

Ask the Expert: Is It Legal to Ban Workers from Smoking in Indoor Workplaces?



QUESTION

Are we allowed to ban workers from smoking inside our plant'

ANSWER

Yes. You're not only allowed but required to ban indoor smoking.

EXPLANATION

Every jurisdiction in Canada has adopted a law (called a smoke-free, tobacco-control or non-smokers' protection act) requiring property owners to ban smoking in public spaces. That includes employers at indoor workplaces. The laws also require employers to take active measures to enforce the no-smoking bans, including posting signs and removing ashtrays. If smoking does take place, the employer and its officers and directors can be held liable.

Final Note: In most jurisdictions (Federal, Newfoundland and PEI are the lone exceptions), the indoor smoking ban must cover not just the fixed facility but also work vehicles used to carry workers.