

YEAR THREE RENEWAL

Ready for the *Future*

Annual Report 2000–2001



Hazardous Materials Information
Review Commission

Conseil de contrôle des renseignements
relatifs aux matières dangereuses

Canada



YEAR THREE RENEWAL

Ready for the
Future

Annual Report 2000–2001

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Conseil de contrôle des renseignements
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Bureau du directeur général

July 27, 2001

The Honourable Allan Rock, P.C., M.P.
Minister of Health
East Block
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

I am pleased to submit to you the Annual Report of the Hazardous Materials Information Review Commission, in accordance with subsection 45(1) of the *Hazardous Materials Information Review Act*. The report covers the fiscal year ending March 31, 2001.

Yours sincerely,

Weldon Newton

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PRESIDENT'S MESSAGE

This report covers the third year of the Hazardous Materials Information Review Commission's (HMIRC) renewal initiative. While the first two years of renewal were focused largely on planning the direction in which the Commission would evolve and consulting with our stakeholders, this year we have some strong achievements to report. The framework that will support our new way of doing business has emerged. The strategies we identified in our *Blueprint for Change* have either been implemented or are awaiting the necessary regulatory and legislative changes. We expect the necessary proposals to be ready by the fall of 2001.

We have put in place a new culture of service delivery, accountability in our operations, and modern administration. Better relationships, based on frequent and open communication, have begun to form with our stakeholders in industry, labour and government. As an organization, we have increased our visibility and presence, invited our clients to measure our performance against the renewal commitments we have made, become more accessible to stakeholders and have elevated the importance of information sharing. We are dealing with some long-standing industry concerns about fees and other operational issues by streamlining our procedures and proposing a new cost recovery structure to Treasury Board. And we are convinced that the steps we have taken to rethink our operations will only strengthen our ability to follow through on our commitment to workplace safety objectives.

I am proud of the work we have done. Through three years of renewal, the Commission has established itself as a viable organization that has strong support from all the HMIRC stakeholders. The process has brought us renewed vigour, which will stand us in good stead as we deal with the demands of the coming year.

For the last two years, since we began renewal, the number of claims filed with the Commission has significantly increased. While in part this reflects economic trends and conditions in the industry, I think that the new accessibility of the Commission may also be encouraging claimants to come forward. We have added to our scientific staff to help us address the backlog of claims, and we plan to reduce and ultimately eliminate the backlog over the next five years.

Another important factor in looking ahead is dealing with the issue of unfiled claims and how to detect material safety data sheets (MSDSs) that have not met Workplace Hazardous Materials Information System (WHMIS) disclosure requirements and have not been filed with the Commission. We have begun to explore ways to strengthen our relationships with our occupational safety and health (OSH) partners in the provinces and territories, to gain a better understanding of the issues and challenges facing OSH agencies and work with



them to identify unfiled claims and bring them into the system. This initiative will be one of our priorities in the next year.

Another will be to improve our Web site by adding new information and new e-business functions. We are exploring ways to implement e-payment and e-filing of claims. There will be some challenges here, especially in regard to security issues and monetary conversions, given our international clientele.

We will continue to put effort into steering through the approvals and legislative process another renewal project that was very much driven by stakeholders—our new fee schedule. We know that industry found our old system complex, the fees disproportionate and refilings costly. Our proposal for a new policy is in line with Treasury Board's 1997 Cost Recovery and Charging Policy, which distinguishes between activities for private benefit and public good, and has strong support from our stakeholders for the underlying principles and process.

Another important and long term project is bringing our new dispute resolution process into effect. Our driving need here is to enhance worker safety by bringing industry into compliance earlier in the claims process. The sooner disputes are resolved, the sooner MSDSs will meet compliance standards, bringing more timely safety to the workplace. The new process, which had stakeholder input and has received approval from the HMIRC Council of Governors, involves increased communication between the Commission and claimants, more front-end information and guidance, new compliance options and a new role for a Commission official in appeal hearings. It is

common sense to resolve issues and concerns before we get to the appeal stage. I believe the changes we are proposing will bring greater openness and efficiency, while helping to build relationships of trust, mutual respect and understanding with our stakeholders.

The final step in bringing these changes to fruition is amending the legislation and regulations in order to implement procedural changes. In 1988, the architects of the Commission's statute couldn't have envisaged the changes that the next 12 years would bring. Through dialogue and consultation, and based on the experience and wisdom accumulated over the years, the Commission now has a better idea of what works in today's world. We have laid the groundwork, and now we are ready for the future.

In closing, I think it is appropriate to express my deep appreciation for the hard work, enthusiasm and commitment of the Commission's staff in bringing our renewed organization into being. I would also like to thank all members of our Council of Governors for their encouragement, advice and support. Council support has been critical to our success. I have every faith that we will all continue to work successfully together during another productive year.

Weldon Newton

OVERVIEW

WHO WE ARE

The Hazardous Materials Information Review Commission is an independent agency, created in 1987 under the Hazardous Materials Information Review Act and accountable to Parliament through the Minister of Health. We are unique among federal agencies, since we derive our mandate and program accountability from the provincial and territorial occupational health and safety acts, as well as federal legislation.

