

Ask The Expert: Are Workers Allowed to Smoke in Company Vehicles?



QUESTION

Are we legally required to ban workers from smoking inside a company vehicle if they're the only person in the vehicle?

ANSWER

It depends.

EXPLANATION

All jurisdictions have smoke-free places or tobacco control laws requiring employers to ban indoor smoking in the workplace; but the rules differ on whether the ban extends to company vehicles:

Total Ban on Smoking in Vehicle: Employers must ban *all* smoking inside a company vehicle in Ontario, Alberta, Saskatchewan, Northwest Territories and Nunavut. The same rule applies in BC, provided that the vehicle is enclosed.

Limited or No Ban on Smoking in Vehicle: In every other jurisdiction, employers may (but don't have to) permit workers to smoke inside a company vehicle if they're the only occupant. There are 2 approaches:

- In Manitoba, Qu bec, New Brunswick, Nova Scotia and Yukon, smoking is banned inside company vehicles only if there are 2 or more workers (2 or more persons in Yukon) in the vehicle;
- Federal, Newfoundland and Prince Edward Island smoke-free/tobacco control laws ban smoking in the workplace but not inside a company vehicle.