

# Definitions of “Practicable” and “Reasonably Practicable” Across Canada



OHS laws require you to adopt ‘practicable’ safety measures but don’t explain what ‘practicable’ means.

## Definitions of ‘Practicable’ and ‘Reasonably Practicable’ Across Canada

There are 2 things you can look to for guidance on what the terms ‘practicable’ and ‘reasonably practicable’:

- The definitions contained in the OHS laws of jurisdictions that do define these terms; and
- Guidelines from OHS regulatory agencies.

Here’s a summary of the available information on ‘practicable’ and ‘reasonably practicable’ of each jurisdiction in case you don’t feel like looking this up yourself. Notice that the definitions are highly consistent across jurisdictions, which implies that they’d also apply in other jurisdictions without official OHS definitions or unofficial guidelines.

### Federal

Uses the terms ‘practicable’ and ‘reasonably practicable’ but doesn’t define them. However, government guidelines explain that ‘practicable’ means something that can be done with current technology and resources. By contrast, ‘reasonably practicable’ is a less stringent standard that requires the employer to weigh the effort, time and cost of eliminating the hazard against the probability of injury and illnesses. If the effort, time and cost significantly outweigh the benefit the required measure is deemed not reasonably practicable and the employer doesn’t have to adopt it.

### Alberta

Uses the term ‘practicable’ and ‘reasonably practicable’ but doesn’t define them.

## **British Columbia**

Uses the term 'practicable,' defined as meaning that which is reasonably capable of being done, but not the term 'reasonably practicable' (OHS Reg., Sec. 1.1)

## **Manitoba**

Uses the terms 'practicable' and 'reasonably practicable' but doesn't define them.

## **New Brunswick**

Uses the terms 'practicable' and 'impracticable' but doesn't define them; doesn't use the term 'reasonably practicable.'

## **Newfoundland**

Uses the terms 'practicable' and 'reasonably practicable' but doesn't define them.

## **Nova Scotia**

Defines 'practicable' as meaning possible, given current knowledge, technology and invention (OHS Act, Sec. 3(y)); Defines 'reasonably practicable' as practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty (Act, Sec. 3(ab)).

## **Ontario**

Uses the term 'practicable' but doesn't define it. However, MOL guidance notes the differences between 'practicable' and 'practical' in the context of the OHS regulation requiring the disabling of the ventilation system and the erection of an enclosure, where practicable. 'Practicable' means possible, the guidance explains. 'What the Regulation is saying, then, is that if it can be done then it must be done.' But, the guidance continues, 'being able to do something does not make it useful in practice. While it may be practicable to shut down the ventilation system in a building in order to work in one small area of it, it may not be practical to do so, at least while the building is occupied.' Doesn't use the term 'reasonably practicable.'

## **Prince Edwards Island**

Uses the terms 'practicable' and 'reasonably practicable' but doesn't define them. Exception: Section 1 of the Fall Protection Regulations define 'practicable' as physically possible in light of current knowledge and invention; it defines 'reasonably practicable' as practicable unless the person on whom a duty is placed can show that there's a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty.

## **Qu<sup>é</sup>bec**

Uses the terms 'impractical,' 'practicable' and 'reasonable' but doesn't define them.

## **Saskatchewan**

Defines 'practicable' as possible given current knowledge, technology and invention (SK Employment Act, Sec. 3-1(1)(x)); defines 'reasonably practicable' as practicable unless the person on whom a duty is placed can show that there's a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty (Act, Sec. 3-1(1)(z));

## **Northwest Territories and Nunavut**

Uses the terms 'practicable' and 'reasonably practicable' but doesn't define them.

## **Yukon**

Uses the terms 'practicable' and 'reasonably practicable' but doesn't define them.