As an independent administrative agency, the Commission acts to maintain the balance between the right of chemical companies to protect their trade secrets and the right of workers to know about the hazardous chemicals they work with in order to minimize workplace injury and illness. We help safeguard both workers and trade secrets. Our 34 employees and Council of Governors, which represents industry, labour and government, play an essential role in the Canadian economy.

HOW WE SERVE CANADIANS

In Canada, the handling and storage of hazardous chemicals in the workplace is controlled by the Workplace Hazardous Materials Information System (WHMIS), a wide array of legislation, regulations and procedures at various levels of jurisdiction that binds suppliers and employers alike. Established in 1988 through a consensus of labour, industry and government, the goal of WHMIS is to reduce illnesses and injuries resulting from the use of hazardous materials in the workplace.

Our Mission

- **Ensure a balance between industry's right to protect confidential business information and the right of employers and workers to know about the hazardous materials they deal with in the workplace.**
- **Provide a trade secret mechanism within WHMIS.**
- **Resolve complaints and disputes impartially, fairly and promptly through statutory or alternative means.**



WHMIS requires manufacturers and suppliers to provide employers with information on the hazards of chemicals produced, sold, or used in Canadian workplaces. It prescribes cautionary labelling for containers of controlled products as a condition of sale and importation, and requires suppliers of those products to provide material safety data sheets (MSDSs). A product's

MSDS must include the disclosure of all hazardous ingredients in the product, its toxicological properties, any safety precautions workers

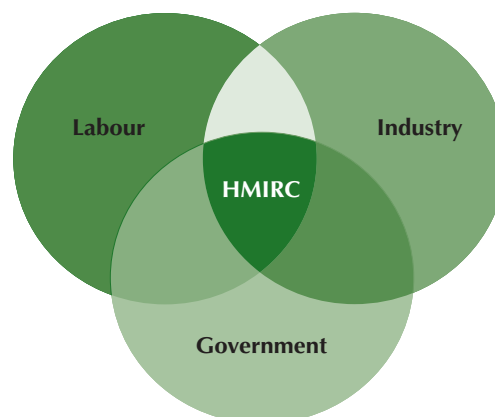
need to take when using the product, and treatment required in the case of exposure. Employers pass this information on to employees and institute worker training and education programs.

If a supplier or manufacturer wishes to withhold confidential business information—

for example, the identity or concentration of one or more hazardous ingredients in its product—it applies to the

Commission for an exemption from the requirement to list such ingredients on the MSDS. We allow suppliers to meet their WHMIS obligations without disclosing critical proprietary information, when the claim is determined to be valid.

We formally register claims for trade secret exemptions, rule on the validity of those claims, issue decisions on the compliance of MSDSs and some labels, and convene independent boards to



hear appeals on our decisions and orders. These appeal boards are made up of representatives from the Commission's tripartite clientele of WHMIS stakeholders: industry (suppliers and employers in the chemical industry who wish to protect their trade secrets, and employers who rely on supplier MSDS information to prepare their own workplace MSDSs and training programs); labour, representing the workers who are exposed to these products; and the federal, provincial and territorial governments.

OUR RENEWAL PROGRAM

In 1998, we began to revitalize Commission operations by improving service delivery, increasing the transparency and accountability of our operations, and modernizing our administration. In many ways, this organization renewal process brought us back to our roots. The Commission began as the product of collaboration and agreement among government, labour and industry. In this same spirit of cooperation, we sought input from our clients and our partners in WHMIS to draft a strategic plan, *Commission Renewal: Blueprint for Change*, and its companion document, the *Workplan*, which outlined what we were going to do to realize our vision.

Our Core Values

- **Timeliness**
- **Accessibility**
- **Transparency**
- **Quality**
- **Consistency**
- **Competence**
- **Respect**
- **Fairness**

Cooperation, openness and dialogue with partners and stakeholders have remained strong elements in the implementation of our renewal initiative. Planned activities are proceeding on schedule, with many of the *Blueprint's* 29 action items already completed, while we steer others through the regulatory and statutory approval process. The major objective of our organizational renewal was to improve client service—by lessening the financial and paper burden on claimants, for example—while continuing to protect worker health and safety. Throughout its renewal, the Commission has sought out creative and progressive approaches. We have been successful in inaugurating productive exchanges of ideas with clients and stakeholders, and their feedback has been useful as we develop improvements in procedures and programs. We have created a new service-oriented organizational culture, and developed new procedural and administrative tools that benefit both our clients and ourselves.

The Commission has now completed its first full year of operations after reorganizing its services into three new business lines: Client Services, MSDS Compliance, and Dispute Resolution. Our new structure has contributed to more timely, cost-effective service delivery. Our Web site, launched in 2000, helps speed service delivery while enhancing openness and accountability. In the past year, we have redesigned our cost recovery policy with a focus on fairness and consistency, and will now prepare proposals for regulatory amendments to the fee structure itself. We have also developed new MSDS screening and dispute resolution procedures, which will bring greater openness and efficiency to our operations while helping to build relationships of trust, respect and understanding with our clients.



