



# Hazardous Materials Information Review Commission Canada

2000-2001  
Estimates

Part III – Report on Plans and Priorities

Canada

## The Estimates Documents

Each year, the government prepares Estimates in support of its request to Parliament for authority to spend public monies. This request is formalized through the tabling of appropriation bills in Parliament. The Estimates, which are tabled in the House of Commons by the President of the Treasury Board, consist of three parts:

**Part I – The Government Expenditure Plan** provides an overview of federal spending and summarizes both the relationship of the key elements of the Main Estimates to the Expenditure Plan (as set out in the Budget).

**Part II – The Main Estimates** directly support the *Appropriation Act*. The Main Estimates identify the spending authorities (votes) and amounts to be included in subsequent appropriation bills. Parliament will be asked to approve these votes to enable the government to proceed with its spending plans. Parts I and II of the Estimates are tabled concurrently on or before 1 March.

**Part III – Departmental Expenditure Plans** which is divided into two components:

- (1) **Reports on Plans and Priorities (RPPs)** are individual expenditure plans for each department and agency (excluding Crown corporations). These reports provide increased levels of detail on a business line basis and contain information on objectives, initiatives and planned results, including links to related resource requirements over a three-year period. The RPPs also provide details on human resource requirements, major capital projects, grants and contributions, and net program costs. They are tabled in Parliament by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*. These documents are to be tabled on or before 31 March and referred to committees, which then report back to the House of Commons pursuant to Standing Order 81(4).
- (2) **Departmental Performance Reports (DPRs)** are individual department and agency accounts of accomplishments achieved against planned performance expectations as set out in respective RPPs. These Performance Reports, which cover the most recently completed fiscal year, are tabled in Parliament in the fall by the President of the Treasury Board on behalf of the ministers who preside over the departments and agencies identified in Schedules I, I.1 and II of the *Financial Administration Act*.

The Estimates, along with the Minister of Finance's Budget, reflect the government's annual budget planning and resource allocation priorities. In combination with the subsequent reporting of financial results in the Public Accounts and of accomplishments achieved in Departmental Performance Reports, this material helps Parliament hold the government to account for the allocation and management of public funds.

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Hazardous Materials Information  
Review Commission

Conseil de contrôle des renseignements  
relatifs aux matières dangereuses

# **Report on Plans and Priorities**

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Allan Rock  
Minister of Health

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## Section I - Message

### President's Message

The Hazardous Materials Information Review Commission's (HMIRC) dual role is to balance the right of chemical companies to protect trade secrets and the need of workers to have accurate health and safety information about hazardous chemicals used in the workplace. The Commission, created in 1987 as part of the Workplace Hazardous Materials Information System, is a model of industry, labour and government consultation, consensus and co-operation.

The Commission has undertaken an internal process of revisiting and updating its vision, mission, and operating principles since 1998. This renewal process has been and continues to be my top priority and that of Commission staff. Our major thrust is a client service orientation balanced with a more focussed role in workplace safety.

Working in partnership with our tripartite Council of Governors and our stakeholder groups, we wrote the Commission's first strategic plan entitled *Commission Renewal: Blueprint for Change*. The *Blueprint* was the beginning of open, honest and challenging dialogue, and acted as a gathering place around which all interested parties met to review, reaffirm and identify enhancements to the services offered by the Commission. The *Blueprint* was met with unanimous approval and support by the Commission's Council in June 1999 and endorsed by the Minister of Health in October 1999. In November 1999, we published the *Blueprint* and mailed copies to all interested parties.

In order to implement the strategic initiatives outlined in the *Blueprint*, the next step was the development of an operational workplan. The Commission presented its renewal *Workplan* to our tripartite Council in January 2000, and received unanimous endorsement. The plan will be the operational foundation that will direct the course of the Commission's work for the next couple of years.

We believe that the *Workplan* clearly and transparently demonstrates our commitment to our stakeholders in the renewal process of the Commission. As such, the *Workplan* will also be widely published as tangible evidence of this commitment and to ensure our accountability for its completion.

Both HMIRC's tripartite Council and our stakeholders have provided unyielding support and encouragement for the Commission. This support motivates the Commission to sustain the momentum of renewal and push on with achieving our commitments.

