

WHMIS 3-Year SDS Updating Rule and English / French SDS Regulations For Employers Across Canada

Jurisdiction	SDS Policy / Position	Regulations specifically require employers to retain FR and EN SDS?	SDS 3-year update rule for Employers	Comments
Federal	Aviation Occupational Health and Safety Regulations Canada Occupational Health and Safety Regulations Maritime Occupational Health and Safety Regulations Oil and Gas Occupational Safety and Health Regulations On Board Trains Occupational Health and Safety Regulations	Yes Employers need to keep an SDS readily available for a hazardous product in English and French.	Yes	Under WHMIS 2015, federal workplace jurisdictions have continued to require, if possible, employers ensure that SDSs for hazardous products in the workplace are not more than three years old. See regulatory links under SDS Policy for more detail.
Alberta	OHS Act WHMIS 2015 information for employers	No	No	

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British Columbia	<u>Occupational Health and Safety Regulation (OHSR)</u> Section 5.14 <u>WHMIS 2015 at Work</u>	No Although the HPR standard is referenced, the dual language requirement is not imposed. However, many companies keep both and sometimes have other languages– Mandarin and Spanish (depending on the concentration of foreign/ESL workers).	Yes	If the employer receives an SDS for a hazardous product from a supplier 3 years old or older, the employer must obtain an up-to-date SDS or written confirmation from the supplier that information on the SDS has not changed. Full details can be found under the OHSR act.
Manitoba	<u>The Workplace Health and Safety Regulation</u> Section 35.13-35.15	No If a concern is brought forth about language, or a note that a French SDS (or English) was not available to workers that may require it, an Improvement Order for the employer to obtain it under 35.13 (1), as per the HPR may be issued.	No	
New Brunswick	<u>New Brunswick Occupational Health and Safety Act</u> section 51	No Most employers retain both copies, but it is not something	No	

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	WHMIS 2015 Guide for Employers and Employees	that is actively inspected. There are no written policies with respect to both languages.		
Newfoundland Labrador	WHMIS Regulations	No Employers are not required to maintain SDSs in both English in French. However, if there is a need for French SDS's because some employees do not read English, they it would be expected that the employer obtain the French SDSs for those employees.	No	
Northwest Territories / Nunavut	Occupational Health and Safety Regulations Amendment Section 333 (2) / Consolidation of Occupational Health and Safety Regulations Section 333 (2)	No Employers require SDSs available in the workplace language; English or/and French. The Inuktitut has not been requested to-date as the younger generation is fluent in English.	Yes	If an SDS obtained from a supplier is more than 3-years old, the employer, shall, if possible, obtain an up-to-date SDS for the hazardous product. Full details can be found under the OHSR amendment.
Nova Scotia	WHMIS Regulations	No	No	

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		Expectation that an English and/or French SDS would be available if employees speak English and/or French (language of workplace taken into consideration).		
Ontario	<u>WHMIS under the Occupational Health and Safety Act</u>	No HPR could be used to order a French and/or English SDS if required by a bilingual workplace.	No	
Prince Edward Island	<u>Occupational Health and Safety Act WHMIS Regulations</u>	No If there was a concern brought forward during a workplace inspection about the lack of availability of a French SDS, there would be a non-compliance order issued under Section 13.1.	No	
Quebec	<u>Act Respecting Occupational Health and Safety</u>	Yes	No	

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		The label, sign and safety data sheet concerning a hazardous product must be in French. No requirement for an English SDS copy. If an officer encounters a workplace that has workers reading English only, the employer will be asked to acquire an English SDS (although the employer has no legal obligation to do it).		
Saskatchewan	The Occupational Health and Safety (WHMIS) Regulations	No Inspectors in Saskatchewan would rarely ask about the availability of French SDS, unless the workers at the workplace spoke French.	Yes	If a hazardous product that is used in a workplace is 3 years old, the employer shall, if possible, obtain from the supplier an up-to-date supplier SDS with respect to the hazardous product at that time. See OHS regulations for full details.
Yukon	WHMIS 2015 Regulations Section 12 (2)	No The employer is expected to obtain the SDS from the supplier in the official language of their employees and look to	Yes	If a hazardous product used in a workplace is 3 years old, the employer shall, if possible, obtain an up-to-date SDS from the supplier for the hazardous product at that time. See

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		the HPA/HPR if enforcement actions were required.		WHMIS regulations for full details.