I would like to commend the government for its nurturing of the HMIRC, which is a first class public agency of the Government of Canada and on which the labour movement is pleased to serve.

**Mr. Kenneth V. Georgetti,
President of the
Canadian Labour Congress,
which is an organization
representing labour on our
Council of Governors**



THE YEAR'S ACHIEVEMENTS

MSDS COMPLIANCE

The MSDS Compliance business line is the Commission's "scientific arm." We help ensure that workers know about the hazards of exposure to chemicals found in products associated with claims for exemption.

We review the related material safety data sheets and, in some cases, labels, to make certain that they provide appropriate health and safety information and guidance to comply with WHMIS requirements, based on the *Hazardous Products Act*, the *Canada Labour Code*, and provincial and territorial occupational health and safety legislation. In each case, scientific evaluators review the most recent scientific information relevant to each of the products and/or its ingredients, and their known health and safety hazards. They provide advice to screening officers, who decide whether the MSDS complies with regulations. If the MSDS does not meet requirements, the screening officer issues a formal order for its revision and follows up to ensure compliance. Since the Commission first began this activity in 1990–1991, some 95% of the material safety data sheets reviewed have been found non-compliant with the WHMIS requirements to some degree.

Objectives and Achievements

The *Blueprint* and *Workplan* laid out objectives for this business line in a number of areas, including stakeholder consultation, streamlined and improved claim review procedures, service standards and staff development. Significant progress has been made in all areas.

Key Elements in New Screening Process

- Claim is registered
- More frequent contact with claimants through phone calls and conferences
- Pre-assessment of MSDS for obvious technical violations
- Claimant may voluntarily amend MSDS
- Health and safety evaluator formally reviews MSDS and prepares advice document
- Advice document provided to screening officer and to claimant
- Opportunity to resolve disagreements
- New compliance measures agreement as alternative to formal order

Improving the Screening Process

We are nearing completion on the design of a voluntary MSDS pre-assessment program for claimants, to speed up the screening process, reduce the number of orders issued by screening officers, and potentially also the number of appeals. The program introduces a new MSDS pre-assessment stage. Immediately after registration of a claim and before the formal review begins, we will examine the claimant's MSDS for obvious technical violations and advise the claimant on how the MSDS might be improved with minimum effort.

In addition, the screening process now incorporates what was previously a successful pilot project, in which claimants and affected parties have an opportunity to review and comment on the health and safety advice prepared by our scientific evaluators. After reviewing our information, the claimant may seek clarification and provide additional information. We are starting to develop proposals which could lead to changes to the legislation allowing claimants to enter into compliance measures agreements, as an alternative to a formal order, with the hope of implementing the program during the coming year.

TABLE 1. MSDS VIOLATION AND CLAIMS STATISTICS

Violation Category	Number of Occurrences							Total	%
	2000– 2001	1999– 2000	1998– 1999	1997– 1998	1996– 1997	1995– 1996	1994– 1995		
Toxicological Properties	308	182	341	384	698	580	609	3 102	31.9
Hazardous Ingredients	452	164	301	391	716	367	238	2 629	27.0
First Aid Measures	116	47	72	97	114	63	113	622	6.4
Fire or Explosion Hazard	109	21	66	49	56	104	140	545	5.6
Hazard Classification	9	6	38	44	95	42	79	313	3.2
Physical Data	99	13	28	29	49	48	55	321	3.3
Headings	157	19	22	31	71	122	113	535	5.5
Preparation Information	35	3	20	9	14	36	35	152	1.6
Generic Chemical Identity	17	20	17	39	13	27	56	189	1.9
Product Information	81	21	15	24	36	49	48	274	2.8
Format/Wording	44	28	10	41	126	205	390	844	8.7
Preventive Measures	3	2	4	3	8	5	49	74	0.8
Reactivity Data	20	6	2	14	17	19	52	130	1.3
Total	1 450	532	936	1 155	2 013	1 667	1 977	9 730	100.0
No. Claims Adjudicated	155	85	143	150	204	252	196	1 185	
No. Occurrences/Claim	9.4	6.3	6.5	7.7	9.9	6.6	10.1	8.2	



Another factor affecting the speed of the screening process is the availability of complete information about a controlled product's formulation. Although this information is essential to MSDS review, in some cases obtaining it from a claimant after the claim has been registered is difficult and time-consuming. We are preparing a policy proposal that would require provision of the full formulation before a claim can be registered.



Based on their assessment of the information submitted by the claimant, screening officers then issue a decision to grant or deny the validity of the claim for protection of confidential business information.

Dealing with the Increase in Claims and Setting Service Standards

In the five-year period beginning in 1994–1995, the Commission received an average of about 185 claims annually. In 1999–2000, however, we received over twice that number of claims (394), and another 305 claims were received in 2000–2001, more than a third higher than the average for the previous five years.

This unprecedented increase in workload created a backlog of 725 claims. The Commission's screening officers handed down 155 decisions in the past year, an 82% increase over 1999–2000.

