

*The
Occupational
Health and Safety
(Workplace
Hazardous Materials
Information System)
Regulations*

being

[Chapter S-15.1 Reg 6](#) (effective August 17, 2016).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-15.1 REG 6
The Saskatchewan Employment Act

Title

1 These regulations may be cited as *The Occupational Health and Safety (Workplace Hazardous Materials Information System) Regulations*.

Interpretation

2(1) In these regulations:

“**Act**” means *The Saskatchewan Employment Act*;

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

- (a) a vessel with 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;

“**container**” includes a bag, barrel, bottle, box, can, cylinder, drum or similar package or receptacle, but does not include a storage tank;

“**education**” means the delivery of general information to workers;

“**employer safety data sheet**” means a safety data sheet prepared by an employer that contains the information required by Part 4 of the *Hazardous Products Regulations*;

“**fugitive emission**” means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from:

- (a) process equipment;
- (b) emission control equipment; or
- (c) a product that workers may be exposed to;

“**hazard class**” means a hazard class mentioned in Schedule 2 of the *Hazardous Products Act*;

“**hazard information**” means information on the proper and safe use, storage, handling and disposal of a hazardous product, and includes information relating to the product’s health and physical hazards;

“**hazard statement**” means a phrase assigned to a category or subcategory of a hazard class or, in the case of column 5 of Parts 4 to 6 of Schedule 5 of the *Hazardous Products Regulations*, the required statement that describes the nature of the hazard presented by a hazardous product;

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“Hazardous Materials Information Review Act” means the *Hazardous Materials Information Review Act* (Canada);

“Hazardous Materials Information Review Regulations” means the *Hazardous Materials Information Review Regulations* (Canada), SOR/88-456;

“Hazardous Products Act” means the *Hazardous Products Act* (Canada);

“Hazardous Products Regulations” means the *Hazardous Products Regulations* (Canada), SOR/2015-17;

“hazardous waste” means a hazardous product that is:

- (a) intended for disposal; or
- (b) acquired or generated for recycling or recovery;

“health professionals” means:

- (a) physicians who are licensed to practise medicine pursuant to the laws of Saskatchewan and who are practising medicine pursuant to the laws of Saskatchewan; and
- (b) nurses who are registered or licensed pursuant to the laws of Saskatchewan;

“initial supplier identifier” means, with respect to a hazardous product, the name, address and telephone number of:

- (a) the manufacturer; or
- (b) the importer of the hazardous product who operates in Canada;

“laboratory sample” means a sample of a hazardous product that is packaged in a container that contains less than 10 kilograms of the hazardous product and that is intended solely to be tested in a laboratory, but does not include a sample that is to be used:

- (a) by the laboratory for testing other products, mixtures, materials or substances; or
- (b) for educational or demonstration purposes;

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

“process equipment” means the equipment used in the process of creating a hazardous product;

“product identifier” means, with respect to a hazardous product, the brand name, chemical name, common name, generic name or trade name;

“readily available” means present in an appropriate place, accessible to a worker at all times, and in the form of:

- (a) a physical copy; or
- (b) an electronic copy;

“research and development” means a scientific analysis or experiment to find information that is other than or in addition to that supplied in a Disclosure of Source of Toxicological Data;

“signal word” means, with respect to a hazardous product, the word ‘danger’ or ‘warning’ that is used to alert the reader to a potential hazard and to indicate its severity;

“significant new data” means new data regarding the hazard presented by a hazardous product that:

- (a) changes the product’s classification in a category or subcategory of a hazard class;
- (b) changes the product’s hazard class; or
- (c) changes the ways to protect against the hazard presented by the hazardous product;

“supplier” means a supplier as defined in the *Hazardous Products Act*;

“supplier label” means a label provided by a supplier that contains the information elements required by Part 3 of the *Hazardous Products Regulations*;

“supplier safety data sheet” means a safety data sheet provided by a supplier that contains the information required by Part 4 of the *Hazardous Products Regulations*;

“training” means the delivery of worksite and job-specific information to workers;

“workplace label” means a legible label that discloses:

- (a) a product identifier that is identical to that found on the safety data sheet of the corresponding hazardous product;
- (b) all necessary information for the safe handling of the hazardous product, including signal words and hazard statements; and
- (c) whether a safety data sheet is readily available.

