OHS Laws Banning Workers from Work Sites While Impaired



Cannabis legalization is forcing each province to revise its current OHS rules to deal with workplace impairment issues. Although the review process will take months if not years, several jurisdictions have gotten a head start in form of OHS provisions that ban workers from entering or remaining on a work site when they're impaired. Others have impairment provisions but only for specific industries like mining; others have no provisions at all. Here's the complete rundown as it currently stands:

Jurisdiction	**Current OHS Workplace Impairment Rules (if any)**
Federal	Employee may not work if his/her ability to function is impaired by fatigue, illness, alcohol, drugs or other conditions (*Oil & Gas Occ. Safety & Health Regs*., Sec. 18.16)
Alberta	OHS laws don't address workplace impairment but government guidelines specify that it's a workplace hazard employers must address

Jurisdiction	Current OHS Workplace Impairment Rules (if any)
British Columbia	Person must not and employer must not allow person to enter or stay at workplace while his/her ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else (*OHS Reg.,* Sec. 4.20)
Manitoba	Employers must “take all reasonable steps to ensure” that workers don’t work while under the influence of alcohol or a drug that impairs or could impair their ability to work safely; Workers may not work under the influence of alcohol or a drug that impairs or could impair their ability to work safely (*WSH Reg.,* Sec. 2.19)
New Brunswick	None
Newfoundland & Labrador	Employer, supervisor or worker may not enter or stay at workplace or job site while his/her ability to perform work responsibilities is impaired by intoxicating substances or other cause that endangers health or safety (*OHS Regs*., Sec. 26(2))
Nova Scotia	None

Jurisdiction	Current OHS Workplace Impairment Rules (if any)
Ontario	(1) No person under the influence of, or carrying, an intoxicating alcoholic beverage, drug or narcotic substance may enter, be on or knowingly allowed to enter, or be on, a **mine, mining plant or oil rig**□exception for workers with prescriptions who can provide medical proof of ability to work (OHS, respectively, *Mines & Mining Plants*, Sec. 15; *Oil & Gas-Offshore Reg.*, Sec. 64)
Prince Edward Island	None
Qu□bec	Employer **at construction site** must ensure no worker works while his/her faculties are impaired by alcohol, drug or other substance (OHS, *Safety Code for Const. Ind.,* Sec. 2.4.2.(e))
Saskatchewan	Employer or contractor **at mining site** must take all reasonable steps to ensure that no person whose ability to work safely is impaired by alcohol, drugs or other substance is allowed to work at mine (OHS, *Mines Reg., 2003,* Sec. 21)

Jurisdiction	Current OHS Workplace Impairment Rules (if any)
Northwest Territories	*Ban on worker entering or staying at work site if impaired, i.e., have weakened judgment or physical abilities due to fatigue, illness, alcohol or drugs that harms his/her normal abilities to work safely *Employer duty to prevent worker from entering or staying at site if impaired *Workers' duty to notify employer that they're impaired *Employer duty to implement written impairment policy (*OHS Regs*, Sec. 35.1)
Nunavut	None
Yukon	None