



# **Hazardous Materials Information Review Commission Canada**

## **Performance Report**

For the period ending  
March 31, 1998

**Canada**

## **Improved Reporting to Parliament Pilot Document**

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This *Departmental Performance Report*, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:  
<http://www.tbs-sct.gc.ca/tb/key.html>

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# **Hazardous Materials Information Review Commission**

## **Performance Report**

**For the  
period ending  
March 31, 1998**

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Allan Rock  
Minister of Health

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## **Section I: Messages**

### **Minister's Message**

I am pleased to present to the Parliament and the people of Canada, the performance report for the Hazardous Materials Information Review Commission.

The Commission, an independent, administrative law tribunal, is a component of the Workplace Hazardous Materials Information System (WHMIS). It exercises a statutory mandate to ensure that a worker's right to information on the safe use, handling and storage of hazardous chemicals is in balance with the right of suppliers and employers to protect trade secret information.

The stakeholder consultations recently undertaken by the Commission's tripartite Council of Governors on the future direction of the Commission serves to illustrate that consensus building efforts amongst labour, industry and governments continue to be a cornerstone of the WHMIS program.

The Honourable Allan Rock, P.C., M.P.,

Minister of Health

## **President's Message**

I am pleased to present to the people of Canada, our program partners, and stakeholders, this 1997-1998 Performance Report which commemorates the 10th anniversary of the Hazardous Materials Information Review Commission.

As the Commission's newly appointed President and Chief Executive Officer, I would like to thank both Sharon Watts and Wm. Lowe who ably discharged the duties of my office while the search for a new President was taking place in 1997-1998.

In the past, our Performance Report did not contain a President's Message. However, in this Report, I am departing from tradition for the following important reasons:

First, I want to use this message to demonstrate my commitment to the reform and renewal agenda that has started within the Commission. Although the Commission might appear small in terms of its staff allocation and budget, its importance as an institution that contributes to the success of the Workplace Hazardous Materials Information System (WHMIS) cannot be under-stated. To this end, the Commission's Council of Governors recently tabled a Report with the Minister of Health which contains resolutions regarding proposed changes to the way in which the Commission currently operates. The Council's Report is a further illustration of the consensus building efforts by labour, industry and governments to continue to build upon the success of the WHMIS program and in particular, enhance the important contribution that is made by the Hazardous Materials Information Review Commission.

Secondly, this message is an opportunity for me to indicate my intention to involve a wide array of interested parties in the on-going modernization of the service delivery and regulatory functions of the Commission. Simply put, we will only remain relevant and provide value added services if we keep pace with the times and changing needs of our program beneficiaries. As we sustain the renewal efforts, your support is essential to our success.

Finally, I intend to use my annual message to provide a measure of the progress that is expected to be achieved as we commit the Commission to a program of progressive renewal. Our fundamental commitment to workers' right to know about the hazardous materials they encounter in the workplace and the right of suppliers to safeguard certain confidential business information about their hazardous product remains unchanged. What will change is how we at the Commission achieve these complementary objectives. In this regard, the Commission will pursue a policy of open dialogue with all those who wish to work with us in achieving the aforementioned goals.

**WELDON NEWTON**

## Section II: Departmental Overview

### WHMIS AND ITS ORIGIN

The Workplace Hazardous Materials Information System (WHMIS) was established in the fall of 1988 to provide information on hazardous materials used in the workplace. The goal of WHMIS is to reduce the incidence of illnesses and injuries resulting from the use of hazardous materials in the workplace.

WHMIS is a nation-wide information system requiring that prescribed information on the hazards of materials produced, sold or used in Canadian workplaces be provided by suppliers to employers and in turn to employees. It is based on product labels, material safety data sheets, and worker education programs.

A unique consultative process was employed to develop the WHMIS requirements, involving stakeholders with a self-interest in workplace safety and health, namely representatives of industry, labour, and the 13 governments (federal, provincial and territorial).

WHMIS recognizes the need to accommodate two important interests. Workers have a right to know about the hazardous materials they encounter in the workplace, as well as their potential dangers, and suppliers have a right to safeguard certain confidential business information about their hazardous products. The *Hazardous Materials Information Review Act*, which established the Commission and set out its mandate, represents the legislative means of balancing these interests.