Weldon Newton



## Section II - Departmental Overview

### Introduction

The Hazardous Materials Information Review Commission (HMIRC) was created as an independent agency in 1987 by proclamation of the *Hazardous Materials Information Review Act*. We are a small but important public sector institution charged with providing the trade secret mechanism within the Workplace Hazardous Materials Information System. The Workplace Hazardous Materials Information System is a national system contributing to the reduction of illness and injury caused by using hazardous materials in the workplace. The Workplace Hazardous Materials Information System delivers information using three key elements: material safety data sheets, labels and worker education programs.

Hazardous Materials  
Information Review  
Commission established  
in 1987.

HMIRC makes decisions on the compliance of material safety data sheets and labels within the Workplace Hazardous Materials Information System regulatory and legislative requirements. As a direct result of our work, national and international chemical companies have been afforded the ability to protect their industrial intellectual property assets. At the same time, our efforts to review material safety data sheets and labels and to disclose accurate health and safety information about hazardous chemicals, have directly contributed to a reduction in the risk of workplace related illness and injury.

### A. Mandate, Roles and Responsibilities

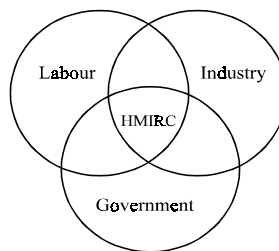
#### Mandate

Under the authority of the *Hazardous Materials Information Review Act* and the provincial and territorial Occupational Safety and Health Acts, the Hazardous Materials Information Review Commission is an arm's length administrative agency charged with carrying out a multi-faceted mandate to:

- formally register claims for trade secret exemptions, and issue Registry Numbers;
- issue decisions on the validity of claims for exemption using prescribed regulatory criteria;
- make decisions on the compliance of material safety data sheets and labels within the Workplace Hazardous Materials Information System requirements as set out in the *Hazardous Products Act* and *Controlled Products Regulations* and various provincial and territorial Occupational Safety and Health Acts; and
- convene independent, tripartite boards to hear appeals from claimants or affected parties on decisions and orders issued by the Commission.

## A Model Partnership

As a vital independent agency committed to workplace safety, HMIRC plays a pivotal role in providing a mechanism whereby trade secret formulations can be maintained by industry while ensuring that full hazard disclosure can be afforded to workers in the workplace. To achieve the Commission's mandate, our adjudicative efforts must result in a fair balance between the right of workers to be informed about the hazards of the chemicals to which they are exposed and the right of suppliers and employers to protect their bonafide trade secret information. Success in this dual-role framework requires that we balance the tension inherent in being a strategic partner with industry on the one hand, and an advocate for worker health & safety on the other. This dual-challenge continues to define our essential role in Canadian society.



## Background - Renewal

Mid-1997, industry was calling for changes to the Commission. The Commission's Council of Governors, which oversees its work, authorized a consultant to review industry concerns. The consultant expressed the conclusions of his review in a report to Council. The Council of Governors endorsed 11 of the report's recommendations unanimously but did not reach consensus on two others. The Council reported this to the Minister of Health in May 1998.

In October, the Minister requested that the President/CEO of the Commission conduct a more widespread renewal consultation with all interested parties. The Commission was eager to examine HMIRC's operating procedures and working relationships. In a few intense months during the fall of 1998, Commission staff took stock of their experience in handling claims over 11 years, and developed ideas for renewal that more specifically addressed the issues raised by claimants.

Throughout this period of analysis and development there was extensive collaboration between Commission staff and the Council of Governors. Council provided valuable guidance and helped shape the vision. This critical contribution developed the consultation process and the conceptual framework that led to the Commission's draft strategic plan. An integral part of the Commission's strategic planning was the emergence of a three business line structure: Material Safety Data Sheet Compliance, Client Services and Dispute Resolution, from the former one business line approach to operations.

In January 1999, with Council's endorsement to proceed, the Commission began consultations with its stakeholders using the *Consultation Draft* of the strategic plan. HMIRC's goal was to create a strategic plan with the input and support of the stakeholders. The objective of the strategic plan would be the foundation on which to revitalize the Commission's operations.



Three main consultations were undertaken over the winter months with stakeholder groups: Labour - Canadian Labour Congress National Occupational Safety & Health Workshop; Federal/Provincial/Territorial Government - Intergovernmental Workplace Hazardous Materials Information System Coordinating Committee; and Industry - HMIRC claimants.

