



Hazardous Materials Information Review Commission Canada

2002-2003
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 tabled in the spring 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 2002–2003

A. Anne McLellan
Minister of Health

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NOTICE TO THE READER

In keeping with the government on-line initiative, we have inserted electronic links at appropriate points in the Report to enable the reader to consult other sites for more detailed information on topics that may be of interest. For those who are reading the Report from a paper copy, we have included in Annex 4, a listing of all the links contained in the Report.

I President's Message and Management Representations Statement

President's Message

I am pleased to submit to Parliament and to Canadians, the Hazardous Materials Information Review Commission's report on its strategic plans and priorities for 2002–2003.

The objectives of the Commission during the planning period 2002–2005, will be to further strengthen our ability to follow through on our commitment to workplace safety objectives and, to that end, to pursue eliminating the backlog of claims created by a continued and unprecedented increase in new claims received by the Commission. In addition, we will complete program renewal initiatives, bringing closure to the reshaping of this organization and the new way in which we will do business in the years to come.

Our renewal process began in 1998. Our intent was to transform the Commission into a more client- and results-based organization dedicated to meeting our clients' changing needs efficiently and cost-effectively. In cooperation with our clients and our partners in the Workplace Hazardous Materials Information System (WHMIS), we drafted the report *Commission Renewal: Blueprint for Change*, which charts the broad outlines of change, and a companion document, the *Workplan*, which details the actions needed to realize the *Blueprint's* vision.

We are on schedule with our renewal initiatives with only a few of our 29 action items listed in the Commission's *Blueprint* awaiting regulatory and statutory approval.

During 2001, the Commission has realized many successes. For example, in the wake of the release of a report and recommendations by the Commissioner of Official Languages on the use of the Internet by federal institutions, the Commission took the initiative of redesigning its Web site to provide information of comparable quality and accessibility in both official languages. As a result, the Commission made the Commissioner of Official Languages' Merit List of Positive Achievement. We were cited as "An exemplary result" in the Commissioner's 2000–2001 Annual Report.

In March 2000, the Government of Canada tabled in Parliament its plan for improving and modernizing management practices in the public service. The report, entitled *Results for Canadians*, puts citizens' needs at the centre of all federal activities, programs and services; highlights the importance of sound public service values; focuses on achieving results; and promotes discipline, accountability and value-for-money in the use of public funds. I believe that the Commission is well advanced in realizing the government's vision.

Our new tripartite business line structure puts the needs of our clients first and promotes timely, cost-effective service delivery. Our new Web site helps speed service delivery while enhancing transparency and accountability. Our revamped cost recovery structure stresses fairness, consistency and predictability. And our redesigned screening and dispute resolution processes will bring greater openness and efficiency to these procedures while helping to build relationships of trust, mutual respect and understanding with our clients.

Looking ahead, the Commission has some challenges to meet in the planning period. Our focus will be the health and safety of workers, education and prevention with claimants, and the client outreach program with our provincial and territorial partners, with respect to the detection of unfiled claims. We will also continue to work with our Workplace Hazardous Materials Information System (WHMIS) partners on the international harmonization of hazard communication requirements.

The number of claims registered this year has once again increased. Consequently, so has the claims backlog. Our goal is to gradually reduce and ultimately eliminate the backlog over the next five years, starting April 1st, 2001. We are in the process of adding to our operations staff in an effort to address this backlog.

We plan to continue enhancements to our Web site to educate chemical companies on how to complete a material safety data sheet (MSDS). As an element of our government on-line strategy, we are examining options for e-payment and e-filing in the context of certain challenges with respect to security and monetary conversion.

To consolidate the work already accomplished and to address the full scope of comptrollership, including risk management and integrated performance measurement, we intend to embark on the modernizing comptrollership initiative during fiscal 2002–2003 with the establishment of a project management office.

These and other changes planned for 2002–2005 are all guided by the Commission's core values: timeliness, accessibility, transparency, quality, consistency, competence, respect and fairness.

Today, the Commission is a well-performing modern organization and we look forward to a vibrant and prosperous future. I feel very positive about the work this Commission has completed during renewal and know that we can continue to make an important contribution in the occupational health and safety community.

Weldon Newton
President and Chief Executive Officer

Management Representation Statement

Report on Plans and Priorities 2002–2003

I submit, for tabling in Parliament, the 2002–2003 Report on Plans and Priorities (RPP) for the Hazardous Materials Information Review Commission.

To the best of my knowledge the information in this document:

- Accurately portrays the organization's plans and priorities.
- Is consistent with the reporting principles contained in the *Guide to the Preparation of the 2002–2003 Report on Plans and Priorities*.
- Is comprehensive and accurate.
- Is based on sound underlying departmental information and management systems.

I am satisfied as to the quality assurance and procedures used for the RPP production.

The Planning, Reporting and Accountability Structure ([PRAS](#)) on which this document is based has been approved by Treasury Board ([TB](#)) Ministers and is the basis for accountability for the results achieved with the resources and authorities provided.

Weldon Newton
President & CEO

February 11, 2002
Date

II Raison d'être

Agency Context

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.

[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 defined in the *Controlled Products Regulations* ([CPR](#)), as a condition of sale and importation, and requires suppliers of those products to provide material safety data sheets ([MSDSs](#)). Information required to be shown on a product's [MSDS](#) includes 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 for exemption is determined to be valid.

The Hazardous Materials Information Review Commission ([HMIRC](#)) was created as an independent agency in 1987 by proclamation of the *Hazardous Materials Information Review Act* ([HMIRA](#)). The Commission is accountable to Parliament through the Minister of Health. It is a small but important public sector institution charged with providing the trade secret mechanism within the [WHMIS](#).