In the fall of 2000, the Commission received funding for additional staff to handle the continued increase in workload and to reduce the backlog over five years. With additional screening officers and evaluators, and as modernized and more efficient procedures are implemented, we expect to increase the number

of claims processed annually to more than 400. We will continue to use the services of the Canadian Centre for Occupational Health and Safety (CCOHS) to supplement the work of our own staff, where possible.

Given the need to train new employees and to meet the service standard established under the renewal *Workplan*, we have developed a standardized script describing the various steps in the claim/MSDS review process. It covers all necessary activities, and outlines the information that must be communicated to claimants at each scheduled point of contact.

CLIENT SERVICES

The Client Services business line assists suppliers and employers in protecting their confidential business information, while still meeting their disclosure obligations under the WHMIS. We formally register claims for exemption, issue registry numbers, and ensure the security of claim-related information. Screening officers rule on claim validity pursuant to the

Hazardous Materials Information Review Act. In addition, Client Services provides general advice and guidance to claimants and monitors levels of client satisfaction. Client Services collaborates closely with MSDS Compliance, both in its ongoing work and on special projects, such as the revised screening process.

Ongoing Services

Client Services staff provide front-end assistance and information about the claims process and the role of the Commission to claimants, whether they are suppliers, producers, distributors or employers. Telephone enquiries are normally answered within 48 hours, and replies are sent out no later than a week after we receive a written enquiry. We dealt with some 100 enquiries during the past year.

Once a claim is submitted, we carry out a pre-registration check. The claim is then registered, and we issue a registry number within seven days of receipt, if the supporting documentation is complete. When there is an express request from a claimant, the Commission can and has registered claims within a few hours of receipt. Claim registration allows the company to import or sell their product while the decision-making process is carried out at the Commission. We registered 305 claims in the past year.

Based on their assessment of the information submitted by the claimant, screening officers then issue a decision to grant or deny the validity of the claim for protection of confidential business information.

Objectives and Achievements

The *Blueprint* and *Workplan* laid out objectives for this business line in a number of areas,

Dialogue 2000 Workshop Popular with Participants

Comments on the evaluation sheets showed the event was helpful and appreciated.

- *I think it's outstanding that the HMIRC is taking the time and effort to listen to our ideas/problems/concerns, to improve the way the organization runs.*
- *Like summary of HMIRC renewal update, question and answer sessions; nice friendly crowd of people.*
- *The information was excellent.*
- *Like HMIRC willingness to listen and apply common sense when possible.*
- *Web site very positive step; process explained well.*

including outreach to develop partnerships; ongoing initiatives to inform clients, stakeholders and partners; procedures to reduce the burden of proof for confidentiality claims; and an improved and modernized administrative process.

Consultation with Stakeholders and Outreach Efforts

In accordance with the *Blueprint* objective of establishing a mechanism for full consultation on program review and modification, we organized the Commission's first-ever workshop for stakeholders in Ottawa on June 15, 2000. The event, dubbed "Dialogue 2000," was



Encouraging Feedback from Clients

Many of the claimants surveyed with our client satisfaction questionnaire early in 2001 volunteered comments that suggest the Commission's renewal process is headed in the right direction.

- *Always receive prompt response when waiting for registry number and filing date.*
- *The quality of service provided by the staff...is always excellent...*
- *I have seen a move to more cooperation, which benefits industry, labour and government.*
- *I have never had any complaints regarding HMIRC. Every time I have asked for assistance or clarification, customer service has been amazing.*

designed to inform stakeholders more fully about regulatory requirements and thereby improve the quality of claim submissions. The agenda included an update on the renewal program, a guided tour of our new Web site, and presentations by staff on a variety of topics related to the Commission's operations. For each topic, presenters explained the current process, outlined proposed changes, and answered questions from participants. All of the 25 representatives of industry and governments in attendance gave the workshop high marks for quality, relevance and usefulness in the written

evaluations submitted at the end of the day-long event. We plan to hold more workshops as one of the means by which we can continue to keep in close touch with our stakeholders and WHMIS partners.

Early in 2001 we also carried out the Commission's first client service survey. The returns show high levels of claimant satisfaction, with a number of supportive write-in comments.

In the past year, we have also given some priority to exploring partnership and educational opportunities with organizations that have similar interests and objectives related to the WHMIS. These range from the possible distribution of toxicity profile summaries, which have been prepared for certain chemical substances, to an overall strategic outreach effort to communicate our mandate and services more widely to interested parties, including the U.S. chemical industry. We are also working with provincial/territorial occupational safety and health (OSH) agencies to develop operational relationships. In the course of their regular workplace inspections, the OSH agencies may be able to assist in identifying unfiled claims for products already being sold; we are also gauging the OSH agency demand for various WHMIS-related services we might be able to provide in return.

On the international scene, we have worked to support the Canadian delegation involved in international discussions on the global harmonization of requirements for communicating chemical hazards.