### WORKER'S AND SUPPLIER'S INTERESTS

## Mandate, Roles, and Responsibilities

### Role of the Commission

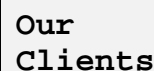
The Commission is an independent administrative law tribunal charged with carrying out a multifaceted mandate under the authority of the *Hazardous Materials Information Review Act* and the provincial Occupational Safety and Health Acts:

- ▶ to formally register claims for exemption, and issue Registry Numbers;
- ▶ to issue decisions on the validity of claims for exemption using the prescribed regulatory criteria;
- ▶ to make decisions on the compliance of labels and material safety data sheets (MSDSs) with the WHMIS requirements as set out in the *Hazardous Products Act* and *Controlled Products Regulations* and provincial Occupational Safety and Health Acts; and



- ▶ to convene independent tripartite boards to hear appeals from claimants or affected parties on decisions and orders issued by the Commission.

Due to the specific nature of the Commission's mandate, its clientele is that segment of the chemical industry, representing suppliers (domestic and foreign) and employers who produce and/or use commercial products containing hazardous ingredients, and wish to protect their trade secrets from being disclosed on MSDSs or labels. In addition, all workers exposed to these products are considered the Commission's clientele.



**Our  
Clients**

## **Objectives**

To provide Canadians with an independent, adjudicative means by which to balance the right of a supplier or employer to withhold trade secret information with the right of a worker to know about the health and safety hazards of chemicals.

## **Business and Service Line, and Organization Composition**

### The Council of Governors

The Commission is governed by a Council of Governors, consisting of members representing workers, suppliers, and employers, and the federal, provincial and territorial governments. Each governor is appointed by the Governor in Council to hold office for up to a three-year term. The Council is headed by a Chairperson chosen by the governors for a term of one year.

The Council is responsible for making various recommendations to the Minister of Health, including changes to the regulations respecting the Commission's fee structure. Council may also prescribe procedures for reviewing claims for exemption and the handling of appeals.