[HMIRC](#) makes decisions on the compliance of [MSDSs](#) and labels within [WHMIS](#)' regulatory and legislative requirements. As a direct result of its work, national and international chemical companies have been afforded the ability to protect their industrial intellectual property assets. At the same time, the Commission's efforts to review [MSDSs](#) and labels and ensure the disclosure of accurate health and safety information about hazardous chemicals, have directly contributed to a reduction in the risk of workplace-related illness and injury.

[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. The Commission's 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 the Commission balances the tension inherent in providing a service of commercial value to industry on the one hand, and being an advocate for worker health and safety on the other. This dual-challenge continues to define [HMIRC](#)'s essential role in Canadian society.

The Commission's clientele consists of a number of [WHMIS](#) stakeholders: suppliers and employers in the chemical industry who wish to protect their trade secrets from being disclosed on [MSDSs](#) or labels; employers who rely on supplier [MSDS](#) information to prepare their own workplace [MSDSs](#) and training programs; and labour representing all workers who are exposed to these products.

Our Mandate

Under the authority of the [HMIRA](#) and the provincial and territorial occupational health and safety acts, the Commission is an administrative agency charged with carrying out a multi-faceted mandate:

- to formally register claims for trade secret exemptions, and issue registry numbers;
- to issue decisions on the validity of claims for exemption using prescribed regulatory criteria;
- to make decisions on the compliance of [MSDSs](#) and labels within the [WHMIS](#) requirements as set out in the *Hazardous Products Act (HPA)* and *Controlled Products Regulations (CPR)* and various provincial and territorial occupational health and safety acts; and
- to convene independent, tripartite boards to hear appeals from claimants or affected parties on decisions and orders issued by the Commission.

Our Mission

As a vital and independent agency, the mission of [HMIRC](#) is to:

- 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 alternate means.

III Plans and Priorities by Strategic Outcome

Strategic Outcome 1

Total Planned Spending \$578,000

Provide Canadians with protection of valid confidential business information concerning suppliers' or employers' hazardous products.

To be demonstrated by:

- Client services providing information and assistance to suppliers or employers.
- Screening officers or delegate issuing registry numbers.
- Screening officers granting/denying the claim for exemption.

Client Services Business Lines

Client Services administers the process used by suppliers and employers who wish to protect confidential business information, while still meeting health- and safety-related disclosure obligations under [WHMIS](#). We formally register claims for exemption, issue registry numbers, and ensure the security of all claim-related information.

Screening officers decide on claim validity by reviewing claimant information in support of the claim against regulatory criteria, taking into account any representations received from affected parties. These various activities are based on the Commission's mandate as set out in the [HMIRA](#) and associated regulations.

Client Services also provides general advice and guidance to claimants (suppliers, producers, distributors, employers) as well as other stakeholders. This is carried out primarily on an ad hoc basis; however, we also include proactive outreach strategies in our program so as to communicate our mandate, industry-related regulatory requirements, etc., to as many stakeholders as possible.

Client Services collaborates closely with the [MSDS](#) Compliance business line, both in its ongoing work and on special projects.

Once a claim is submitted, Client Services carries out a pre-registration check. The claim is then registered, and a registry number is issued. Claim registration allows the company to import or sell their product while the various decision-making processes are carried out within the Operations Branch. In this way, importing/selling disruptions are minimized, thereby maintaining product availability and access.

A claimant may decide to withdraw a claim at various stages of the registration or review process.

Reasons for Withdrawal of Claims

- The product was never sold in Canada.
- The product is no longer being sold in Canada.
- The confidential business information ingredient(s) has (have) been removed from the product formulation.
- Former confidential business information ingredient(s) is (are) now being disclosed on the [MSDS](#).
- There has been a change in product ownership.

To afford an affected party an opportunity to make a representation to us with respect to any claim, a Notice of Filing must be published in Part I of the [Canada Gazette](#) outlining the basic characteristics of each registered claim.

Based on their assessment of the information submitted by the claimant and any representation received from an affected party, screening officers review the claim for exemption against the regulatory criteria and decide whether the claim is valid.

Plans and Priorities

The Commission has developed the following service standards as a means of measuring its performance in various areas of its work:

- Client Services will strive to respond to telephone enquiries within 48 hours and to written enquiries within a week. We expect to deal with approximately 100 enquiries annually during the planning period.
- Following a pre-registration check, claims will be registered within seven days after receipt of the completed claim, provided all the needed information has been included. At the request of a claimant, the Client Services will register a claim in as little as 48 hours if the submission is in order. We expect to register approximately 300 claims annually during the planning period.

Screening officers will decide on the validity of claims for exemption, at a time concurrent with their determination of the compliance of the material safety data sheet associated with the claim (see also Strategic Outcome 2).

In addition to the day-to-day tasks outlined above, we will continue our program of renewal in Client Services by implementing the measures set out in the [Blueprint for Change](#) and the [Workplan](#), as follows:

- Offer a workshop in the 3rd quarter as a means of promoting full communication with our tripartite stakeholders (government, industry and labour) in areas such as claim processing in general and changes to the cost recovery fee structure.
- Develop opportunities for joint initiatives with our [WHMIS](#) partners, both in Canada and abroad, who have similar interests and objectives.
- Launch a voluntary [MSDS](#) compliance program for claimants, which will afford claimants an opportunity to remedy obvious technical shortcomings in their [MSDS](#)s prior to the formal review by the screening officer.
- Upon the promulgation of regulatory amendments, implement the new cost recovery fee structure, which will recover costs associated with work done that is considered private benefit to industry.
- Propose amendments to the [HMIRR](#) to make it easier for claimants to demonstrate that certain information pertaining to their products is, in fact, a legitimate trade secret that should remain confidential.
- Maximize our impact on workplace health and safety by conducting market studies on unfiled claims, continue with our outreach efforts directed at the chemical industry, and maintain currency with international trends.
- Develop and enact policies and procedures designed to prevent misunderstandings and disputes between [HMIRC](#) and its clients.
- Work to inform other regulatory and/or registry agencies of government about our services and expertise.
- Increase our investment in the training and development of our employees to improve their awareness of—and ability to respond to—the needs of our clients.