In June 1999, the Commission submitted, for Council's approval, the strategic plan entitled *Commission Renewal: Blueprint for Change*, which now incorporated the stakeholders' comments. Council unanimously approved *Blueprint* and presented it to the Minister of Health, who in turn provided his endorsement in October 1999.

The *Blueprint* contains 29 action plans under the new three business line structure which will guide the direction of the Commission during the next three years. In November 1999, HMIRC published this document and mailed copies to all stakeholders.

The next logical step in the strategic planning process was the creation of an operational workplan to achieve the *Blueprint's* strategic initiatives. The *Workplan* contains the detailed steps and was written entirely by Commission staff. The Council of Governors approved the *Workplan* in January 2000 and many of the projects are well underway.

One of the products of the Commission's strategic planning process has been the development of a dialogue with industry and labour stakeholders on how we accomplish our goals using improved procedures and approaches.

The Commission is committed to assisting industry in achieving early compliance with the Workplace Hazardous Materials Information System requirements. It follows that early compliance means that workers have accurate health and safety information in a timely fashion. We are dedicated to providing service that is better and faster and to doing our job at a fair and reasonable cost.

What will not change is the dual role of the Commission in protecting trade secrets while ensuring that health and safety information in the workplace is accurate.

### **Vision for the New HMIRC**

The Commission will:

- Be a client-oriented agency committed to improving service quality and timeliness at a fair and reasonable cost to those who directly benefit from our work.
- Provide regulatory decision-making that is based on sound scientific principles and take pride in being a professional regulatory organization seeking creative and progressive approaches to enhancing workplace safety.
- Resolve complaints and disputes, whether under statutory mandate or not, in a manner that is impartial, fair and prompt.

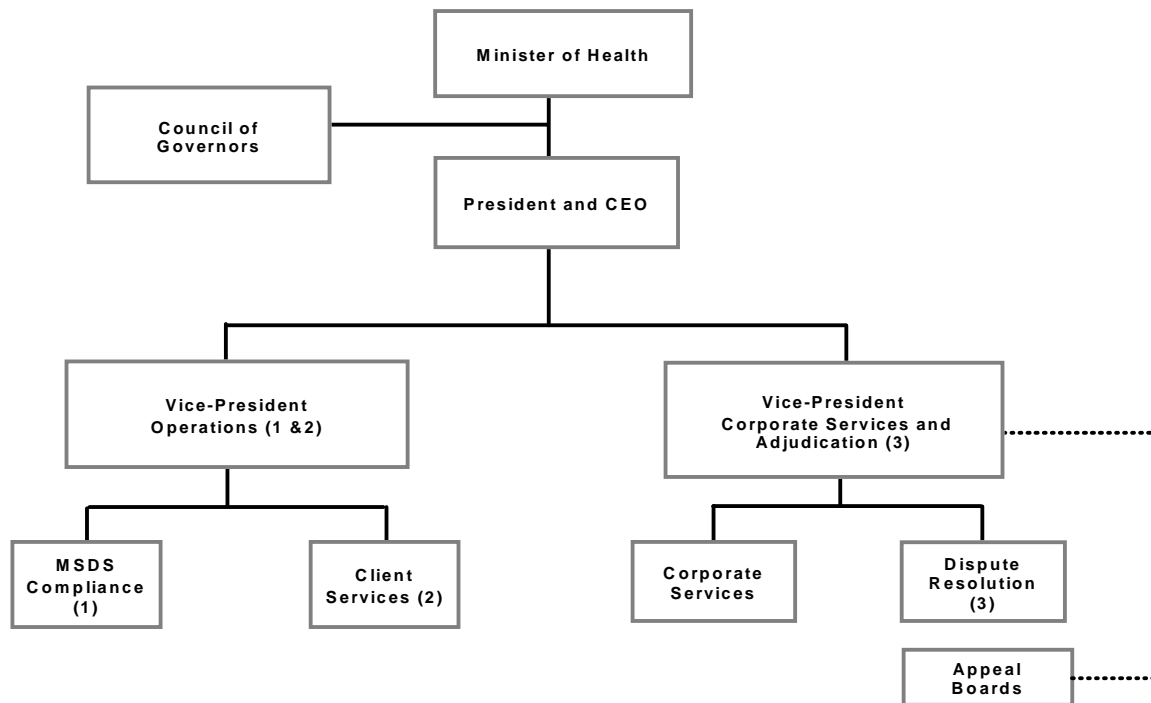
## Responsibilities

The Commission is governed by a Council of Governors, consisting of members representing workers, suppliers, and employers, and the federal, provincial and territorial governments. The Council is responsible for making various recommendations to the Minister of Health, including changes to the regulations respecting the Commission's fee structure.