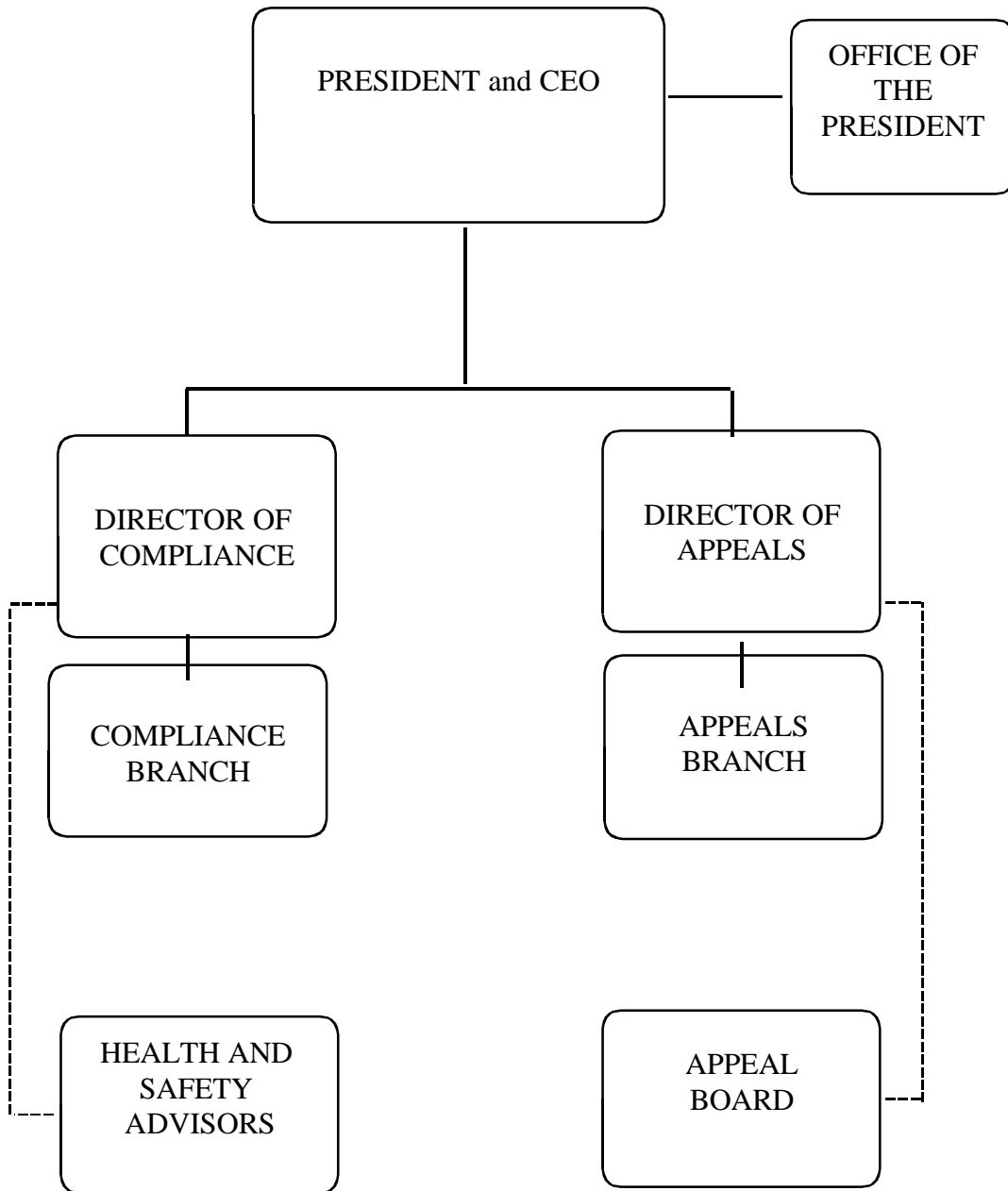
### The Role of the President

The President is appointed by the Governor in Council, and as the Commission's Chief Executive Officer, has the authority and responsibility to supervise and direct the organization's work on a day-to-day basis. The President is accountable to the Council of Governors and the Minister of Health.

### The Commission's Structure

The organization of the Commission continues to be based primarily on its statutory mandates: first, to register, review and make decisions on the validity of claims and the compliance of associated MSDSs and labels (Compliance Branch); and secondly, to administer an independent appeal process (Appeals Branch).

# Organizational Structure



## The President's Office

Personnel in the President's Office act as the Secretariat to the Council of Governors and ensure that appropriate measures are in place to monitor the activities and cost recovery position of the Commission, by preparing reports to the President, the Council of Governors and Treasury Board. This Office is also responsible for the Commission's communications, financial, personnel, electronic data processing, security and administrative services.

## The Compliance Branch

The Compliance Branch is responsible for the registration and security of claims for exemption including the confidential business information (CBI). Claims are filed by suppliers of, or employers using hazardous industrial materials who are seeking exemption from full disclosure requirements of WHMIS. The claims registration function includes the collection and verification of claim fees, and the preliminary review of claim submissions, for the purpose of issuing Registry Numbers.

### **Review of Claims and Material Safety Data Sheets/Labels**

Screening Officers in the Compliance Branch have the statutory responsibility to decide whether claims are valid, and for determining whether MSDSs or labels submitted with the claims comply with WHMIS legislation.

The decision on claim validity is reached by reviewing supporting information from the claimant against the criteria prescribed in the Hazardous Materials Information Review Regulations. The MSDS/label compliance decision requires the application of legislation, which is also administered by other occupational safety and health agencies, as well as the consideration of health and safety advice received from Health Canada experts. Any representations received from affected parties with respect to claim validity or MSDS compliance are considered at this time.

At the conclusion of the review process, a formal Statement of Decision is forwarded to the claimant. Should a claim be ruled invalid, an Order is issued to the claimant to disclose the CBI which was the subject of the claim. Where the MSDS or label does not meet WHMIS requirements, the Screening Officer orders that changes be made to bring about compliance. All Orders specify the period during which various changes must be made if the product is to continue to be sold in Canada.

A Notice is published in the *Canada Gazette* to make public the decision and any Order issued by the Screening Officer, and to initiate the time during which the claimant and affected parties may appeal the decision or Order. If no appeal is filed, the claimant must provide a copy of the amended MSDS to the Screening Officer, who reviews it to ensure compliance with the Order.

## The Appeals Branch

### Convening of Appeal Boards

The Appeals Branch is responsible for convening, as and when needed, independent, tripartite, quasi-judicial boards to hear appeals arising from the decisions and orders of Screening Officers. Claimants or affected parties may appeal these decisions and orders by filing a statement of appeal with the Director of Appeals. An appeal may relate to the compliance of an 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.

An appeal board is comprised of a Chairperson appointed by the Director of Appeals, and two members appointed by the Chairperson: one representing suppliers and/or employers, and the other, workers. Board members are selected from lists of potential nominees established and maintained by the Branch in accordance with the *Hazardous Materials Information Review Act*.

For each appeal filed, a Notice of Appeal is published in the *Canada Gazette* to provide affected parties an opportunity to make representations to the Board. Once the Board has heard and ruled on the appeal, a Notice of Decision is published in the *Canada Gazette*. Appeal Board decisions may be reviewed on process by the Federal Court, at the request of any of the parties who participated in the appeal.