Major adjustments

There are a number of new initiatives, including ones which involve regulatory amendments, which will present challenges in terms of staff training and claimant communications. These are (i) the new cost recovery fee schedule; (ii) the [MSDS](#) Pre-assessment Program; and (iii) a revised claim for exemption application form, which will reduce the amount of mandatory claimant information required to support a claim for exemption.

Key partners and relationships

[HMIRC](#) collaborates with Human Resources Development Canada ([HRDC](#)), which has responsibility for the administration of occupational safety and health (OSH) programs mandated by the *Canada Labour Code* (); and with [Justice Canada](#), on which the Commission relies for legal advice on various issues.

The Commission endeavours to build partnerships with provincial (OSH) agencies (namely, Departments of Labour and Worker Compensation Boards). OSH co-ordinators in the provinces and territories work on the front lines of both the [WHMIS](#)

and [HMIRC](#) programs, and their knowledge and expertise are invaluable to the Commission. For its part, [HMIRC](#) is looking for ways to help its OSH partners increase chemical companies' compliance with [WHMIS](#) and identify unfiled claims that should be referred to the Commission.

Major factors: challenges and risks

In cases where trade secret hazard ingredient information is withheld from a material safety data sheet for a workplace controlled product, yet the supplier or employer has not filed a claim for exemption with the Commission, workers' right to know about various chemical hazard information is being compromised. The identification of unfiled claims, and the initiation of necessary corrective action, is not within the mandate of the Commission; rather, this responsibility rests with provincial/territorial OSH agencies.

Within the Client Services business line, screening officers review claims for exemption and decide on claim validity. Over the past few years, a backlog of claims to be processed has accumulated at the Commission. For a full discussion of this backlog and the remedial measures which have been taken, please refer to page 11.

Rationale

Client Services activities are related to statutory obligations set out in the [HMIRA](#) and the [HMIRR](#). In terms of the work being carried out under the Commission's renewal and re-engineering initiative, commitments outlined in the [Blueprint for Change](#) and associated [Workplan](#) documents, are being met.

Net Planned Spending (\$ thousands) and Full Time Equivalents (FTE)

Forecast Spending 2001–2002		Planned Spending 2002–2003		Planned Spending 2003–2004		Planned Spending 2004–2005	
\$	FTE	\$	FTE	\$	FTE	\$	FTE
582	8	578	8	578	8	485	7

Monitoring

Claim registration activity is monitored through the application of service standards, while progress against the claim processing backlog such as the determination of claim validity, will be tracked on a monthly basis, with regular reports to [Treasury Board](#). Client Services Survey Questionnaires are mailed out regularly to chemical companies who file claims for exemption, giving them an opportunity to rate their degree of satisfaction with the service they've received from the Commission, and to offer any suggestions for improvement. The Commission's [Council of Governors](#) also plays a role in the monitoring of various Client Services activities, including the backlog, and maintains a particular interest in those matters related to the organization's [Blueprint for Change](#) and the associated [Workplan](#).

Strategic Outcome 2

Total Planned Spending \$1,978,000

Provide Canadians with workers that are knowledgeable about the health and safety hazards of exposure to chemicals found in products associated with claims for exemption.

To be demonstrated by:

- Ensuring compliance of [MSDSs](#) and labels, and where non-compliance is found, issue formal orders to bring about corrections.

MSDS Compliance Business Line

[MSDS](#) Compliance is the Commission's "scientific arm". It helps ensure that workers know about the hazards of exposure to chemicals found in products associated with claims for exemption. The Commission reviews the related [MSDSs](#) 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 [HPA](#), the [CLC](#), 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.

At the conclusion of the [MSDS](#) review process, a formal Statement Decision is forwarded to the claimant. If the [MSDS](#) does not meet requirements, the screening officer issues a formal order for its revision and follows up to ensure compliance. All orders specify the period during which various changes must be made if the product is to continue to be sold in Canada. Since the Commission first began this activity in 1990–1991, some 95% of the [MSDSs](#) reviewed have been found non-compliant with the [WHMIS](#) requirements.

A Notice is published in the [Canada Gazette](#) to make public the decisions and orders issued by the screening officer, and to initiate the time during which the claimant and affected parties may appeal the decisions or orders. 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.

Plans and Priorities

[HMIRC](#) will review and verify the compliance of [MSDSs](#) and, in some cases, labels, associated with claim-related hazardous products. Where [MSDSs](#) and labels are found to be non-compliant, formal orders will be issued to claimants to have them corrected.

In addition to its day-to-day tasks outlined above, [HMIRC](#) will continue its program of renewal by implementing the measures set out in the [Blueprint for Change](#) and the accompanying [Workplan](#). During the current planning period we will focus on

the following initiatives relative to its [MSDS](#) Compliance business line:

- We will eliminate cost recovery associated with [MSDS](#) compliance work done in the public interest, in the context of Treasury Board's [Cost Recovery and Charging Policy](#).
- We will identify and develop opportunities for joint initiatives with [WHMIS](#) partners, both in Canada and abroad, who have similar interests and objectives.
- We will increase our investment in the training and development of our staff to ensure that they remain current on scientific and toxicological developments in the field of workplace chemical health and safety and are able to provide a high standard of service.
- We will propose amendments to the [HMIRA](#) to allow screening officers to enter into a Compliance Measures Agreement with claimants, whereby claimants undertake to voluntarily bring [MSDS](#)s into compliance rather than being compelled by an order of the screening officer to do so.
- We will continue to be proactive in [WHMIS](#) tripartite policy/interpretation analysis and development, and we will do more to communicate the results to claimants and the chemical industry as a whole.