The President and CEO 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 Vice-President of Operations has the authority and responsibility to supervise and direct the work within the Material Safety Data Sheet Compliance and the Client Services business lines.

The Vice-President of Corporate Service and Adjudication, who is also the Chief Appeals Officer, has the authority and responsibility to supervise and direct the work within the Dispute Resolution business line.



Business Line Titles	2000-01 Planned Spending (\$ Thousands)	FTE
1. Material Safety Data Sheet Compliance	1,261	14
2. Client Services	380	6
3. Dispute Resolution	288	2

## **B. Departmental/Program Objective**

The Commission's departmental objective is to allow suppliers or employers involved with hazardous industrial materials to protect confidential business information concerning their products and at the same time to ensure that workers are provided with accurate safety and health information for these products.

## **C. External Factors Influencing the Department**

There are numerous external factors influencing the Commission. The Commission seeks tripartite feedback from its stakeholders, who are comprised of:

- The Canadian Worker
- The Chemical Industry
- Federal/Provincial/Territorial Governments

In carrying out our fundamental commitment to the workers' right to know about the hazardous materials they encounter and the industry's right to protect trade secrets, it is the Commission's responsibility to ensure that the material safety data sheets and labels we review disclose accurate health and safety information concerning hazardous chemicals. HMIRC is committed to not only continuing but also enhancing this service.

We want to ensure that Canadian workers remain informed of and protected from all hazardous materials encountered in the workplace, and that employers have the supplier material safety data sheet information they require to prepare accurate workplace material safety data sheets. Simply put, Canadian workers' right to know about safety in the workplace can only be achieved if the data on the material safety data sheets and labels is accurately conveyed.

The chemical industry has the right to protect legitimate confidential business information. The Workplace Hazardous Materials Information System program requires that manufacturers and suppliers provide employers with information on the hazards of materials produced, sold, or used in Canadian workplaces. A product's material safety data sheet must fully disclose 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. However, under the *Hazardous Materials Information Review Act*, a supplier or employer may file a claim for exemption with the Commission on the grounds that the information required to be disclosed is confidential business information.

Provincial, territorial and federal occupational safety and health legislation requires employers to provide labels, material safety data sheets and worker education and training programs. To ensure national consistency, each provincial, territorial and federal occupational safety and health agency established these requirements using an agreed upon Workplace Hazardous Materials Information System "model" occupational safety and health regulation.

Federal, provincial and territorial governments support the Commission's efforts to respond to the interests of both labour and industry. The Workplace Hazardous Materials Information System coordinators in each province and territory represent the front line for administration of both Workplace Hazardous Materials Information System and HMIRC programs, and their expertise and knowledge are clearly linked to the work of the Commission. The Commission has continued to work with Health Canada's Workplace Hazardous Materials Information System Development, Interpretation and Compliance Section to remain current on issues affecting the consistent application and interpretation of Workplace Hazardous Materials Information System legislation.

The Workplace Hazardous Materials Information System program is an integrated activity with many partners. The Commission will continue to work closely with the agencies responsible for enforcing Workplace Hazardous Materials Information System requirements: Health Canada, Human Resources Development Canada, and the various provincial and territorial occupational health and safety agencies and with our labour and industry stakeholders, to secure worker safety while supporting industrial innovation by protecting their commercial trade secrets.

HMIRC's Council of Governors reflects the very nature of tripartite partnership with members representing workers, suppliers, and employers, and the federal, provincial and territorial governments.

