

# WHMIS

## WHMIS - Legislation

### On this page

[Important Information](#)

[Is WHMIS law?](#)

[Who enforces WHMIS?](#)

[What happens when an inspector visits the workplace?](#)

[What are the sources of federal, provincial, and territorial WHMIS legislation?](#)

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## Important Information

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

This document discusses the WHMIS supplier requirements as regulated by the federal legislation – the *Hazardous Products Act* (HPA) and the *Hazardous Products Regulations* (HPR). This document reflects the *Hazardous Products Regulations* requirements as of December 15, 2022. The changes introduced in December 2022 are in force. Suppliers are granted a 3-year transition period (to December 15, 2025) to bring product classifications, safety data sheets and labels into compliance with the amendments.

For most workplaces, the most notable impact will be seen in the changes to the flammable gases class, and the new class of chemicals under pressure.

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

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

Please refer to the following OSH Answers documents for more information about WHMIS:

- [WHMIS – Pictograms](#)
- [WHMIS – Labels](#)

- [WHMIS – Hazard Classes and Categories](#)
  - [WHMIS – Safety Data Sheets \(SDSs\)](#)
  - [WHMIS – Education and Training](#)
  - [WHMIS – WHMIS Program](#)
  - [WHMIS – Glossary](#)
  - [WHMIS – Confidential Business Information \(CBI\)](#)
  - [WHMIS – Variances](#)
  - [WHMIS – Laboratories](#)
  - [WHMIS - Information for Suppliers and Importers](#)
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## Is WHMIS law?

Yes. WHMIS first became law in 1988 through a series of complementary federal, provincial and territorial legislation and regulations. This original system is identified as WHMIS 1988.

To align with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), the *Hazardous Products Regulations* were published in *Canada Gazette*, Part II on February 11, 2015. This WHMIS system was identified as WHMIS 2015.

Updates to the *Hazardous Products Act* and regulations came into force on December 15, 2022. Suppliers are granted a 3-year transition period (to December 15, 2025) to bring product classifications, safety data sheets and labels into compliance with the amendments. This WHMIS system is identified as “amended WHMIS” and WHMIS 2015 is now referred to as “former WHMIS”.

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## Who enforces WHMIS?

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

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## What happens when an inspector visits the workplace?

Inspectors (sometimes called “officers”) from provincial, territorial, or federal government departments responsible for health and safety have the authority to make sure that the employer requirements specified in their occupational health and safety legislation are being followed.

In addition, some inspectors are trained and designated by Health Canada to conduct inspections and enforce compliance with the supplier requirements of the *Hazardous Products Act* (HPA) and the *Hazardous Products Regulations* (HPR).

*Hazardous Products Act* (HPA) Inspectors may enter a workplace if they have reasonable grounds to believe that:

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

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

- true copies of labels and safety data sheets in both official languages, and
- documents detailing the required sales and purchasing information.
- labels and safety data sheets compliant with the *Hazardous Products Act* and the *Hazardous Products Regulations*.

As part of a workplace health and safety inspection, inspectors may be seeking to know if products are arriving from suppliers with the required labels and safety data sheets. Inspectors may also examine safety data sheets and labels to verify compliance with [the](#) requirements of the WHMIS legislation.

In other cases, they may be determining if there is a compliant WHMIS program in the workplace.

For specific WHMIS-related questions, employers should, for example, be prepared to:

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

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

- What are the hazards of the product?
- How do I protect myself from those hazards?
- What do I do in case of an emergency?

- Where can I get further information?

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## What are the sources of federal, provincial, and territorial WHMIS legislation?

All [Canadian jurisdictions](#) require that employers:

- develop, implement, and maintain a worker education and training program that covers the hazards and safe use of all chemical products used in the workplace.
- ensure that hazardous products are properly labelled, including preparing workplace labels, as needed.
- provide access to up-to-date safety data sheets to workers, including preparing safety data sheets if necessary (e.g., if an employer manufactures a hazardous product that is used on-site)
- ensure that appropriate control measures are in place to protect the health and safety of workers.

Below is a table for guidance purposes that lists the legislation and who enforces WHMIS for each jurisdiction across Canada.

Always consult the legislation that applies in your situation and with your [jurisdiction](#) for complete information. See [whmis.org](http://whmis.org) for links to the specific legislation for your jurisdiction.

### **Table 1** **Main Sources of WHMIS Legislation in Canada**

<b>Jurisdiction</b>	<b>Legislation</b>	<b>Enforced by</b>
Alberta	<i>Occupational Health and Safety Act</i> <i>Occupational Health and Safety Regulation</i> <i>Occupational Health and Safety Code</i> (Part 29)	Ministry of Jobs, Economy and Trade, Occupational health and safety (OHS) Division
British Columbia	<i>Workers Compensation Act</i> <i>Occupational Health and Safety Regulation</i>  (Sections 5.3 to 5.19)	WorkSafeBC
Canada	<i>Hazardous Products Act and Hazardous Products Regulations</i>	Health Canada and Health Canada-designated inspectors
Canada (for federally-regulated work places)	<i>Canada Labour Code, Part II</i> <i>Canada Occupational Health and Safety Regulations</i> (Part X, Division III)	Employment and Social Development Canada (ESDC) Labour Program
Manitoba	<i>The Workplace Safety and Health Act</i> <i>The Workplace Safety and Health Regulation</i> (Part 35)	Manitoba Labour and Immigration, Workplace Safety and Health
New Brunswick	<i>Occupational Health and Safety Act</i> <i>Workplace Hazardous Materials Information System Regulation</i>	WorkSafeNB
Newfoundland and Labrador	<i>Occupational Health and Safety Act</i> <i>WHMIS Regulations</i>	Service NL, Occupational Health and Safety Division
Northwest Territories and Nunavut	<i>Northwest Territories - Safety Act</i>	Workers' Safety & Compensation Commission (WSCC)

Jurisdiction	Legislation	Enforced by
	<p><i>Northwest Territories – Occupational Health and Safety Regulations, Amendment (Part 22)</i></p> <p><i>Nunavut – Consolidation of Safety Act</i></p> <p><i>Nunavut – Consolidation of Occupational Health and Safety Regulations (Part 22)</i></p>	
Nova Scotia	<p><i>Health and Safety Act</i></p> <p><i>Workplace Health and Safety Regulations (Part 3)</i></p>	Department of Labour, Skills and Immigration
Ontario	<p><i>Occupational Health and Safety Act</i></p> <p><i>REGULATION 860 Workplace Hazardous Materials Information System (WHMIS)</i></p>	Ministry of Labour, Immigration, Training and Skills Development
Prince Edward Island	<p><i>Occupational Health and Safety Act</i></p> <p><i>Workplace Hazardous Materials and Information System Regulations</i></p>	Workers Compensation Board (WCB) of PEI
Quebec	<p><i>An Act Respecting Occupational Health and Safety (AROS) (R.S.Q., c. S-2.1)</i></p> <p><i>Hazardous Products Information Regulation (S-2.1, r.8.1)</i></p>	Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)

Jurisdiction	Legislation	Enforced by
Saskatchewan	<i>The Saskatchewan Employment Act</i> (Part III, Division 7, sections 3-47 to 3-51)  <i>The Occupational Health and Safety Regulations</i> (Part 22)	WorkSafe Saskatchewan  (partnership between the Saskatchewan Workers' Compensation Board (WCB) and the Ministry of Labour Relations and Workplace Safety (LRWS))
Yukon Territory	<i>Workers' Safety and Compensation Act</i>  <i>WHMIS Regulations</i>	Workers Safety and Compensation Board

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