Major adjustments

Depending on the timing of the promulgation of proposed statutory amendments to enable the implementation of the Compliance Measures Agreement program, staff training and claimant communication initiatives will be necessary to implement this new voluntary approach to [MSDS](#) compliance.

Key partners and relationships

Because [WHMIS](#) is an integrated activity that spans many jurisdictions, the Commission works closely with its many partners in government, industry and labour.

We maintain close ties to Health Canada ([HC](#)), which bears ultimate responsibility for administering the [HPA](#). Our relationship with [HC](#)'s [WHMIS](#) Division, which coordinates the development of [WHMIS](#) policy and strives to ensure that the program is applied consistently in all jurisdictions, is particularly important. We also liaise with the [WHMIS](#) Division on matters related to the international harmonization of hazard communication requirements.

In the past, [HMIRC](#) contracted out some aspects of its work related to chemical hazard assessment to the Canadian Centre for Occupational Health and Safety ([CCOHS](#)). Located in Hamilton, Ontario, [CCOHS](#) is a federal agency under [HRDC](#). Our relationship with the Centre is important because of the potential for [CCOHS](#) to provide us with much-needed assistance at a time when workloads have significantly increased.

Some members of our staff represent the Commission on two important [WHMIS](#)-related stakeholder groups. The Current Issues Committee is tripartite, consisting of representatives from industry, labour, as well as federal, provincial and territorial governments, which meets to consider ad hoc [WHMIS](#) policy and interpretation matters. The Intergovernmental [WHMIS](#) Coordinating Committee consists of federal, provincial and territorial representatives from occupational safety and health regulatory agencies, and its primary objective is to enhance the uniformity of [WHMIS](#) inspection, enforcement and policy interpretation across the country.

Major factors: challenges and risks

Historically, [HMIRC](#) has received on average 200 new claims for exemption each year. In 1999–2000, however, the Commission received almost twice that number of claims (394), and these higher volume trends have continued into 2001–2002. This unprecedented increase in workload has created a backlog of approximately 900 claims.

In the fall of 2000 the Commission applied for and received additional financial support to help it address the backlog. [HMIRC](#) is applying the funds to hire additional staff to handle the projected increase in its workload and to reduce the size of the backlog over a five year period, which began April 1, 2001.

Among other things, [HMIRC](#)'s plan for dealing with the backlog of claims calls for increasing the number of claims processed annually during the 5-year planning period from 200 to a high of 425 in year 3.

In 2001–2002, efforts continued to fill a number of vacant positions in the Operations Branch; however, due to a country-wide shortage of scientific/ toxicological personnel, coupled with intense competition within government for such resources, achieving a full complement of staff has taken significantly longer than anticipated. This has created a variance in terms of the targets set out in the 5-Year Backlog Reduction Plan, to the extent that a review of the Plan has been initiated.

Rationale

Activities in the [MSDS](#) Compliance business line are based on statutory obligations set out in the [HMIRA](#) and the [HMIRR](#). The determination of [MSDS](#) compliance per se involves the application of the [HPA](#) and the [CPR](#) for supplier claims for exemption, as well as provincial and territorial OSH legislation where claims originate from an employer.

In terms of the work being carried out under the Commission's renewal and re-engineering initiative, commitments are being met that are outlined in the [Blueprint](#) for Change and associated [Workplan](#) documents.

Net Planned Spending (\$ thousands) and Full Time Equivalents (FTE)

Forecast Spending 2001–2002		Planned Spending 2002–2003		Planned Spending 2003–2004		Planned Spending 2004–2005	
\$	FTE	\$	FTE	\$	FTE	\$	FTE
1,988	24	1,978	24	1,978	24	1,848	22

Monitoring

Progress against claim backlog, such as the preparation of advice documents and [MSDS](#) compliance, will be tracked on a monthly basis, with regular reports to [Treasury Board](#) and variance analysis, including time utilization against operational workplan objectives.

The Commission’s [Council of Governors](#) plays a role in the monitoring of various [MSDS](#) Compliance activities, including the backlog, and maintains a particular interest in those matters related to the organization’s [Blueprint for Change](#) and the associated [Workplan](#).

Strategic Outcome 3

Total Planned Spending \$368,000

Provide Canadians a system that resolves disputes in a fair, efficient and cost-effective manner.

To be demonstrated by:

- Convening independent tripartite boards to hear appeals or disputes from claimants and/or affected parties on decisions and orders of the Commission.

Dispute Resolution Business Line

Dispute Resolution (DR) 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. It supplements and works in conjunction with the appeals process by identifying and resolving problems and complaints, where possible, before an appeal becomes necessary. The less formal DR process is frequently more expeditious and effective in satisfying all parties, and is less costly than an appeal. The Commission ensures an impartial, unbiased decision making process that encourages consensus agreements.

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.

For each appeal filed, a Notice of Appeal is published in the [Canada Gazette](#) to provide affected parties with an opportunity to make representations to the appeal board.

The final outcome of the appeals process is a decision by the appeal board to dismiss the appeal and confirm the decisions or orders of the screening officer; or to allow the appeal and either vary or rescind the decisions or orders being appealed. A Notice of Decision, including the purport and reasons, is published in the [Canada Gazette](#).

Plans and Priorities

[HMIRC](#) will convene independent tripartite boards to hear appeals and resolve disputes that arise from any of its orders and decisions. To date, 16 appeals have been filed on the decisions and orders rendered by screening officers. Nine appeals have been completed and seven were withdrawn by the claimant before the appeal board issued its final decision. Historically, 1% of claim submissions have resulted in an appeal; based on this figure, the Commission expects to hear three appeals annually during the planning period.

