

Hazardous Materials Information Review Act

[English]

Under occupational safety and health legislation, the program will require employers to establish education and training programs for employees exposed to workplace hazardous materials. These programs will ensure that employees have the information they need to handle hazardous material safely, and will include instruction about the information required on supply and workplace labels and on material safety data sheets, and the purpose and significance of this information; procedures for the safe handling, use, storage and disposal of hazardous materials in a specific workplace and procedures to be followed in case of accidents.

In arriving at a workable WHMIS program, we had to be very sensitive to the need to balance Canadian workers' legitimate right to know about the hazards of products they handle with industry's need to protect confidential business information. Attaining this delicate balance is a fundamental consideration of WHMIS. Without a proprietary information mechanism, Mr. Speaker, the program could not be implemented.

The proposed Bill, therefore, includes a mechanism to determine if a supplier should be allowed an exemption to the WHMIS ingredient disclosure requirements on the grounds that such disclosure would cause economic harm. During consultation, all parties agreed on the best mechanism to deal with claims. The mechanism would screen initial claims, adjudicate appeals against screening decisions and provide a method of judicial review limited to points of law.

The Bill before the House would create the workplace hazardous materials information review commission. It would be a single national independent agency able to screen trade secrets and hear appeals. Trade secret claims would be ruled on initially by a screening officer of the commission. Affected parties, manufacturers, importers and employees would have the right to appeal screening decisions to a tripartite appeal panel, comprising members nominated by industry, labour and provincial governments. The commission would be governed by a multipartite council of governors and would report to Parliament through the Minister of Consumer and Corporate Affairs. The commission would be self-financed by fees charged to claimants and appellants.

There are several advantages to the proprietary information mechanism as it has been set up. For example, the consolidation of screening and appeal functions under one roof will result in significant savings to industry, labour and government. To guarantee that proprietary information provisions will not conflict with the requirements for worker safety in case of medical emergencies, provision has been made for the release, in confidence, of necessary information to medical professionals.

The WHMIS initiative is part and parcel of the Government's regulatory reform policy. It is also smart regulation.

Before I sit down, may I publicly acknowledge the co-operation of the opposition Parties in regard to this legislation. There has been pre-study in the Consumer and Corporate Affairs committee. It is an example that consensus and co-operation can sometimes extend to the floor of the House of Commons. I appreciate it and want to publicly acknowledge it and I hope that this spirit will last into the next session in the fall.

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, I am pleased to participate in the debate today on the Workplace Hazardous Materials Information System or WHMIS as the Hon. Minister has just described it. Bill C-70 before us, as the Minister has indicated, has the support of all Parties. I do not just mean all political Parties, but all parties involved in the preparation of the document meaning labour, industry, provincial Governments, the standing committees of this House of Commons and I believe all political Parties in the House as well. I would like to recognize the contributions of my two colleagues, the Hon. Member for Cape Breton—East Richmond (Mr. Dingwall) and the very distinguished Member for Saint-Jacques (Mr. Guilbault), our Labour critic for the Liberal Party who has been working on this Bill and who is very well informed on the topic, as we know.

The Minister a few moments ago said in one breath that this legislation had been in the making for four years, which means that it was started under the previous Government, and then he took credit for the legislation being there.

He then went on to describe that it was part of his Government's regulatory reform which was started about a year and a half ago. Those are rather interesting contradictory statements coming from the Minister of Consumer and Corporate Affairs (Mr. Andre) which should not go unchallenged. As we all know, this process was initiated by the previous Liberal Government, and an excellent Government it was, Mr. Speaker as you know. Needless to say the Workplace Hazardous Materials Information System will offer workers and the industry very useful information about hazardous chemical products used in the workplace. The system will be available to help reduce on-the-job accidents which, too often, could have been avoided had the appropriate information been available.

I have here the different symbols that will appear on the hazardous products and I understand as well that there will be a central registry where more information on specific chemicals will be available for people who are injured on the job and there will be easier access than we have now to obtain assistance.

The labour movement worked very hard in helping draft this legislation and for very good reason. Until the Bill came along, Canadian workers and the industries in some cases lacked very basic information in handling hazardous substances on a day-to-day basis. Unfortunately, as I said previously, when there were accidents, sometimes groups were almost totally helpless to assist a fellow worker. I would like to point out the contribution and the involvement of the Canadian Manufacturers'