### Section III: Departmental Performance

#### A. Performance Expectations

As indicated in its business plan, the Commission had established the following objectives for the 1997-1998 fiscal year:

Registration of claims	250
Decisions rendered	250
Appeals expected to be filed	3

#### Summary of Performance Expectations

<b>HAZARDOUS MATERIALS INFORMATION REVIEW COMMISSION</b>		
<b>to provide Canadians with:</b>	<b>to be demonstrated by:</b>	<b>Achievements reported in:</b>
An independent, adjudicative means by which the Workplace Hazardous Materials Information System (WHMIS) balances the right of a supplier or employer to withhold trade secret information with the right of a worker to know about the health and safety hazards of chemicals.	Exemptions from the full disclosure requirements of WHMIS granted when industry claims are valid.	DPR Section III pages 10 to 14
	Consistent application of the prescribed regulatory criteria agreed to by governments, industry and labour.	
	Compliance of claim-related labels and material safety data sheets with the WHMIS disclosure requirements.	DPR Section III pages 16 and 17
	Changes to related labels and material safety data sheets made as a result of orders issued to correct deficiencies.	
	Independent tripartite quasi-judicial boards to hear appeals from claimants or affected parties on decisions and orders issued by the Commission.	

## B. Performance Accomplishments

### Departmental Performance

#### Council Meetings

The Council of Governors convened on May 27, August 6 and November 21, 1997 by way of teleconferences and in person meetings were held on March 2 and 3, 1998. During these discussions, the Council addressed several matters, including:

- ▶ the results of a consultant's review of the Commission's mandate, and the preparation of Council's Report to the Minister of Health;
- ▶ the authorization of two officers of the Commission to alternate as acting President while the search for a new President was undertaken;
- ▶ the re-election of Geoffrey Bawden, representing the Province of Manitoba, as Chairperson of the Council of Governors, for a term of one year.

#### Cost Recovery

**1997-1998  
26% cost recovery rate**

Commission costs are partly recovered through fees charged for filing claims for exemption and appeals.

The Commission's targeted level of cost recovery for fiscal year 1997-98 was 25% of total annual program costs. The level of cost recovery achieved was 26%. The costs which are subject to recovery include resources expended by Health Canada to provide health and safety advice on the compliance of material safety data sheets.

Since its establishment, the Commission has considered the achievement of operational efficiency and effectiveness measures to be a priority, and is continually striving to maximize the degree to which it can recover costs of operations. Close monitoring of such costs allows for the assessment of existing ways of doing business, and for the identification of any new areas which might be examined for improvement.

The Commission will, in partnership with Health Canada, continue to monitor the results of efficiency and streamlining measures already carried out, and to assess its ability to further reduce costs.

Cost recovery not only entails cost containment but also revenue generation. The Commission is cooperating with provincial occupational safety and health (OSH) agencies to increase compliance with the WHMIS trade secret requirements under the *Hazardous Products Act*.

## Claims Registration

**Outputs:** During fiscal year 1997-1998, the Commission registered 222 claims to bring the total to 2857 claims registered up to March 31, 1998. To date, 1499 of these have been withdrawn by claimants, while 387 were allowed by claimants to expire at the end of the three-year exemption period, for a total of 1886.

1997-19978  
222 claims registered

A breakdown by geographical location of total claims registered and withdrawn since 1988 is presented on page 13. Another 116 claims were received during this same period, of which 111 were withdrawn before being registered.

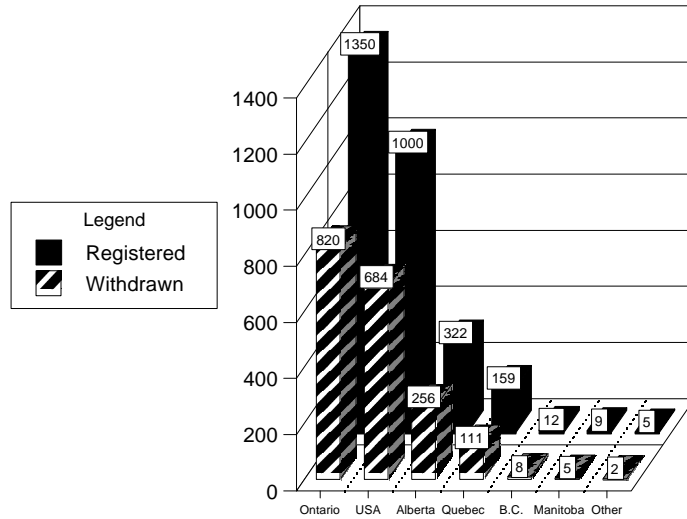
Claimants choose to withdraw claims filed for a variety of reasons including:

- ▶ the product was never sold in Canada;
- ▶ the product is no longer being sold in Canada;
- ▶ the CBI ingredient(s) has (have) been removed from the product formulation;
- ▶ former CBI ingredient(s) is (are) now being disclosed on the MSDS; or
- ▶ there has been a change in product ownership.