In addition to the day-to-day tasks outlined above, [HMIRC](#) will continue its program of renewal by implementing the measures set out in the [Blueprint for Change](#) and the [Workplan](#). During the current planning period [HMIRC](#) will further develop the DR program by:

- establishing timetables, based on best practices and reasonable expectations, for the delivery of our services;
- establishing a complaint management system to deal with service complaints;
- systematically analysing decisions and orders of the Commission that have been successfully appealed to ensure that we are consistent in our decision making;
- soliciting feedback from our clients and sharing innovations and best practices related to the adjudicative/hearing process, in order to improve our services;
- further improving and streamlining the screening process by:
 - providing claimants with information about the Commission and its operations, especially the screening and appeal processes;
 - better briefing claimants at the pre-assessment stage on claims-related issues, including recent procedural changes and the voluntary compliance option.

- further improving and streamlining the appeal process by:
 - reviewing the appointment of appeal boards;
 - developing guidelines to assist appeal board members during procedural conferences;
 - creating a procedural manual for appeal board members;
 - providing appeal board members with formal training regarding appeals and tribunals;
 - developing guidelines for the content of the screening officer's Record;
 - developing evaluation and monitoring tools to assess the quality of our services and the effectiveness of the changes we've implemented under the DR program;
 - proposing amendments to the statute to allow the Commission to play a role in appeal hearings (for example, to clarify factual information).
- seeking additional funding from [Justice Canada DR](#) fund in order to:
 - develop guidelines and training plan for the implementation of the DR process;
 - design and develop a course outline and course material;
 - train staff, nominees and members to deal with DR process and related issues.

Major adjustments

When [HMIRC](#) set out to redesign its approach to handling disputes between itself and its clients (one of its renewal commitments), it realized that as well as improving the appeal process—the end stage of disagreements—it would also have to examine upstream events, those of the screening process, which is where many problems start.

Throughout the spring and summer of 2000, [HMIRC](#) worked with its [WHMIS](#) partners and stakeholders to analyse its current practices and to develop ideas for a comprehensive DR process that would include and complement the appeal process. The results of these labours are summarized in a document entitled *Conceptual Framework for Resolving Disputes*. The *Framework* outlines a set of proposed changes to the existing screening and appeal processes aimed at simplifying them and making them more transparent, cost-effective, fair and participatory—in short, more client-oriented.

[HMIRC's Council of Governors](#) approved the *Framework* in October 2000, giving the Commission a green light to finish developing the process. [HMIRC](#) is now preparing the administrative and legislative changes, guidelines and training programs needed to put its ideas into practice.

Key partners and relationships

When necessary, the Commission convenes independent tripartite boards to address appeals or disputes from claimants or affected parties as early and effectively as possible. 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.

Major factors: challenges and risks

The new DR process, which is the responsibility of [HMIRC](#)'s DR business line, focusses not only on resolving disputes through an effective appeal process, but on preventing disputes from arising in the first place, and developing ways to resolve them—fairly, quickly and cost-effectively—when they do. The keys to the latter function are openness and communication. Both the remodelled screening and appeal processes feature 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 the kinds of interactions that promote understanding and trust. Both processes emphasize the need to share information, to encourage clients' participation and to identify problems early, before they become serious. For difficult cases, DR works to provide all parties with options for resolving the dispute in a non-adversarial, collaborative and informal atmosphere.

Proposed key changes to the screening process include:

- As a result of the pre-assessment stage, guidance in identifying possible non-compliance items on [MSDSs](#) will be provided to claimants who in turn will be granted opportunity to amend the [MSDS](#), prior to the start of the formal review.
- [HMIRC](#) proposing amendments to the legislation to allow claimants to enter into compliance measures agreements, in order to bring the [MSDS](#) into full compliance, as an alternative to a formal order.
- Prior to issuing the final order, the claimant will be provided with a draft order, for review and/or discussion, to ensure it is understandable and that any other issues as to form, are clarified.

Proposed key changes to the appeal process include:

- Allowing the Commission to play a role in appeal hearings to provide factual clarification of information.
- Measures designed to simplify the current appointment process for appeal board members: for example, appointing a three-member panel for a longer period, or reducing the number of nominees on lists of potential board members.

- Providing appeal board members and appellants with a procedural manual that sets out the regulatory context, the screening process, and information on how the appeal process works, has worked and can work.
- Measures to maximize the effectiveness of procedural conferences.

Rationale

Continued support for the implementation of the DR initiative designed to assist the Commission in carrying out its statutory mandate more effectively and efficiently. Involves both dispute prevention and early resolution of disputes through non-litigious means, to reduce formal appeals.

The Commission is aware of the fact that the earlier disputes are resolved, the sooner the [MSDSs](#) will meet compliance standards which translates into improved safety in the workplace.

Net Planned Spending (\$ thousands) and Full Time Equivalents (FTE)

Forecast Spending 2001–2002		Planned Spending 2002–2003		Planned Spending 2003–2004		Planned Spending 2004–2005	
\$	FTE	\$	FTE	\$	FTE	\$	FTE
368	2	368	2	368	2	368	2

Monitoring

The Commission will develop monitoring tools to assess the quality of the service and the effectiveness of the changes implemented in the appeals process, through the DR initiative. These tools will be aimed at:

- Assessing client expectations and satisfaction rates, through surveys, direct contact with participants and performance measurement indicators.
- Setting service standards.
- Communicating service and quality standards to clients.