#### D. Departmental Planned Spending

(\$ thousands)	Forecast Spending 1999-2000	<b>Planned Spending 2000-2001</b>	Planned Spending 2001-2002	Planned Spending 2002-2003
Budgetary Main Estimates (gross)	1,169	<b>1,929</b>	1,929	1,929
Non-Budgetary Main Estimates (gross)	0	<b>0</b>	0	0
Less: Respendable revenue	0	<b>0</b>	0	0
<b>Total Main Estimates</b>	1,169	<b>1,929</b>	1,929	1,929
Adjustments**	800	<b>0</b>	0	0
<b>Net Planned Spending</b>	1,969*	<b>1,929</b>	1,929	1,929
Less: Non-respendable revenue	477	<b>487</b>	487	487
Plus: Cost of services received without charge	350	<b>350</b>	350	350
<b>Net Cost of Commission</b>	1,842	<b>1,792</b>	1,792	1,792
<b>Full Time Equivalents</b>	22	<b>22</b>	22	22

\* Reflects the best forecast of total net planned spending to the end of the fiscal year.

\*\* Adjustments are to accommodate approvals obtained since the Annual Reference Level Update (ARLU) exercise and to include Budget initiatives.

### Section III: Plans, Results and Resources

HMIRC is taking a leadership role in program improvement. We are moving beyond organizational assessment to turn our program objective and stakeholders' interests into action. We are adopting a business attitude that focuses on performance and strategic partnerships, while maintaining and preserving our key values and operating principles.

As an organization embracing change, we aim to deliver our mandate and achieve our mission through the establishment of three new business lines. To accomplish this, we have re-defined the organization into three core areas:

1. **Material Safety Data Sheet Compliance**
2. **Client Services**
3. **Dispute Resolution**

Unique in nature, the three business lines utilize individual processes and approaches in response to the different roles they are mandated to carry out. The creation of these new business lines represents a positive and pragmatic step towards modernizing our services and meeting our clients' changing needs.

#### 1. **Material Safety Data Sheet Compliance**

##### A. **Planned Spending (\$ thousands) and Full Time Equivalent (FTE)**

Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
1,270	1,261	1,261	1,261
14	14	14	14

##### B. **Business Line Objective**

The aim of Material Safety Data Sheet Compliance is to regulate, in the public interest, the maximum health and safety benefits in the workplace.

##### C. **Business Line Description**

This business line contributes to the right of workers to know about the health and safety hazards of exposure to chemicals found in products associated with claims for exemption by ensuring that material safety data sheet and labels are compliant with Workplace Hazardous Materials Information System requirements. This includes an assessment of the scientific information relevant to each of the product's ingredients and advice on the health and safety hazards posed by the product pursuant to the *Hazardous Products Act*, the *Canada Labour Code*, and provincial and territorial occupational health and safety legislation.

Where non-compliance is found, a formal order for revision of the material safety data sheet is issued and a follow-up done to ensure compliance.

This activity will continue to result in a direct contribution to the reduction of workplace-related illness and injury which, in turn, has the effect of easing economic pressures due to compensation claims and health care costs.

#### **D. Key Results Commitments, Planned Results and Related Activities**

##### Key Results Commitments

The key result of this business line is that workers are knowledgeable about the health and safety hazards of exposure to chemicals found in products associated with claims for exemption.

##### Planned Results

**Decisions Issued:** The Commission's Screening Officers adjudicate claim submissions received and issue decisions related to the compliance of the material safety data sheet with the relevant Workplace Hazardous Materials Information System safety legislation. For the planning period, the Commission has set a target of approximately 260 claims per year for which a review will be completed, including the issuance of a decision and any necessary order.

**Orders Issued:** In relation to the total number of material safety data sheets reviewed since the Commission first began this activity in 1990-91, 95% have been found to be in non-compliance to some degree with the Workplace Hazardous Materials Information System requirements. In such cases, orders have been issued by the Commission to bring about necessary corrections.

##### Related Activities

The *Commission Renewal: Blueprint for Change* contains the high level strategic activities that we will undertake during the course of the next couple of years to modernize the Commission. The *Workplan* document is a listing of projects outlining detailed operational steps that the Commission will take under each business line in order to achieve the strategic initiatives.

The *Workplan* will be HMIRC's main focus during this planning period and will involve tripartite consultation; a formal policy development process; development of Service Standards; and in some cases proposed statutory/regulatory amendments to implement the changes. Listed below is a summary of the high level strategic initiatives under the Material Safety Data Sheet Compliance business line, of which the *Workplan* provides more detail on how we will achieve our goals.