**Notices of Filing:** To afford affected parties an opportunity to make representations to the Commission with respect to claims, notices outlining the basic characteristics of registered claims must be published in Part I of the *Canada Gazette*. During the 1997-1998 fiscal year, the Commission published three such Notices, covering 173 claims for exemption.

## CLAIMS STATUS BY GEOGRAPHICAL LOCATION

As of March 31, 1998



### Decisions and Orders

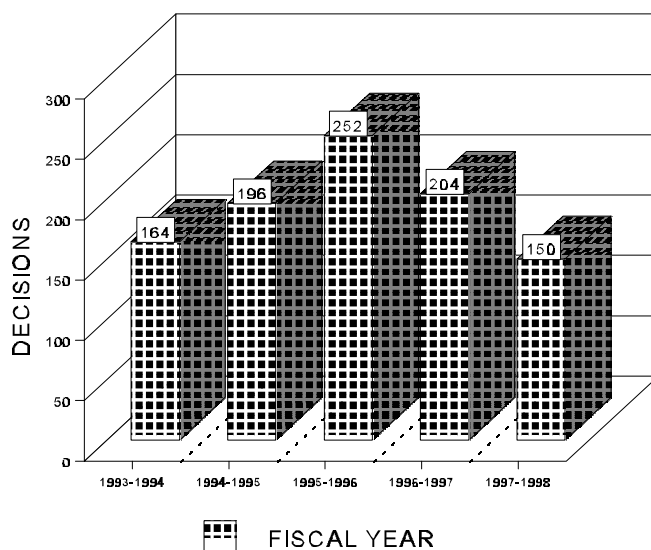
- 1997-1998**
- 150 decisions rendered
  - all claims found valid
  - 137 claims where MSDSs found in non-compliance

**Outputs:** During the 1997-1998 fiscal year, the Commission rendered a total of 150 decisions on claims for exemption.



## ISSUANCE OF DECISIONS

As of March 31, 1998



Of the 150 claims which were adjudicated during the 1997-1998 fiscal year, all were found valid when assessed against the regulatory criteria respecting the confidentiality of the claimed information which ordinarily would have to have been disclosed on the relevant MSDS. However, 137 MSDSs for the controlled products associated with these claims were found in non-compliance with the WHMIS requirements. In such cases, formal orders were issued by Screening Officers to bring about necessary corrections. A total of 1155 occurrences of non-compliance were found in these 137 claims. An analysis of these MSDS violations found in respect of these claims is presented on page 13.

**Health and Safety Advice:** Health and safety advice to the Commission, related to the compliance of MSDSs with WHMIS requirements, continued to be provided by Health Canada. This partnership with the Commission has existed, from the outset of operations, through a formal Memorandum of Understanding.

The number of decisions rendered by the Commission is dependent on the number of health and safety advice documents received from Health Canada's WHMIS section. Advice documents relating to 153 claims were received from Health Canada. A total of 132 claims, for which an advice document had been received, were carried over into fiscal year 1998-1999.

**MSDS VIOLATION ANALYSIS  
FOR 1997-1998**

<b>Violation Category</b>	<b>No. of Occurrences</b>	<b>%</b>
Hazardous Ingredients	391	33.9
Generic Chemical Identity	39	3.4
Preparation Information	9	0.8
Product Information	24	2.1
Physical Data	29	2.5
Fire or Explosion Hazard	49	4.2
Reactivity Data	14	1.2
Toxicological Properties	384	33.2
Preventive Measures	3	0.3
First Aid Measures	97	8.4
Hazard Classification	44	3.8
Format/Wording	41	3.5
Headings	31	2.7
<b>Total</b>	<b>1155</b>	<b>100.0</b>

**The Claims/MSDS Review Process:** A significant proportion of time continued to be spent on preparatory work related to the issuance of decisions on claims for exemption and compliance of associated MSDSs. Often, a preliminary review of a claim results in the determination that the claimant has not provided all of the supporting documentation as required by the *Hazardous Materials Information Review Regulations* (HMIR Regulations).

An opportunity is then given to claimants to supplement their initial submissions so that the decision on claim validity can be based on as much relevant information as possible. As for the determination of MSDS compliance, before seeking the advice of Health Canada experts in this regard, the Commission contacts claimants to ensure that the latest version of the MSDS has been obtained, and requests information respecting the basis on which it was initially prepared by the claimant. This contact affords the opportunity to

identify/confirm claim status, in the event that the claim may be about to be withdrawn. With this information, Health Canada and the Commission are better placed to render higher quality advice and decisions, respectively, as well as eliminating, to the fullest extent possible, work being done unnecessarily.