Proposals for Legislative Amendments

We are working on proposals which could result in amendments to the *Hazardous Materials Information Review Regulations*, making it

easier for claimants to demonstrate that certain information pertaining to their products is, in fact, a legitimate trade secret that should remain confidential.

In addition, we are exploring a framework that would permit filing of claims related to controlled products that are to be test-marketed in Canada. The Council of Governors has mandated a tripartite working group to develop a proposal for consideration. This addition to our services may require a legislative amendment.

Modernizing Our Tools

Over the past year, work was completed on a more modern, efficient and user-friendly software program for the system that records, registers, tracks and manages claims.

DISPUTE RESOLUTION

The Dispute Resolution business line provides all parties involved in a claim with a range of options, including facilitated discussion, for dealing with any issues that may arise from decisions and orders of the Commission. We supplement and work in conjunction with the appeals process by identifying and resolving problems and complaints, where possible, before an appeal becomes necessary. Our less formal dispute resolution process is frequently more expeditious and effective in satisfying all parties, and is less costly than an appeal. We take care to provide impartial, unbiased service that encourages consensus agreements.

When necessary, we convene independent tripartite boards (with members from industry, labour and government) to address appeals or disputes from claimants or affected parties as early and effectively as possible. An appeal may

relate to the compliance of a MSDS, the rejection of a claim, or to a request that confidential business information be disclosed in confidence to an affected party for occupational safety and health reasons. Claimants have 45 days to launch an appeal from the date that the Commission's decision on a claim is published in the *Canada Gazette*; the length of the appeal process varies with the complexity of the case. We plan to identify some benchmarks for timing as part of our review of the dispute resolution process.

Historically, one percent of claims decisions has resulted in an appeal. There have been 16 to date, nine of which were completed and seven withdrawn by the claimant before the appeal board issued its final decision. One appeal was heard during the past year.

Objectives and Achievements

New Dispute Resolution Framework

The major renewal commitment for this business line was to redesign the Commission's approach to handling disputes with its clients. Throughout the spring and summer of 2000, we worked with our partners and stakeholders to analyze our practices and to develop ideas for a comprehensive dispute resolution process. As well as improving the appeal process—the end stage of disagreements—we decided also to examine the screening process, since it is here that

On the international scene, we have worked to support the Canadian delegation involved in international discussions on the global harmonization of requirements for communicating chemical hazards.



Key Changes to the Appeal Process

- **Commission provides clarification of factual information at hearings**
- **Measures to simplify the appointment process for appeal board members, e.g. appointing a three-member panel for a longer period, or reducing the number of nominees on lists of potential board members**
- **A procedural manual for all participants that sets out the regulatory context, the screening process, and information on how the appeal process works**
- **Measures to maximize the effectiveness of procedural conferences**

differences of opinion may arise respecting the compliance of the MSDS associated with a claim for exemption.

In October 2000, the Commission's Council of Governors approved the resulting conceptual framework for resolving disputes, which simplifies our screening and appeal processes, making them more transparent, cost-effective, fair and participatory—in short, more client-oriented. We have already started to implement the general approach where possible, and are preparing proposals for the administrative and legislative changes, guidelines and training programs needed to put the new concepts fully into practice.

The new dispute resolution process focuses as much on preventing disputes from arising as on resolving disputes through an effective appeal procedure. It includes tools for identifying problems early in the claims process, and for resolving them fairly, quickly and cost-effectively. The keys are openness and communication. The remodelled screening and appeal processes both involve more frequent contacts with claimants and appellants, through phone calls and conferences—particularly in early stages—to brief them on policies, roles and procedures, to answer questions, and to create opportunities for interaction that promotes understanding and trust. Both processes emphasize the need to share information, to encourage client participation and to identify problems early, before they become serious. We will work to provide all parties with options for resolving a dispute in a non-adversarial, collaborative and informal manner.

CORPORATE SERVICES

The Corporate Services division is the Commission's behind-the-scenes “fourth business line”—not highly visible to the outside world, but essential both to the renewal process and the Commission's everyday work.

Corporate Services looks after the Commission's human resources needs, and provides administrative support, records management and facilities management services. We manage the comprehensive safety and security program that safeguards the trade secret information of claimants on Commission premises. And we manage the Commission's finances and provide the information technology services our colleagues rely on.



Claimants Favour New Fee Schedule

A draft of the proposed new fee schedule, sent to current claimants for their comments, received favourable reviews:

In favour of the proposed fee restructuring; much simpler to use, understand; and is fair to all users.

Fully endorse new schedule; would result in cost savings; makes the process of claims much easier.

... Major benefit for all stakeholders.

Corporate Services is responsible for strategic planning at the Commission, putting the division front and centre in the renewal process. We also look after the Commission's internal and external communications. This includes maintaining the Commission's newly launched Web site, one of our primary vehicles for communicating with stakeholders and the general public.