- ▶ Develop and review activities within a policy framework that will include a mechanism for full consultation (including annual tripartite workshops) on program review and modification.
- ▶ Examine the possibility of eliminating cost recovery associated with material safety data sheet compliance work done in the public interest, in the context of Treasury Board's Cost Recovery and Charging Policy.
- ▶ Development of attestation based registration renewal procedures which could result in efficiencies/reduction of refiling fees.
- ▶ Explore partnership opportunities with program partners who have similar interests and objectives in the Workplace Hazardous Materials Information System Program.
- ▶ Increase our investment in the training and development of employees to deliver regulatory program services in a manner which meets high standards of service and satisfies the expectations of our clients.
- ▶ Develop a system for prioritizing the order of review of material safety data sheets which, if non-compliant with the Workplace Hazardous Materials Information System requirements, could result in a significant negative impact on worker health and safety.
- ▶ Embark on the design of a voluntary Material Safety Data Sheet Compliance Program for claimants, prior to a formal review by the Screening Officer.
- ▶ Be more proactive in Workplace Hazardous Materials Information System tripartite policy/interpretation analysis and development, and communicate the results our stakeholders.
- ▶ Ensure that the recent transfer of the Health Canada Workplace Hazardous Materials Information System Evaluation Section to HMIRC contributes to a more cost-effective approach to material safety data sheet review.
- ▶ Expand the current pilot project which offers claimants and affected parties an opportunity to review and comment on the health and safety information and advice which has been provided to the Screening Officer.

## 2. Client Services

### A. Planned Spending (\$ thousands) and Full Time Equivalents (FTE)

Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
381	380	380	380
6	6	6	6

## **B. Business Line Objective**

The aim of Client Services is to assist suppliers or employers in protecting their products' confidential business information while allowing them to meet their disclosure obligations under the Workplace Hazardous Materials Information System.

## **C. Business Line Description**

The responsibilities within this area include the formal registration of claims for exemption, the issuance of Registry Numbers, the security of claim-related information and the issuance of a decision 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.

## **D. Key Results Commitments, Planned Results and Related Activities**

### Key Results Commitments

The Client Services business line key result is that suppliers or employers can protect valid confidential business information concerning their hazardous products.

### Planned Results

**Enquiries Service:** Client Services Officers provide front end information and assistance to suppliers, producers, distributors and employers (claimants). The service standard in regards to response to telephone enquiries is normally within 48 hours, and written replies within a week. The Commission expects to receive some 100 enquiries per year over the planning period.

**Claims Registered:** Screening Officers or delegates register claims for exemption submitted by suppliers, producers, distributors and employers (claimants) and issues Registry Numbers. Following a pre-registration check, claims are registered within seven days after receipt of filing if the supporting documentation is complete. When there is an expressed request from a claimant, even if the costs may be higher, the Commission can and has registered claims within 48 hours of receipt. Claim registration allows the company to sell their product while the decision-making process is carried out at the Commission. Registration of some 250 claims per year is anticipated over the planning period.

**Claim Validity:** Screening Officers issue a decision to grant/deny the validity of the claim that information is confidential business information and must be protected.



### Related Activities

Listed below is a summary of the high level strategic initiatives, which are outlined in more detail in the *Workplan* for the *Commission Renewal: Blueprint for Change*.

- ▶ Explore partnership opportunities with other federal, provincial and territorial government departments and agencies, which have similar interests and objectives in the Workplace Hazardous Materials Information System Program.
- ▶ Maintain a cost recovery approach by setting up the necessary infrastructures and seeking appropriate authorities from Treasury Board.
- ▶ Continue to provide up-front information and assistance to claimants and potential claimants.
- ▶ A system should be adopted where confidential business information exemptions are not permitted for certain hazardous substances. This should be pursued through international harmonization discussions.
- ▶ Review the administrative practice with the goal to reduce the stringency of the burden of proof of confidentiality.
- ▶ Actively seek new service opportunities by conducting market studies on unfiled claims, keeping current on international trends, and monitoring the status of the Workplace Hazardous Materials Information System II.
- ▶ Modernize our method of recording, registering, tracking and managing claims.
- ▶ Examine the criteria utilized to issue Registration Numbers in an effort to alleviate current difficulties with outstanding claims and with material safety data sheet-related information not promptly received.
- ▶ Streamline refiling procedures, simplify fee administration and improve overall program administration.
- ▶ Ensure that our services and expertise are effectively communicated to other regulatory and/or registry-type agencies of government.
- ▶ Increase our investment in the training and development of personnel to ensure that they maintain the skills and expertise necessary and meet high standards of service and satisfies the expectation of our stakeholders.