Although the costs to the Commission in rendering decisions could be decreased by foregoing this process and rendering decisions on the face of the information provided by the claimant when the initial filing was made, it is likely that this would simply increase the number of appeals and potentially hamper the availability of products on the Canadian market. At the same time, Canadian workers are protected no less effectively because of these efforts on the part of the Commission.

### **Quality Management System**

The Commission maintains a quality management system, elements of which have been in existence for some time and are detailed below.

#### **Published Service Standards:**

During the past fiscal year, the Commission monitored its activities respecting claims registered and enquiries serviced, against its published service standards.

Claims Registered: Following a pre-registration check, the service standard calls for claims to be registered within seven (7) days after receipt of filing, if the supporting documentation, as set out in the *HMIR Regulations*, is complete.

1997-1998	
■	60% of claims registered within 7 days.
■	99% of telephone enquiries answered within 24 hours.
■	100% of written enquiries answered within 7 days.

When there is an expressed request from a claimant, the Commission can and has registered well-prepared claims within 48 hours of receipt; however, this is not accomplished without increases in unit time costs. The Commission's turnaround times for registration are important to claimants because registration allows the company to sell their product while the adjudication process is being carried out.

During fiscal year 1997-1998, the Commission received 221 claims. Thirty-five (35) were initially submitted with incomplete mandatory information, thus delaying their registration. One hundred and eighty-six (186) of the remaining claims immediately met the regulatory criteria for registration purposes. Of these, 74 (40%) were registered within 48 hours of their receipt, and 112 (60%) were registered within seven (7) days of their receipt.

Enquiries Serviced: The service standard calls for an Officer of the Commission to respond to telephone enquiries within 48 hours; written replies are to be handled within a week of receipt. The Commission responded to a total of 106 enquiries in 1997-1998, of which 88 were by telephone and 18 were written.

With respect to the 88 telephone enquiries, 87 (99%) were handled within 24 hours of receipt, while the remaining sole enquiry (1%) took longer to address.

In regard to the 18 written enquiries, all (100%) were responded to within one week from the date of receipt.

**In-Branch Reviews:** This is the term given to a process by which draft Statements of Decision/Order prepared by Screening Officers are peer-reviewed within the Compliance Branch against several defined criteria. These reviews endeavour to promote such attributes as completeness, clarity and ensuring the Statement of Decision/Order is well reasoned.

**Discussions with Claimants:** Immediately prior to the formal signing and issuance of Statements of Decision/Order, Screening Officers conduct a telephone discussion with the claimant. The primary purpose of this discussion is to offer the claimant's representative the option of going through the draft documents with the Screening Officer, and to seek clarification, if required, on any matter dealt with therein. At this time, the claimant may also wish to determine (for example, with a non-compliant MSDS) if the Screening Officer is amenable to corrective action other than that which is specified in the draft Order. If the Screening Officer deems that any revision can be appropriately made to the Statement, this is done.

### **WHMIS Enforcement Initiative**

Enforcement of WHMIS disclosure requirements is a key factor impacting on the number of claims filed with the Commission. The responsibility for enforcing the reporting requirements of WHMIS lies with Human Resources Development Canada and the various provincial and territorial Occupational Health and Safety agencies.

In support of this activity, the Commission developed a Guidelines document for use by federal and provincial/territorial OSH inspectors. Over the past year, staff liaised on an ad hoc basis with provincial government representatives regarding these collaborative efforts to identify suppliers who claim proprietary information on MSDSs without filing a claim with the Commission.

The Commission will continue to support the efforts of provincial safety and health agencies to enhance the compliance of MSDSs with the trade secret exemption regulatory requirements. This will help to ensure that all suppliers become aware of their obligations in this respect, and that where necessary, claims for exemption are filed with the Commission, ensuring that a level competitive field is maintained for those suppliers who do file with the Commission.

### **Policy and Interpretation Issues**

The Commission sought advice from Health Canada officials on policy and interpretation issues associated with the *Hazardous Products Act* and *Controlled Products Regulations*. The Commission continued to participate in the formal ongoing tripartite WHMIS forum (Current Issues Committee) to resolve policy issues, and in addition, on the Intergovernmental WHMIS Coordinating Committee which serves as the forum for

intergovernmental consultation on matters related to WHMIS.

These two bodies help to ensure that the Commission's decisions on MSDS compliance are as consistent as possible with WHMIS tripartite consensus.