(2) Except as otherwise provided in these regulations, the terms used in *The Occupational Health and Safety Regulations, 1996* have the same meaning in these regulations.

S-15.1 REG 6**Certain products exempted**

3(1) Subject to subsections (2) to (6), these regulations apply to employers and workers with respect to hazardous products used, stored and handled at a workplace.

(2) A supplier label and a supplier safety data sheet are not required for the following hazardous products:

- (a) an explosive as defined in section 2 of the *Explosives Act* (Canada);
- (b) a cosmetic, device, drug or food, as defined in section 2 of the *Food and Drugs Act* (Canada);
- (c) a pest control product as defined in subsection 2(1) of the *Pest Control Products Act* (Canada);
- (d) a nuclear substance as defined in section 2 of the *Nuclear Safety and Control Act* (Canada) that is radioactive;
- (e) a consumer product as defined in section 2 of the *Canada Consumer Product Safety Act*.

(3) These regulations do not apply to a hazardous product that is:

- (a) wood or a product made of wood;
- (b) tobacco or a product made of tobacco;
- (c) a manufactured article; or
- (d) being transported or handled pursuant to *The Dangerous Goods Transportation Act* and the *Transportation of Dangerous Goods Act* (Canada).

(4) Subject to subsection (5), these regulations do not apply to hazardous waste.

(5) An employer shall ensure the safe storage and handling of hazardous waste through a combination of identification of the hazardous waste and worker education and training.

(6) The worker education and training mentioned in subsection (5) must include all hazard information that the employer is, or ought reasonably to be, aware of concerning the hazardous waste.

17 Jne 2016 cS-15.1 Reg 6 s3.

Restriction on use of hazardous products

4(1) Subject to subsection (2), an employer shall ensure that a hazardous product is not used, stored or handled in a place of employment unless all the applicable requirements in these regulations with respect to labels, identifiers, safety data sheets and worker education and training are complied with.

(2) An employer may store a hazardous product in a place of employment while actively seeking information required pursuant to these regulations.

17 Jne 2016 cS-15.1 Reg 6 s4.

Worker education and training

5(1) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is informed about:

- (a) all hazard information received by the employer from a supplier concerning that hazardous product; and
- (b) any further hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.

(2) If a hazardous product is produced in a place of employment, an employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is informed about all hazard information that the employer is, or ought reasonably to be, aware of concerning the use, storage, handling and disposal of that hazardous product.

(3) An employer shall ensure that a worker who works with a hazardous product or may be exposed to a hazardous product in the course of his or her work activities is educated and trained respecting:

- (a) the content that is required to appear on a supplier label and workplace label for the hazardous product and the purpose and significance of the information contained on those labels;
- (b) the content that is required to appear on a safety data sheet for a hazardous product and the purpose and significance of the information contained on the safety data sheet;
- (c) all necessary procedures for the safe use, storage, handling and disposal of the hazardous product;
- (d) all necessary procedures to be followed if fugitive emissions are present where workers may be exposed to those fugitive emissions; and
- (e) all necessary procedures to be followed in case of an emergency involving a hazardous product.

(4) An employer shall ensure that the education and training required by subsection (3) is developed and implemented:

- (a) for that employer's place of employment; and
- (b) in consultation with the occupational health committee, if there is an occupational health committee.

(5) An employer shall ensure that:

- (a) the education and training required by subsection (3) results in a worker being able to apply the information as needed to protect the health and safety of that worker or any other worker;
- (b) the necessary procedures mentioned in clauses (3)(c) to (e) are implemented; and
- (c) the knowledge of the workers is periodically evaluated using written tests, practical demonstrations or other suitable means.

