

# Unreasonable to Bar Smoking by Workers During Breaks Offsite



A manufacturer banned smoking anywhere on its premises or any time during the work day. And because workers were barred from leaving the premises during their breaks, the new policy effectively barred them from smoking at any time during their shift. The union objected to this new policy. The employer claimed that it can prevent workers from leaving the premises to smoke during their breaks because it pays for the break time. But the arbitrator disagreed. The fact that the employer compensates employees for break time doesn't change the character of the half hour period as a break. Also, any worker who doesn't return from break on time would be subject to discipline. So the arbitrator concluded that although the employer was entitled to ban smoking from its property, barring smoking off property during a worker's break was an unreasonable exercise of management's rights [*United Steelworkers Local 7175 v. Veyance Technologies Canada Inc.*, [2015] CanLII 30713 (ON LA), June 3, 2015].