### Appeals Administration

1997-1998	
◆	0 appeals filed
◆	1 appeal concluded
◆	2 appeals withdrawn
◆	5 remaining in the appeals process

**Ongoing Appeals:** During the year in review, the two independent Appeal Boards, appointed pursuant to the *Hazardous Materials Information Review Act*, conducted several *in-camera* hearings on the eight appeals filed against the decisions and orders of the Screening Officer.

Extensive security measures were implemented by Appeals Branch personnel to ensure the confidentiality of the appeal matters in accordance with the *Hazardous Materials Information Review Act Appeal Board Procedures Regulations*.

In the case of the single product appeal, an appeal hearing was held in Ottawa during July 1997 and, following the conclusion of the hearing and the board's deliberations on the matter, the decision of the Appeal Board was issued in December, 1997. The Board upheld the appeal and rescinded the Screening Officer's order under appeal. A Notice of the Decision of the Appeal Board was published in Part I of the *Canada Gazette* on January 31, 1998 by the Director of Appeals, in accordance with the statutory requirements. The Notice outlined the purport of and the reasons for the Appeal Board's Decision.

Another independent Appeal Board was appointed to hear and decide the seven remaining appeals filed during 1996-1997. As prescribed in the *Hazardous Materials Information Review Act Appeal Board Procedures Regulations*, a Notice of Appeal was published in Part I of the *Canada Gazette* on April 5, 1997, which contained a summary of the decisions and orders appealed from including a summary of the grounds of the appeal. Consequently, an Appearance was filed by one affected party in relation to these proceedings. Two appeals were subsequently withdrawn by the Appellant, with five remaining in the appeals process.

Appeals Branch personnel organized and provided registrar services at several out-of-town procedural conferences convened in Ontario for the purpose of considering preliminary matters to simplify the disposition of the five appeal. During the latter part of the year, a motion was filed by the Appellant in the Federal Court of Canada, requesting a judicial review of the Board's ruling on a preliminary matter.

At year end, the appeal proceedings were adjourned, pending a decision on the motion from the Federal Court.

## **Lists of Potential Appeal Board Members**

In an effort to maintain accurate Lists of Potential Board Members, Branch personnel continued to update information on the nominees' personal profile. This information provides Appeal Board Chairs with a selection profile on nominees, in order that they may appoint Board members with the most appropriate background and experience when an appeal is filed. Briefing material and a request for personal information were also sent to the new nominees to initiate the security screening required prior to appointment to appeal boards.

## **Clients' Relations**

As part of the Branch's objective to provide assistance to potential appellants, the personnel responded to a number of enquiries relating to the appeals process, the appointment of appeal boards and the interpretation of the *Hazardous Materials Information Review Act Appeal Board Procedures Regulations*. Consequently, Appeals information packages were forwarded to potential appellants.

## **Communications Activities**

In line with the objective to inform potential claimants about its role, the Commission mailed out informational literature on the claim for exemption process to 62 companies.

In addition, during the 1996-1997 reporting period, the Commission responded to enquiries from claimants requesting assistance in understanding WHMIS trade secret requirements and completing the claim for exemption form. About one third of these enquiries were general calls related to WHMIS, rather than specific enquiries about the Commission. These callers were referred to the relevant provincial WHMIS Coordinators and other departments/agencies.

<b>COMMUNICATIONS 1996-1997</b>	
Claim information packages mailed out to suppliers	62
Calls and written enquiries received	106
Calls/written enquiries referred to WHMIS coordinators and other departments/agencies	37
Commission's publications distributed (including the Annual Report)	1287

## **C. Key Reviews**

As stated by the Minister of Health in the Commission's Estimates for 1997-1998, industry representations had been made which reflected the discontent of certain companies with the current legislation governing the Commission's activities. The Minister went on to say that in response to these concerns, consultations would be

undertaken with all stakeholders in an effort to determine if a consensus exists on whether there is a need to change the WHMIS trade secret exemption mechanism, as administered by the Commission.

In May of 1997, a sub-committee comprised of the Chair and a representative from both labour and the suppliers was struck to choose an independent consultant to review the Commission's mandate. The consultant's report entitled: "*A Review of the Hazardous Materials Information Review Commission (HMIRC) Operations*" was distributed to Council and a follow-up meeting of Council was held March 2 and 3, 1998 to review the report and its thirteen recommendations. Council's subsequent response entitled: "*Report to the Minister of Health*" was compiled and submitted shortly thereafter to the Minister for his review. Council's Report outlines their response to the consultant's recommendations.