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(6) An employer shall review at least annually, or more frequently if required by a change in work conditions or available hazard information, the education and training programs provided to workers on the safe use, storage, handling and disposal of hazardous products, in consultation with:

- (a) the occupational health committee;
- (b) the occupational health and safety representative; or
- (c) if there is no occupational health committee or occupational health and safety representative, a worker representative.

17 Jne 2016 cS-15.1 Reg 6 s5.

Supplier label

6(1) Subject to any exemption from labelling requirements in Part 5 of the *Hazardous Products Regulations*, an employer shall ensure that the hazardous product or the container in which the hazardous product is packaged that is received at a workplace has a supplier label affixed to it, printed on it or attached to it in a manner that complies with the requirements in Part 3 of the *Hazardous Products Regulations*.

(2) Subject to section 3-50 of the Act and any applicable exemptions from labelling requirements in Part 5 of the *Hazardous Products Regulations*, if any amount of a hazardous product remains in a workplace in the container in which it was received from the supplier, an employer shall not remove, deface, modify or alter the supplier label.

(3) An employer shall update the supplier labels or the information on a hazardous product as soon as significant new data is provided to the employer from the supplier.

(4) If the label applied to a hazardous product or the container of a hazardous product becomes illegible or is accidentally removed from the hazardous product or the container, the employer shall replace the label with either a supplier label or a workplace label.

(5) Notwithstanding subsections (2) and (4), a supplier label of a hazardous product may be removed under the normal conditions of use of the hazardous product in a container that has a capacity of three millilitres or less, if the label interferes with the normal use of the product.

(6) The employer shall affix a workplace label that meets the requirement in section 7 if the employer imports and receives a hazardous product pursuant to Part 5 of the *Hazardous Products Regulations* that:

- (a) is only for use in the employer's place of employment; and
- (b) is without a label.

(7) An employer who has received an unpackaged hazardous product or a hazardous product transported as a bulk shipment to which a supplier label has not been affixed or attached pursuant to the exemption in subsection 5.5(2) of the *Hazardous Products Regulations* shall affix a label having the information required of a supplier label to the container of the hazardous product or to the hazardous product in the workplace.

17 Jne 2016 cS-15.1 Reg 6 s6.

Workplace label for employer-produced products

7(1) Subject to subsections (2) and (3), if a hazardous product is produced at a place of employment, the employer shall ensure that a workplace label is applied to the hazardous product or the container of the hazardous product.

(2) An employer shall update the workplace labels or the information on a hazardous product as soon as significant new data is made available to the employer.

(3) Subsection (1) does not apply to:

- (a) the production of fugitive emissions;
- (b) a hazardous product that is in a container:
 - (i) intended to contain the hazardous product for sale or disposition; and
 - (ii) that is or is about to be appropriately labelled for sale or disposition within the normal course of business and without undue delay.

17 Jne 2016 cS-15.1 Reg 6 s7.

Workplace label for decanted products

8(1) Subject to subsection (2), if a hazardous product at a place of employment is in a container other than the container in which the hazardous product was received from a supplier, an employer shall ensure that a workplace label is applied to the container into which the hazardous product is placed.

(2) Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label applied to it if:

- (a) all of the hazardous product in the portable container is required for immediate use; or
- (b) all of the following conditions are met:
 - (i) the hazardous product is:
 - (A) under the control of, and used exclusively by, the worker who filled the portable container; and
 - (B) used only during the shift in which the portable container was filled;
 - (ii) the contents of the container are clearly identified.

17 Jne 2016 cS-15.1 Reg 6 s8.

Identification of hazardous products in piping systems and vessels

9 Notwithstanding sections 6 to 8, an employer shall ensure the safe use, storage, handling and disposal of a hazardous product in a place of employment through worker education and training and the use of colour coding, labels, placards or any other mode of identification if the hazardous product is contained or transferred in or on:

- (a) a pipe;
- (b) a piping system, including valves;

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- (c) a process vessel;
- (d) a reaction vessel; or
- (e) a tank car, tank truck, ore car, conveyor belt or similar conveyance.