IV Organization

Relationship between Strategic Outcomes and Business Lines

Business Lines	Strategic Outcomes 2002–2003			Total
	Protection of valid confidential business information concerning hazardous products	Worker knowledge about the health and safety hazards of exposure to chemicals found in products associated with claims for exemption	Providing a system that resolves disputes in a fair, efficient and cost-effective manner	
Client Services	578,000	—	—	578,000
MSDS Compliance	—	1,978,000	—	1,978,000
Dispute Resolution	—	—	368,000	368,000

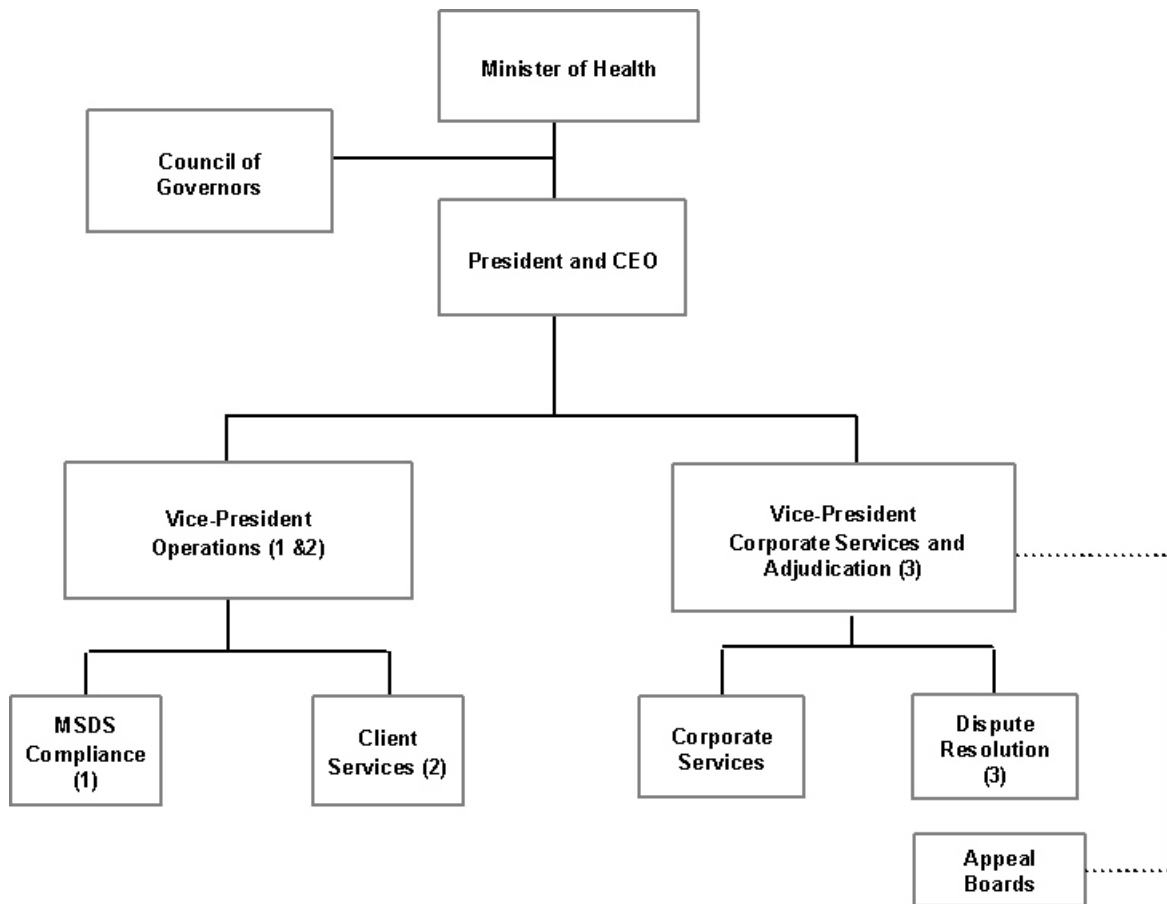
Accountability

The Commission is governed by a [Council of Governors](#), whose members represent workers, suppliers and employers, and the federal, provincial and territorial governments. The Council makes recommendations to the Minister of Health on matters such as changes to the procedures used to review claims for exemption or to hear appeals, and applicable fees.

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 work within the [MSDS](#) Compliance and the Client Services business lines.

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



Business Line Titles	2002–2003 Planned Spending (\$ thousands)	FTE
1. MSDS Compliance	1,930	24
2. Client Services	572	8
3. Dispute Resolution	368	2

Departmental Planned Spending

(\$ thousands)	Forecast Spending 2001–2002*	Planned Spending 2002–2003	Planned Spending 2003–2004	Planned Spending 2004–2005
Budgetary Main Estimates (gross)	2 870	2,924	2,924	2,701
Non-Budgetary Main Estimates (gross)	0	0	0	0
Less: Respendable revenue	0	0	0	0
Total Main Estimates	2 870	2,924	2,924	2,701
Adjustments**	68	0	0	0
Net Planned Spending	2,938	2,924	2,924	2,701
Less: Non-Respendable revenue	800	800	800	800
Plus: Cost of services received without charge	120	120	120	120
Net Cost of Program	2,258	2,244	2,244	2,021

Full Time Equivalents	34	34	34	31
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* Reflects the best forecast of the total net planned spending to the end of the fiscal year.

** Adjustments are to accommodate approvals obtained since the Main Estimates and are to include Budget initiatives, Supplementary Estimates, etc.