## Section IV: Financial Performance

**Table 1**

### Summary of Voted Appropriations

#### Authorities for 1997-98 - Part II of the Estimates

#### Financial Requirements by Authority (\$ millions)

Vote	(thousands of dollars)	1997-98 Planned Spending	1997-98 Total Authorities	1997-98 Actual
<b>Program</b>				
15	Program Expenditures	1.030	1.085	1.067
L	Contributions to employee benefit plans	0.133	0.133	0.133
L	Refunds of amounts credited to revenues in previous years		0.046	0.046
<b>Total Department</b>		1.163	1.264	1.246



**Table 2****1997 - 1998 Comparison of Total Planned Spending to Actual Spending  
by Service Line**

(\$ millions)

Service Line	FTE	Operating <sup>1</sup>	Capital	Voted Grants and Contri- butions	Subtotal: Gross Voted Expendi- tures	Statutory Grants and Contri- butions	Total Gross Expendi- tures	Less: Revenue Credited to the Vote	Total Net Expendi- tures
<b>Compliance</b>	6	0.475	-	-	-	-	-	-	0.475
	6	0.475	-	-	-	-	-	-	0.475
	<b>6</b>	<b>0.431</b>	-	-	-	-	-	-	<b>0.431</b>
<b>Appeals</b>	2	0.229	-	-	-	-	-	-	0.229
	2	0.229	-	-	-	-	-	-	0.229
	<b>2</b>	<b>0.219</b>	-	-	-	-	-	-	<b>0.219</b>
<b>President's Office</b>	4	0.459	-	-	-	-	-	-	0.459
	4	0.514	-	-	-	-	-	-	0.514
	<b>4</b>	<b>0.550</b>	-	-	-	-	-	-	<b>0.550</b>
<b>Totals</b>	12	1.163	-	-	-	-	-	-	1.163
	12	1.218	-	-	-	-	-	-	1.218
	<b>12</b>	<b>1.200</b>	-	-	-	-	-	-	<b>1.200</b>
Other Revenues and Expenditures									
Revenue credited to the Consolidated Revenue Fund									0.540
									0.540
									<b>0.498</b>
Cost of services provided by other departments									0.925
									0.925
									<b>0.743</b>
<b>Net Cost of the Program</b>									1.548
									1.603
									<b>1.445</b>

Note: Figures for Planned Spending appear in normal font.

Figures for *Total Authorities* appear in italics.

Figures for **Actual Spending** appear in bold.

1. Operating includes contributions to employee benefit plans and ministers' allowances.
2. Other costs include : professional services costs of HC, accommodation, compensation administration, employer's share of insurance, PST and GST.

**Table 6**

**Revenues to the Consolidated Revenue Fund (CRF) by Service Line**

**(\$ millions)**

<b>Service Line</b>	<b>Actual 1995-96</b>	<b>Actual 1996-97</b>	<b>Planned Spending 1997-98</b>	<b>Total Authorities 1997-98</b>	<b>Actual 1997-98</b>
Claims	0.380	0.527	0.534	0.534	0.498
Appeals	0.000	0.006	0.006	0.006	0.000
<b>Total Revenues to the CRF</b>	0.380	0.533	0.540	0.540	0.498

**Please note:** Financial Tables 3 through 5 and 7 through 14 do not apply to the Hazardous Materials Information Review Commission.

## **Section V: Supplementary Information**

### **Legislation Administered by the Department**

**The Minister has sole responsibility to Parliament for the following Acts:**

*Hazardous Materials Information Review Act* [RS 1985, c.24 (3<sup>rd</sup> Supp.)]

### **Publications Available**

#### WHMIS Legislation and Regulations

The various laws and regulations concerning the Hazardous Materials Information Review Commission are listed below. These documents are available in public libraries. They may also be bought from booksellers which carry or distribute government documents or from the Canada Communication Group, Publishing Section, Ottawa, Ontario K1A 0S9, Telephone (819) 956-4802.

- ▶ Hazardous Materials Information Review Act
- ▶ Hazardous Materials Information Review Regulations
- ▶ Hazardous Materials Information Review Act  
Appeal Board Procedures 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

#### Commission's Publications

The following publications are available at no cost from the Hazardous Materials Information Review Commission, 200 Kent Street, Suite 9000, Ottawa, Ontario K1A 0M1. Telephone (613) 993-4331 Facsimile (613) 993-4686.

- ▶ Pamphlet on the Commission
- ▶ Annual Report
- ▶ Information Bulletins (Issues 1 to 6)
- ▶ Claim for Exemption Form
- ▶ A Guide to Completing a Claim for Exemption Form
- ▶ Guidelines for Toxicological Summary Requirements
- ▶ Statement of Appeal Form

## **Contacts for Further Information**

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