Objectives and Achievements

New Cost Recovery Policy

One important objective of the Commission's strategic renewal initiative was to update our cost recovery structure to bring it into line with the Treasury Board of Canada's current Cost Recovery and Charging Policy. A key feature of this federal policy is the distinction it draws between public and private good. A private good is one that primarily benefits an identifiable individual or organization, whereas a public good accrues to Canadians in general. Federal departments and agencies may charge for services



The Commission On-Line

Our Web site features

- **information about the Commission and its services**
- **instructions for filing claims and appeals**
- **publications and forms for viewing or downloading in a variety of formats**
- **e-mail access with automatic acknowledgement**
- **basic search capabilities**
- **links to related sites**
- **a “What’s New” page to keep visitors abreast of recent developments and activities at the Commission**

that confer a private—but not a public—good. In particular, there should not be a charge for services that provide Canadians with information about dangers to health, public safety or protection of the environment. Departments must work with their clients to determine an appropriate division between public and private benefits.

Over the past year, we reviewed our cost recovery policy, examining the records of more than 1 000 claims to determine grouping characteristics, fee profiles and related factors.

After conferring with clients, we drafted a proposed new fee schedule that would meet our goals. We propose to charge user fees for services rendered through our Client Services business line (which generally provide a private benefit to industry), while eliminating fees for services related to MSDS Compliance (which are performed in the public interest). The revised fee schedule will protect program integrity, minimize the costs charged to clients, and make cost recovery practices as fair, consistent and transparent as possible. It is also simpler to administer and more flexible.

Web Site and Other Communications Initiatives

Many of the strategic initiatives of our renewal plan foresaw using the Internet to deliver the Commission’s programs and services more efficiently and effectively. Accordingly, the *Blueprint* gave Corporate Services a mandate to develop a Web site for the Commission, in consultation with our clients. The site came on-line in March 2000.

As well as client needs and preferences, the site was designed to comply with Treasury Board guidelines and the *Official Languages Act*, and to facilitate use by persons with disabilities. We were one of three government organizations to participate in a Web site accessibility pilot project initiated by Treasury Board and sponsored by Industry Canada, and the review of our site was very favourable. The Office of the Commissioner of Official Languages has also commended us for language accessibility and visual equality. In fact, our Web site achieves so much with limited resources that it has been cited as a model for other

departments and agencies to follow and was showcased at several government workshops.

Plans are underway to build in capacity for on-line filing of claims and fee payments on the Commission's site. Also on the drawing board are advanced security and search capabilities, Internet forums, a databank of toxicity profile summaries, a list of common MSDS errors, and templates and standard wording for MSDSs. To further increase our accountability and transparency as a public service organization, and to encourage comment and participation by its WHMIS partners and stakeholders, we are now posting all our new policies, regulations and procedures on our Web site.

Among other communications initiatives, we are developing a corporate e-newsletter. We also provide communications support for Client Services in their outreach efforts, and have established quality standards for all Commission publications intended for external distribution.

Staff Development

The renewal process requires each business line to invest in staff development to maximize the Commission's productivity and performance. By March 2001, Corporate Services had developed and implemented a new corporate training policy and procedures to assist managers and employees in establishing training and development plans. Also completed by March 2001 was an ergonomics review that will ensure staff are provided with the optimum working tools and a safe environment.

A New, Secure Home for the Commission

Since our current office space is insufficient for the Commission's long-term needs, we have obtained new premises at 427 Laurier Avenue West, in Ottawa, and plans are underway for a move in mid-summer 2001. We consulted with the RCMP Technical Security Branch to ensure that our new premises would conform to the Government of Canada Security Policy. In keeping with their recommendations, up-to-date security measures are being incorporated into the design of the new facilities, so we can continue to protect trade secrets entrusted to us, and detect and respond to any unauthorized activity.

Financial Matters

Working with Health Canada's finance community and the Small Agency Financial Action Group that support our finance operations, we completed preparations to change to accrual accounting as part of the federal government's financial information strategy.

Through the Partnership Agreement for Corporate Services, the Commission receives substantial support and guidance from Health Canada, providing us with added expertise, more efficient provision of corporate services, and a means to maximize the use of public funds.

**Also completed
by March 2001
was an ergonomics
review that will ensure
staff are provided with
the optimum working
tools and a safe
environment.**





In the past year, we have obtained funding for additional staff, both to deal with the Commission's backlog of claims and to create the positions of financial officer and informatics officer. We have also modernized our financial and project reporting systems.

Information Technology

We have completed a line speed upgrade to facilitate faster document retrieval from Health Canada's databases, and are working to ensure that up-to-date IM/IT standards are factored into the design of our new offices.

Strategic Planning and Policy Development

As managers of all the renewal projects, we have put in place monitoring systems so that we can actively track and report on the progress of *Workplan* projects. We have defined all reporting requirements (both internal and for central agencies), responsibility centres and deadlines for the Commission, and carry out regular assessments to ensure high performance and continued program integrity. We also ensure that the Commission has the appropriate capacity to address significant policy issues emerging from the implementation of renewal initiatives.

LOOKING TO THE FUTURE

We have now completed the third year of our formal three-year renewal process, and the Commission has substantially achieved its goals. We have become a client/stakeholder-oriented agency that is more open, visible, accountable and accessible than before. We have modernized many of our systems and procedures, and are operating both more efficiently and more effectively. The renewal process has created its own impetus, and we will continue to seek planned changes that help us promote the health and safety of Canadian workers.