### 3. Dispute Resolution

#### A. Planned Spending (\$ thousands) and Full Time Equivalent (FTE)

Forecast Spending 1999-2000	Planned Spending 2000-2001	Planned Spending 2001-2002	Planned Spending 2002-2003
318	288	288	288
2	2	2	2

#### B. Business Line Objective

The aim of Dispute Resolution is to provide all parties with a range of options for discussion on issues arising from decisions and orders of the Commission in order to prevent disputes from arising and where they do arise, to address them as early and effectively as possible.

#### C. Business Line Description

This business line includes the convening of independent tripartite boards to hear appeals or disputes from claimants or affected parties in order to address issues or disputes as early and effectively as possible.

An appeal may relate to the compliance of a material safety data sheet, 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.

Dispute resolution options such as mediation or facilitated discussion, will be implemented in a manner that is cost-effective and fair to everyone involved.

#### D. Key Results Commitments, Planned Results and Related Activities

##### Key Results Commitments

The Commission's Dispute Resolution business line key result is that disputes are resolved in a fair, efficient and cost-effective manner.

##### Planned Results

**Appeals Filed:** The Commission is responsible for convening independent tripartite boards to hear appeals arising from the decisions and orders of the Commission. To date, 16 appeals have been filed on the decisions and orders rendered by Screening Officers. Thirteen appeals have been completed, two were withdrawn by the appellant prior to the Appeal Board's final determination of the matters, with one appeal remaining in the system. Based on a 1% appeal rate, the Commission expects to receive three appeals per year over the planning period.

### Related Activities

Listed below is a summary of the high level strategic initiatives, which are outlined in more detail in the *Workplan* for the *Commission Renewal: Blueprint for Change*. The Dispute Resolution business line is intended to supplement and work in conjunction with the current appeals process.

- ▶ Examine current appeals process to see whether it can be simplified and streamlined.
- ▶ Enhance consistency of decisions through a systemic analysis of decisions and orders which have been successfully appealed.
- ▶ Explore a more active participation by the Screening Officers in the appeals process.
- ▶ Seek feedback from clients to improve program effectiveness, and consult other agencies to share innovations and best practices related to the adjudicative/hearing process.
- ▶ Establish timetables for the delivery of service based on best practices and reasonable expectations.
- ▶ Provide comprehensible information to clients regarding the role of the Commission and the procedures used to resolve cases.
- ▶ Implement a Complaint Management System to deal with service complaints.
- ▶ Develop a Dispute Resolution Program through tripartite consultations to define the needs of our stakeholders.



## Section IV - Horizontal Initiatives

**Cost Recovery:** The Commission was established on the basis that it would be financially self-supporting through revenues generated by a system of user fees. Although the organization does not fully recover its cost of operations, it strives to improve upon its recovery of annual costs.

A review of the Commission's cost recovery policy is an important part of the on-going strategic planning exercise. The original cost recovery planning assumptions have been reviewed, and program activities currently included as cost-recoverable have been examined in the context of the 1996 Treasury Board Cost Recovery and Charging Policy. The Commission's claimants are sophisticated and knowledgeable regarding matters of government policy. It follows that the Commission must be able to maintain its program integrity by demonstrating that activities considered cost recoverable are supported by government policy and accordingly its clients are being charged fairly for the work performed by Commission personnel.

The Commission is currently working in partnership with the Health Canada Cost Recovery Committee and has full member status as a health portfolio partner. The Commission will work with Treasury Board Secretariat to examine the possibility of eliminating the recovery of costs associated with the material safety data sheet compliance work done in the public interest.

**Cost Reduction:** The Commission's strategic plan has and is dramatically changing the way the Commission does business. This renewal and re-engineering of the Commission is aimed at providing value added services to all its program beneficiaries. Many initiatives have been taken to reduce costs including co-locating with another small agency with similar accommodation requirements, where hearing room, meeting facilities and postal and library services can be shared. The Commission has a Health Portfolio Partnership Agreement for Corporate Services with Health Canada for the provision of services such as: human resources, finance, information technology and facilities/assets management.

