Company Could Bar Smoking in Employee Vehicles on Company Property



A company revised its Smoke Free Workplace Policy to bar employees from smoking in their own vehicles on company property. The union challenged the expanded policy as unreasonably intruding on an employee's own space and personal choice. An arbitrator upheld the revised policy as reasonable. The company had shown a substantial connection between the policy and its legitimate interests, including an interest in reducing the number of employees who smoke, providing a disincentive by banning smoking at work and closing a loophole in that policy in which employees resorted to smoking in vehicles parked on company property. The company also offered a generous program to help those who wanted to quit smoking. And it did let employees smoke in areas adjacent to but off of its property [*Tracker Logistics Inc. v. Unifor Local 4050*, [2016] CanLII 680 (AB GAA), Jan. 7, 2016].