In the coming year, we plan to complete the final stages of approvals for our new cost recovery system and dispute resolution process, as well as implementing the voluntary MSDS pre-assessment program and other projects that can be implemented through administrative changes. At the same time as we propose some fundamental changes to the Act and Regulations, we will propose minor technical amendments that will clarify the intent of the legislation.

Another important project for the next and future years will be elimination of our claims backlog. This work will progress more swiftly as we hire and train more staff, and as we implement more streamlined procedures and systems.

We will continue to consult clients and stakeholders to obtain their suggestions and feedback on how we can do a better job. We also expect to make further progress in developing new and productive partnerships with organizations in Canada and abroad that

share our objective of protecting workplace health and safety when certain information about hazardous products has been withheld as confidential business information. We have a particular interest in enhancing our working relationships with provincial and territorial Departments of Labour and Worker Compensation Boards (which work on the front lines of the WHMIS program), to increase chemical companies' compliance with WHMIS and identify unfiled claims which should be referred to the Commission.

In general, we plan to become more proactive in communicating our services and expertise—to other regulatory agencies of the federal and other governments, to our own clients and stakeholders and potential clients, both in Canada and elsewhere.



GOVERNANCE

The Commission is governed by a Council of Governors, representing industry, labour, and the federal, provincial and territorial governments. As well as overseeing the work of the Commission, the Council makes recommendations to the Minister of Health on matters such as changes to procedures for reviewing claims or hearing appeals, and changes to fees.

The President and Chief Executive Officer is appointed by the Governor in Council, and supervises and directs the Commission's day-to-day work. The President is accountable to the Council of Governors and to the Minister of Health.

The Vice-President of Operations supervises and directs work within the MSDS Compliance and Client Services business lines. The Vice-President of Corporate Services and Adjudication, who is also the Chief Appeals Officer, supervises and directs the work of the Dispute Resolution business line and Corporate Services.

COUNCIL OF GOVERNORS

Workers

Mr. Lawrence D. Stoffman
Canadian Labour Congress

Dr. David Bennett
Canadian Labour Congress

Suppliers

Mr. Gordon Lloyd
Canadian Chemical Producers' Association

Employers

Dr. David S. Sheppard
3M Canada Company

Government of Canada

Mr. Gerry Blanchard
Human Resources Development Canada

British Columbia

Mr. Allan Luck
Workers' Compensation Board of
British Columbia

Alberta

Mr. Dan T. Clarke
Alberta Human Resources and Employment

Saskatchewan

Dr. Fayek Kelada
Saskatchewan Labour

Manitoba and Chair

Mr. Geoffrey Bawden
Manitoba Labour Board

Ontario

Dr. Ed McCloskey
Ministry of Labour

Quebec

Mr. Yves Brisette
Commission de la santé et de la sécurité
du travail du Québec

Nova Scotia

Mr. Jim LeBlanc
Nova Scotia Environment & Labour

New Brunswick

Mr. Richard Blais
Workplace Health, Safety and Compensation
Commission of New Brunswick