17 Jne 2016 cS-15.1 Reg 6 s9.

Placard identifiers

10(1) Notwithstanding sections 6 to 8, an employer shall post a placard in accordance with subsection (2) if a hazardous product:

- (a) is not in a container;
 - (b) is in a container or form intended for export; or
 - (c) is in a container that is intended to contain the hazardous product for sale or disposition, and the container is not yet labelled but is to be labelled pursuant to section 7.
- (2) A placard required by subsection (1):
- (a) must disclose the information that is required to appear on a workplace label; and
 - (b) must be of an appropriate size and must be placed in an appropriate location to make the information on it conspicuous and clearly legible to workers.
- (3) An employer who complies with subsections (1) and (2) is deemed to have complied with sections 6 to 8.

17 Jne 2016 cS-15.1 Reg 6 s10.

Laboratory and sample labels

11(1) If a sample of a product described in subsection (2) is a hazardous product or a product that a supplier or an employer has reason to believe may be a hazardous product, a label provided by the supplier and affixed to the container received at the place of employment is deemed to be a supplier label for the purposes of section 6 if it meets the requirements in subsection (4).

- (2) Subject to subsection (3), subsection (1) applies to a product that:
- (a) is contained in a container that contains less than 10 kilograms of the product;
 - (b) is intended by the supplier or the employer solely for analysis, testing or evaluation in a laboratory; and
 - (c) is one with respect to which the supplier is exempt from the requirement to provide a safety data sheet pursuant to Part 5 of the *Hazardous Products Regulations*.
- (3) Subsections (1) and (2) do not apply to a sample that is to be used:
- (a) by the laboratory for testing other products, mixtures, materials or substances; or
 - (b) for educational or demonstration purposes.

(4) If a laboratory sample of a hazardous product is the subject of a labelling exemption pursuant to subsection 5(5) or (6) of the *Hazardous Products Regulations*, a label provided by the supplier and affixed to, printed on or attached to the container complies with the requirements in section 6 with respect to a supplier label if it discloses the following information in place of the information required pursuant to paragraph 3(1)(c) or (d) of the *Hazardous Products Regulations*:

- (a) the product identifier;
- (b) the chemical or generic chemical name of any material or substance in the hazardous product that is:
 - (i) individually classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations*, in any category or subcategory of a hazard class; and
 - (ii) present at a concentration that results in the mixture being classified in a category or subcategory of any hazard class, if known by the supplier;
- (c) the initial supplier identifier; and
- (d) the statement, “Hazardous Laboratory Sample. For hazard information or in an emergency, call / Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d’urgence, composez”, followed by an emergency phone number that will enable the caller to obtain the information that is required to appear on the safety data sheet of a hazardous product.

(5) An employer is exempt from the requirements in section 8 if the hazardous product at a place of employment:

- (a) is either:
 - (i) in a container other than the container in which it was received from a supplier; or
 - (ii) produced in the workplace;
- (b) is a laboratory sample; or
- (c) is intended by the employer solely for use, analysis, testing or evaluation in a laboratory and is clearly identified through a combination of:
 - (i) any modes of identification visible to workers at the workplace; and
 - (ii) worker education and training required pursuant to these regulations.

(6) If a hazardous product is produced in a laboratory, the employer is exempt from the requirements in sections 7 and 8 if the hazardous product:

- (a) is intended by the employer solely for use, analysis, testing or evaluation for research and development;
- (b) is not removed from the laboratory; and

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- (c) is clearly identified through a combination of:
 - (i) any modes of identification visible to workers at the workplace; and
 - (ii) worker education and training required pursuant to these regulations.
- (7) For the purposes of subclauses (5)(c)(ii) and (6)(c)(ii), the employer shall ensure that the mode of identification and worker education and training used enables the workers to readily identify and obtain:
 - (a) the information required on a safety data sheet; or
 - (b) a label or document disclosing the information mentioned in subsection (4) with respect to the hazardous product or the laboratory sample.