V Annexes

Annex 1 – Sources of Non-Respendable Revenue

Non-Respendable Revenue

(\$ thousands)	Forecast Revenue 2001–2002	Planned Revenue 2002–2003	Planned Revenue 2003–2004	Planned Revenue 2004–2005
Material Safety Data Sheet Compliance	0	0	0	0
Client Services: Claim Registration Fees	800	800	800	800
Dispute Resolution	0	0	0	0
Total Non-Respendable Revenue	800	800	800	800

Annex 2 – Net Cost of Program for the Estimates Year

(\$ thousands)	Total
Net Planned Spending (Gross Budgetary and Non-budgetary Main Estimates plus adjustments)	2,553
Plus: Services received without charge	
Accommodation provided by Public Works and Government Services Canada (PWGSC)	350
Contributions covering employees' share of employees' insurance premiums and expenditures paid by Treasury Board Secretariat	385
Workers' compensation coverage provided by Human Resources Development Canada	0
Safety and associated expenditures of legal services provided by Justice Canada	0
Less: Non-Respendable Revenue	800
2002–2003 Net cost of Program	2,488

Annex 3 – Government-wide and Horizontal/Collective Initiatives

Renewal

[HMIRC](#) has completed its third and final year of program renewal. The process, begun in January 1999, is designed to transform the Commission into a more client- and results-based organization dedicated to meeting its clients' changing needs efficiently and cost-effectively. It has also responded to the principles outlined in the Treasury Board Secretariat document entitled [Results for Canadians: A Management Framework for the Government of Canada](#).

[HMIRC](#) laid out its renewal agenda in two key documents: *Commission Renewal: [Blueprint for Change](#)*, which establishes the guiding principles of renewal and maps the direction of change; and an accompanying [Workplan](#), which enumerates the actions needed to realize the [Blueprint's](#) vision. That vision is best expressed by the eight principles that form the cornerstones of renewal and the benchmark against which the Commission's activities are measured: timeliness, accessibility, transparency, quality, consistency, competency, respect and fairness.

The [Blueprint](#) and the [Workplan](#) was developed in consultation with the Commission's stakeholders. Both publications were approved by the Commission's [Council of Governors](#) and by the Minister of Health, and both have been published and distributed to stakeholders as evidence of the Commission's commitment to change.

Many of the [Blueprint's](#) 29 strategic measures have been implemented through administrative and procedural changes; others will require regulatory or statutory changes (see Regulatory and Legislative Initiatives below).

Cost Recovery

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](#).

From the first, the government intended that the registration fees collected by the Commission would cover the full cost of operating the Commission. [HMIRC](#) has been charging fees since 1988. Its cost recovery initiative pre-dates the first cost recovery policy issued by Treasury Board Secretariat in 1989. When Cabinet established [HMIRC](#) in 1987 with cost recovery targets set at 100% of program costs, no consideration had been given to distinguishing between public good and private benefits derived from the Commission's activities. In addition, workload assumptions established at that time never materialized and the Commission has never attained 100% self-funding. The actual cost recovery level has remained between 25-30% of operating costs. This has resulted in chronic revenue shortfalls beyond the Commission's ability to manage. As a consequence, [HMIRC](#) has sought, and received from its inception, additional annual funding from [Treasury Board](#) to operate its program.

A key feature of current [Cost Recovery and Charging 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 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 (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 more consistent, fair, transparent, and simpler to administer.

Government On-Line

Government On-Line ([GOL](#)) is the federal government's multi-year project to provide Canadians with electronic Internet access to federal information and services 24 hours a day, 7 days a week. The program's goals are to improve service delivery to Canadians, to increase citizens' participation in government, to make the government more transparent and responsive to Canadians, and to spur Canada's participation in the global e-commerce marketplace.

Many of the strategic initiatives of [HMIRC](#)'s renewal plan envisioned using the Internet to deliver the Commission's programs and services more efficiently and effectively. [HMIRC](#) extended its plan to incorporate the government's GOL vision. [HMIRC](#)'s "Government On-Line Plan" describes how the Commission will implement, in three stages, the government's GOL strategy. In addition, [HMIRC](#) is an element in the Canada Health Portal currently under the developmental lead of HC.

[HMIRC](#) proudly launched its Web site on March 1, 2000. The site, which was developed in consultation with [HMIRC](#)'s clients, provides information about the Commission and its services, and instructions for filing claims and appeals. [HMIRC](#)'s publications and forms are available for viewing or downloading in a variety of formats. The site also features e-mail access with automatic acknowledgement, basic search capabilities, links to related sites, and a "[What's New](#)" page to keep visitors abreast of recent developments and activities at the Commission.

The site was designed to comply with Treasury Board Secretariat's [Common Look and Feel](#) Guidelines, to facilitate use by the disabled, and to respect both the letter and the spirit of the [Official Languages Act](#). Indeed, [HMIRC](#)'s Web site achieves so much with such limited resources that it has been cited as a model for other departments and agencies to follow and showcased at several government workshops.

[HMIRC](#) is further developing the site to increase its functionality and features. Plans are under way to build in capacity for on-line filing of claims (e-filing) and fee payment (e-commerce). Also on the drawing board are advanced security and search capabilities, Internet forums, an electronic databank of toxicity profile summaries, a list of common [MSDS](#) errors, and templates and standard wording for [MSDS](#)s.

To further increase its accountability and transparency as a public service organization, and to encourage comments and participation by its [WHMIS](#) partners and stakeholders, the Commission has committed to posting all newly developed policies, regulations and procedures on its Web site.