Prince Edward Island

Mr. George Stewart
Workers Compensation Board

Newfoundland and Labrador

Mr. Sean Casey
Department of Labour

Yukon

Mr. Rob McClure
Yukon Department of Justice

Northwest Territories

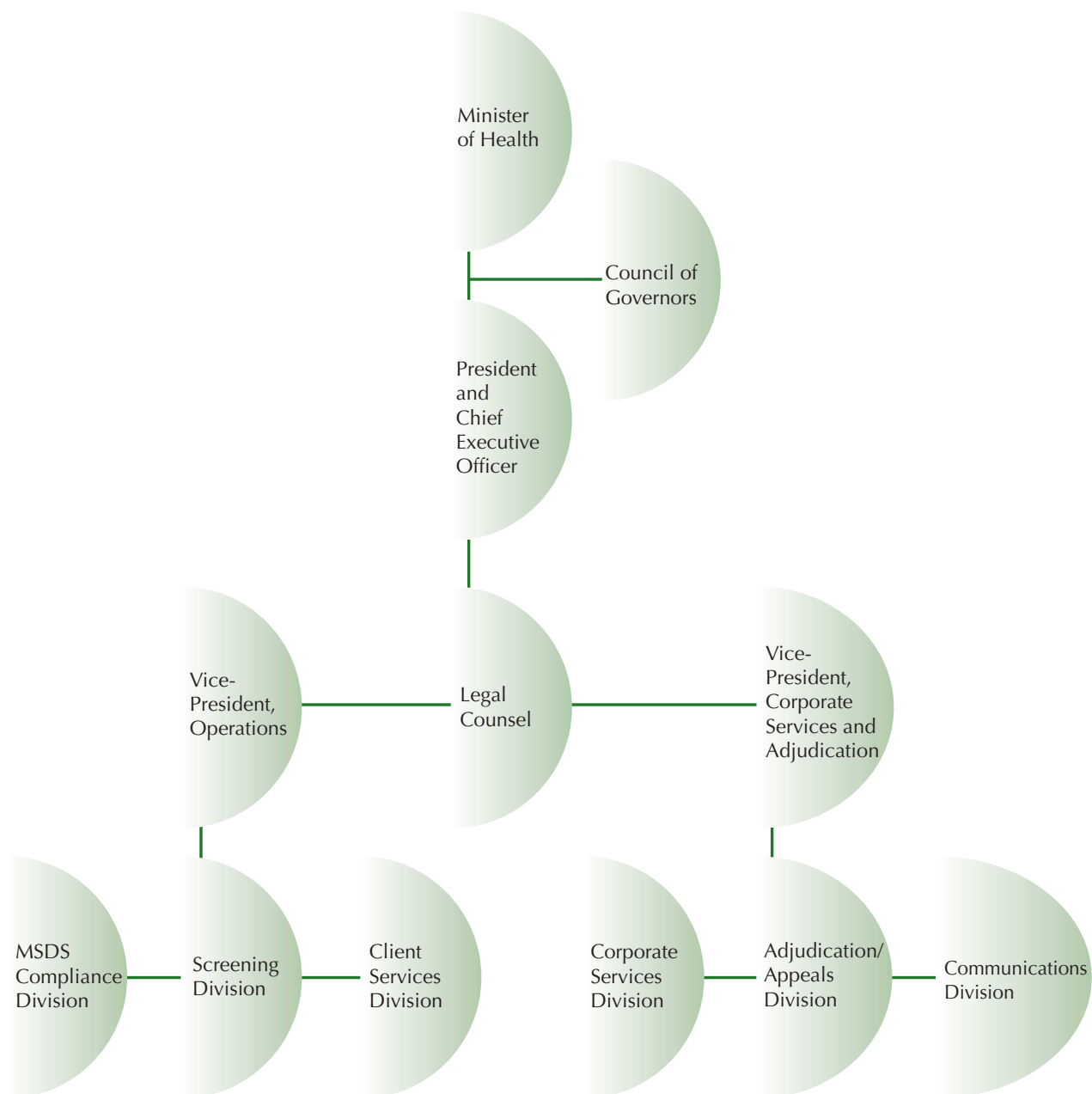
Vacant

Nunavut

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THE COMMISSION'S STRUCTURE



FINANCIAL STATEMENTS

Revenue (in thousands of dollars)

Revenue from claims for exemption	728
Revenue from appeals	0
Total revenue	728

Expenditures (in thousands of dollars)

Salary and wages	1 247
Operating costs	464
Minor capital costs	224
Total expenditures	1 935

Human Resources

Full-time equivalent staff

Office of the President	2
Operations Branch	20
Corporate Services and Adjudication Branch	12
Total	34

Cost of Program for 2000–2001 (in thousands of dollars)

Commission Operating Costs	Other Costs*	Total Program Costs	Revenue	% Costs Recovered
1 935	575	2 510	728	29

*Includes the following (in thousands of dollars):

Accommodation received from
Public Works and Government

Services Canada 279

Employee benefits, covering the
employer's share of insurance
premiums and costs paid by

Treasury Board Secretariat 296

Total 575



PUBLICATIONS

The following HMIRC publications describe the Commission's operations and assist clients in filing applications. They are available from the Commission's Web site in various formats for downloading or on-screen viewing. Hard copies may also be requested from the Hazardous Materials Information Review Commission, 427 Laurier Avenue West, 7th floor, Ottawa, Ontario, K1A 0M1
Tel: (613) 993-4331
Fax: (613) 993-4686.

Annual Reports, 1988 to 2001

Report on Plans and Priorities 2001–2002

Report on Plans and Priorities 2000–2001

Departmental Performance Report 1999–2000

Departmental Performance Report 1998–1999

Commission Renewal: Blueprint for Change
(strategic plan)

Workplan (operational plan based
on the *Blueprint for Change*)

Information Bulletins 1, 2, 3 and 4

Form 1—*Claim for Exemption*

Guide to Completing a *Claim for Exemption* Form

Guidelines for Toxicological Summary
Requirements

Form 1—*Statement of Appeal*

The following laws and regulations form the regulatory framework within which the Commission carries out its mission. All the documents can be found on our Web site (select **Links** then **Legislation**). Printed copies may be obtained from public libraries or purchased from booksellers that carry government publications. Copies can also be ordered from Canadian Government Publishing, Ottawa, Ontario K1A 0S9, Tel: 1 800 635-7943 or (819) 956-4800.

Hazardous Materials Information Review Act

*Hazardous Materials Information
Review Regulations*

*Hazardous Materials Information Review Act
Appeal Board Procedures and Regulations*

Hazardous Products Act

Controlled Products Regulations

Canada Labour Code—Part II

*Canada Occupational Safety and
Health Regulations*

Provincial and Territorial Occupational Safety
and Health Acts and Regulations



PLEASE VISIT OUR WEB SITE AT WWW.HMIRC-CCRMD.GC.CA