17 Jne 2016 cS-15.1 Reg 6 s11.

Supplier safety data sheets

- 12(1)** Subject to subsection (5), an employer who acquires a hazardous product for use, storage or handling at a workplace shall obtain a supplier safety data sheet, if one has been produced with respect to that hazardous product.
- (2) If a hazardous product that is used in a workplace is three years old, the employer shall, if possible, obtain from the supplier an up-to-date supplier safety data sheet with respect to the hazardous product at that time.
- (3) If an employer is unable to obtain an up-to-date supplier safety data sheet pursuant to subsection (2), the employer shall add to the existing supplier safety data sheet any significant new data of which he or she is aware or ought to be aware.
- (4) An employer may provide a safety data sheet that is in a different format from that provided by the supplier or that contains additional hazard information if:
 - (a) subject to section 15, the safety data sheet provided by the employer contains no less information than the supplier safety data sheet or any lesser information that is acceptable to the occupational health committee, the occupational health and safety representative or, if there is no occupational health committee or occupational health and safety representative, a worker representative; and
 - (b) the supplier safety data sheet is available at the place of employment and the employer's safety data sheet indicates that the supplier safety data sheet is available at the place of employment.
- (5) Notwithstanding subsection (1), an employer is exempt from the requirement to obtain a supplier safety data sheet for a hazardous product if:
 - (a) the employer is exempt from the requirement to provide a safety data sheet pursuant to Part 5 of the *Hazardous Products Regulations*; or
 - (b) the up-to-date safety data sheet no longer applies to the original product.

17 Jne 2016 cS-15.1 Reg 6 s12.

Employer safety data sheets

13(1) For the purposes of this section, “**produces**” does not include the production of a fugitive emission or of intermediate products undergoing reaction within a reaction vessel or process vessel.

(2) Subject to section 15 and Part 5 of the *Hazardous Products Regulations*, if the employer produces a hazardous product in a place of employment, the employer shall prepare a safety data sheet for the hazardous product.

(3) An employer shall update the safety data sheet mentioned in subsection (2) as soon as possible if significant new data becomes available to the employer, but not later than 90 days after the significant new data becomes available.

(4) Subject to Part 11 of the *Hazardous Materials Information Review Act*, on a request pursuant to subsection (5), an employer who produces a hazardous product in a workplace shall disclose to the person making the request the source of any toxicological data used in preparing a safety data sheet.

(5) An employer shall make the disclosure mentioned in subsection (4) on the request of an inspector, a concerned worker, the occupational health committee, an occupational health and safety representative or, if there is no occupational health committee or occupational health and safety representative, a worker representative.

17 Jne 2016 cS-15.1 Reg 6 s13.

Availability of safety data sheets

14(1) An employer shall ensure that a copy of a safety data sheet required pursuant to sections 12 and 13 is made readily available to any of the following who are consulted on the matter of how best to achieve safety data accessibility in the workplace:

- (a) workers who may be exposed to the hazardous product;
- (b) the occupational health committee, if any;
- (c) an occupational health and safety representative, if any;
- (d) a worker representative.

(2) If a hazardous product is received or produced at a laboratory and the employer has produced a safety data sheet, the employer shall ensure that the safety data sheet is readily available to any worker in the laboratory.

17 Jne 2016 cS-15.1 Reg 6 s14.

Omissions from safety data sheet

15 Pending the final determination of an employer’s claim for an exemption pursuant to section 3-50 of the Act, the employer may, subject to any terms and conditions pursuant to that section, omit from a safety data sheet required by sections 12 and 13 the information that is the subject of the claim, but shall not omit any hazard information.

17 Jne 2016 cS-15.1 Reg 6 s15.

S-15.1 REG 6**Disclosure re claim for exemption, exemption granted**

16(1) In this section, “**proceedings**” means proceedings as defined in subsection 19(3) of the *Hazardous Materials Information Review Act*.

(2) An employer who claims an exemption from a requirement to disclose information pursuant to section 3-50 of the Act shall disclose the following on the required safety data sheet or label:

- (a) a statement that a claim for exemption was filed with Health Canada;
- (b) the date on which the claim for exemption was filed with Health Canada; and
- (c) the registry number assigned to the claim pursuant to section 10 of the *Hazardous Materials Information Review Regulations*.