Regulatory and Legislative Initiatives

Legislation and Regulations	Planned Results
<u>Hazardous Materials Information Review Act</u>	<p><u>HMIRC</u> is proposing fundamental legislative changes to the statute to bring it in line with changes resulting from the Commission's strategic renewal initiative. This will include proposing an attestation approach to claim validity, permitting Compliance Measures Agreements with claimants and allowing <u>HMIRC</u> official participation in the appeal process.</p> <p><u>HMIRC</u> is also proposing minor, technical amendments to the Act that will clarify the intent of the legislation and ensure, among other things, the equivalence of English and French texts.</p>
<u>Hazardous Materials Information Review Regulations</u>	<p>In 2002–2003 <u>HMIRC</u> will propose additional changes to permit streamlined procedures for reviewing claims and to reflect the outcome of <u>HMIRC</u>'s cost-recovery review and its new fee schedule.</p>
<u>Hazardous Materials Information Review Act Appeal Board Procedures Regulations</u>	<p>The Act and Regulations will be updated to better reflect the Commission's streamlined appeal process, which includes, among other things, measures aimed at maximizing the effectiveness of procedural conferences.</p>

Collective Initiatives

In its ongoing effort to become more efficient, [HMIRC](#) has launched a number of initiatives designed to trim its operating costs. For example, the Commission has entered into a Health Portfolio Partnership Agreement with HC. Under this arrangement HC provides [HMIRC](#) with a variety of corporate services, including human resource management, financial services, information technology services and real property management.

As well, [HMIRC](#) has an arrangement with the [Department of Justice](#) for the provision of legal services. The Department established a multi-client group to provide legal services, on a cost-recovery basis, to small agencies, including [HMIRC](#).

The Commission is an active member of the Small Agency Administrators' Network and the Federal Agencies Forum. These organizations provide members with a forum for discussing, among other things, ways to ensure that federal initiatives are implemented efficiently and effectively. As well, members can collaborate in finding ways to meet their special resource needs and to turn to their advantage the fundamental differences that distinguish them from more conventional departments.

Modern Comptrollership

The President strongly supports the integration of [Comptrollership Modernization](#) principles in our management improvement agenda. Inherent to the renewal of [HMIRC](#) is the inculcation of a new values-based culture of service delivery, accountability, and modern administration. To consolidate the work already accomplished and to address the full scope of comptrollership, including risk management and integrated performance measurement, we intend to embark on the Modernizing Comptrollership Initiative during fiscal 2002–2003 with the establishment of a Project Management Office. The first step will be to conduct a capacity assessment to establish a baseline against which progress can be measured and to determine areas requiring priority attention. Following the capacity check, an action plan will be developed to address priority areas and to put in place the mechanisms and systems required to ensure ongoing and continuous comptrollership improvement and reporting. An internal/external communication plan will be established and implemented. The Project Management Office will be phased-out once the essential capacity for modern comptrollership is established throughout the organization.

To find out more about the Commission and its work, please [click here](#) to bring you to our Web site or visit us at: www.hmirc-ccrmd.gc.ca.

Annex 4 – Links to Other Sites

Link	URL Address
<i>Canada Gazette</i>	http://canada.gc.ca/gazette/gazette_e.html
<i>Canada Labour Code (CLC)</i>	http://laws.justice.gc.ca/en/L-2/index.html
Canadian Centre for Occupational Health and Safety (CCOHS)	http://www.ccohs.ca
Commission Renewal: <i>Blueprint for Change</i>	http://www.hmirc-ccrmd.gc.ca/0007/0001_e.htm
Commission Renewal: <i>Blueprint for Change – Workplan</i>	http://www.hmirc-ccrmd.gc.ca/0007/0001_e.htm
<i>Controlled Products Regulations (CPR)</i>	http://laws.justice.gc.ca/en/H-3/SOR-88-66/index.html
Council of Governors	http://www.hmirc-ccrmd.gc.ca/0008/0003/0001_e.htm
Department of Justice Canada	http://canada.justice.gc.ca
Department of Justice Canada: Dispute Resolution	http://canada.justice.gc.ca/en/ps/drs/reglement.html
Government of Canada – Government On-Line	http://www.gol-ged.gc.ca
Governor in Council	http://publiservice.pco-bcp.gc.ca
<i>Hazardous Materials Information Review Act (HMIRA)</i>	http://laws.justice.gc.ca/en/H-2.7/text.html
<i>Hazardous Materials Information Review Act (HMIRA) Appeal Board Procedures Regulations</i>	http://laws.justice.gc.ca/en/H-2.7/SOR-91-86/124021.html
<i>Hazardous Materials Information Review Regulations (HMIRR)</i>	http://laws.justice.gc.ca/en/H-2.7/SOR-88-456/index.html
<i>Hazardous Products Act (HPA)</i>	http://laws.justice.gc.ca/en/H-3/index.html
Hazardous Materials Information Review Commission (HMIRC)	http://www.hmirc-ccrmd.gc.ca
Health Canada (HC)	http://www.hc-sc.gc.ca
Human Resources Development Canada (HRDC)	http://www.hrdc-drhc.gc.ca

Link	URL Address
Material Safety Data Sheet (MSDS)	http://www.hc-sc.gc.ca/ehp/ehd/psb/whmis/msds.htm
<i>Official Languages Act</i>	http://www.ocol-clo.gc.ca
Treasury Board of Canada Secretariat	http://www.tbs-sct.gc.ca
Treasury Board of Canada Secretariat: Common Look and Feel for the Internet	http://www.cio-dpi.gc.ca/clf-upe/index_e.asp
Treasury Board of Canada Secretariat: <i>Cost Recovery and Charging Policy</i>	http://www.tbs-sct.gc.ca/pubs_pol/ojepubs/tb_h/crp_e.html
Treasury Board of Canada Secretariat: Modern Comptrollership	http://www.tbs-sct.gc.ca/report/mmpa-emgm/mc-mfc_e.html
Treasury Board of Canada Secretariat: <i>Results for Canadians – A Management Framework for the Government of Canada.</i>	http://www.tbs-sct.gc.ca/res_can/rc_bro_e.html
Treasury Board of Canada Secretariat: The Planning, Reporting and Accountability Structure (PRAS)	http://www.tbs-sct.gc.ca/rma/dpr/PRAS_Guideline.html
WHMIS	http://www.hc-sc.gc.ca/ehp/ehd/psb/whmis.htm