherwise classified”;
“corrosive material”	“corrosive to metals”; products classified in one of the following categories: - “skin corrosion/irritation”, category 1;

	- “serious eye damage/eye irritation”, category 1;
“dangerously reactive material”	“self-reactive substances and mixtures”, types A to F; “physical hazards not otherwise classified”.