The Commission also has an arrangement with the Department of Justice for the provision of legal services. The Commission provides space and support and the Department of Justice provides shared services on a cost recovery basis to other small agencies which, like the Commission, do not require full-time legal counsel.

The Commission is an active member of the Small Agency Administrators Network and the Federal Agencies Forum, both of which offer its members the opportunity to discuss ways and means of cost containment, for example sharing of common services, and of minimizing the time and expense of responding to the requirements of the central agencies of government. In addition, membership offers the opportunity to add to the collective voice of small agencies in their efforts to make known the special resource circumstances, and to highlight other significant fundamental differences from more conventional departments.

## Regulatory and Legislative Initiatives

The Commission, in consultation with its stakeholders, has just completed a consultation process on its renewal and reform. The result of this consultation is tripartite consensus on a broad outline of changes needed to modernize and bring more precision to the mandate of this federal/provincial agency - an integral part of the federal/provincial Workplace Hazardous Materials Information System Program.

Further consultation will be undertaken with stakeholders and the HMIRC Council of Governors as legislative proposals are refined.

<i>Hazardous Materials Information Review Act</i>	<ul style="list-style-type: none"> <li>A) Fundamental legislative changes to modernize and confirm the mandate of the HMIRC, and at the same time to take the opportunity to make minor, technical amendments to the Act (i.e. ensure consistency between French and English language text, clarify intent where needed, etc.).</li> <li>B)</li> </ul>
<i>Hazardous Materials Information Review Regulations</i>	<ul style="list-style-type: none"> <li>A) Housekeeping changes to be initiated in 2000/2001 in response to Standing Committee on Scrutiny of Regulations.</li> <li>B) Potential fundamental changes to the Regulations to modernize and confirm the mandate of the HMIRC, and in response to cost recovery review results.</li> </ul>
<i>Hazardous Materials Information Review Act Appeal Board Procedures Regulations</i>	<ul style="list-style-type: none"> <li>A) Modernize and streamline appeals process.</li> <li>B) Develop a Dispute Resolution program that will supplement the appeals process and offer our clients different options to resolve disputes.</li> </ul>

## Section V - Financial Information

**Table 5.1: Non-responsible Revenue**

(\$ thousands)	Forecast Revenue 1999-2000	<b>Planned Revenue 2000-2001</b>	Planned Revenue 2001-2002	Planned Revenue 2002-2003
<b>Hazardous Materials Information Review Commission</b>				
<i>Claim registration fees</i>	477	<b>487</b>	487	487
<b>Total Non-Responsible Revenue</b>	477	<b>487</b>	487	487

**Table 5.2: Net Cost of Program for 2000-01**

(\$ thousands)	<b>Total</b>
Net Planned Spending	<b>1,929</b>
<i>Plus: Services Received without Charge</i>	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	<b>274</b>
Contributions covering employers 'share of employees' insurance premiums and expenditures paid by TBS	<b>76</b>
Workman's compensation coverage provided by Human Resources Canada	<b>0</b>
<i>Sub-total</i>	<b>2,279</b>
<i>Less Non-responsible Revenue</i>	<b>487</b>
<i>Sub-total</i>	<b>487</b>
<b>2000-01 Net Cost of Commission</b>	<b>1,792</b>





## **Section VI - Other Information**

### **Contact for Further Information**

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### **Legislation Administered and Associated Regulations**

The following documents contain the various laws and regulations concerning the Commission and are available in public libraries. They may also be purchased from booksellers that carry or distribute government documents, or ordered from the Canada Communication Group, Publishing Section, Ottawa, Ontario K1A 0S9, Tel: (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*

### **List of Commission Publications**

The following are statutory reports and other publications available at no cost from:

Hazardous Materials Information Review Commission  
200 Kent Street, Suite 9000  
Ottawa, Ontario K1A 0M1  
Tel (613) 993-4331 Fax (613) 993-4686

Annual Reports 1988-1999  
Commission Renewal: Blueprint for Change (strategic plan)  
Workplan (operational plan from the Blueprint)  
Information Bulletins  
Claim for Exemption Form (available in Word 97™ and WordPerfect 7™)  
Guide to Completing a Claim for Exemption Form  
Guidelines for Toxicological Summary Requirements  
Statement of Appeal Form

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