(3) Subsection (2) continues to apply until:

- (a) in the case that an order is issued by a screening officer pursuant to subsection 16(1) or 17(1) of the *Hazardous Materials Information Review Act*, the end of the period that begins on the final disposition of the proceedings respecting the claim for exemption and ends at the time specified in the order; or
- (b) in any other case, the end of the period not exceeding 30 days after the final disposition of the proceedings respecting the claim for exemption.

(4) An employer who receives notice of a decision pursuant to section 15 of the *Hazardous Materials Information Review Act* that his or her claim is valid shall, before the end of the period mentioned in clause (3)(a) or (b) and throughout the period ending on the last day of the exemption period stated in the decision, disclose on the required safety data sheet or label:

- (a) a statement that an exemption has been granted;
- (b) the date of the decision granting the exemption; and
- (c) the registry number assigned to the claim pursuant to section 10 of the *Hazardous Materials Information Review Regulations*.

(5) If an employer who is granted an exemption pursuant to this section prepares a safety data sheet for a hazardous product, the safety data sheet complies with the requirements in subsection 13(2) if:

- (a) it discloses the following information in place of the information elements listed in items 3(1)(a),(c) and (d) or 3(2)(a) and (c) of Schedule I of the *Hazardous Products Regulations*:
 - (i) in the case of a hazardous product that is a material or substance, the generic chemical name of the material or substance;

(ii) in the case of a hazardous product that is a mixture, the generic chemical name of each material or substance in that mixture that is:

(A) individually classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations*, in any category or subcategory of a hazard class; and

(B) present at a concentration that results in the mixture being classified in a category or subcategory of any hazard class, if known by the supplier;

(b) it does not disclose the information element listed in item 3(2)(d) of Schedule I of the *Hazardous Products Regulations*; or

(c) it discloses in the place of the product identifier a code name or code number for the product.

17 Jne 2016 cS-15.1 Reg 6 s16.

R.R.S. c.O-1.1 Reg 1, Part XXII repealed

17 Part XXII of *The Occupational Health and Safety Regulations, 1996* is repealed.

17 Jne 2016 cS-15.1 Reg 6 s17.

Transition – labelling requirements and safety data sheets

18(1) In this section, “**former section**” means a section of *The Occupational Health and Safety Regulations, 1996* as that section existed before the coming into force of these regulations.

(2) Until December 1, 2018, if the employer meets the requirements in former sections 319 and 325:

(a) the requirements in these regulations respecting supplier labels on hazardous products acquired by an employer do not apply to an employer;

(b) the requirements in these regulations respecting supplier safety data sheets received by an employer do not apply to an employer; and

(c) former sections 319 and 325 continue to apply to the employer.

(3) Until December 1, 2018, if the employer meets the requirements in former sections 320, 321 and 326:

(a) the requirements in these regulations respecting workplace labels on hazardous products do not apply to an employer;

(b) the requirements in these regulations respecting employer safety data sheets prepared by an employer do not apply to an employer; and

(c) former sections 320, 321 and 326 continue to apply to the employer.

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(4) Until December 1, 2018, if the employer meets the requirements in former sections 319, 324 and either former section 325 or 326:

- (a) the requirements in these regulations respecting supplier labels on hazardous products acquired by an employer do not apply to an employer;
- (b) the requirements in these regulations respecting laboratory labels on hazardous products acquired by an employer do not apply to an employer;
- (c) the requirements in these regulations respecting supplier safety data sheets received by an employer do not apply to an employer;
- (d) the requirements in these regulations respecting employer safety data sheets prepared by an employer do not apply to an employer; and
- (e) former sections 319, 324 and either former section 325 or 326 continue to apply to the employer.

17 Jne 2016 cS-15.1 Reg 6 s18.

Coming into force

19 These regulations come into force on the sixty-first day after the day on which they are published in *The Saskatchewan Gazette*.

17 Jne 2016 cS-15.1 Reg 6 s19.