

OHS Insider Newsletter

Your easiest path to OHS Compliance in Canada

SEPTEMBER 2026



This Month's Highlights

This edition highlights timely OHS issues to help keep your workplace safe and compliant, including the summer's top OHS cases, mid-year fire extinguisher and evacuation drill reviews, PPE compliance in extreme temperatures, voluntary PPE use, and the latest case alerts. Visit OHSInsider.com to read the full articles and more.



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Top 4 OHS Cases of the Summer

OHS coordinators need to keep CEOs apprised of new workplace safety laws. While new legislation and regulation garner most of the attention, court and tribunal rulings often have the most direct impact on OHS compliance. Here is a briefing of four key cases you need to know about, their potential impact on your OHS program, and what to do to address the issue the case involved.

1 Biggest OHS Fine of the Month—Warehouse Fined \$350,000 for Forklift Death

What Happened: Marble slabs being moved by a forklift unexpectedly dislodged and fatally crushed the worker operating the machine. The victim's employer was fined \$350,000 after pleading guilty to failing to prevent the unsafe movement of a forklift load, including via requiring or enforcing safe procedures for moving a load [*LX Hausys Canada Inc.*, Govt. Press Release, June 2, 2026].

Significance: This was the biggest reported OHS fine in Canada during the month and the fourth highest of the year. And it's no aberration. Powered mobile equipment has become a priority for OHS enforcers across the country.

What To Do: Implement a Powered Mobile Equipment Compliance Game Plan to prevent forklift injuries, incidents, and violations at your workplace.

2 Alberta OHS Inspectors Don't Need "Imminent Danger" to Issue Stop-Work Orders

What Happened: OHS officials issued an Order requiring a consulting firm to stop performing airborne concentration measurements of harmful substances and hazardous materials inventory assessments in Alberta unless and until the Order was lifted. The firm appealed contending that the government had no authority to issue the Order because there was no proof of "imminent danger." The Labour Relations Board upheld the Order finding that nothing in the OHS Act expressly limits the discretion of inspectors to issue stop-work orders only to situations involving imminent danger [*11184903 Canada Corp. operating as Pure Air Solutions Services Ltd. v Occupational Health and Safety*, 2026 ABOHSAB 9, June 24, 2026].

Significance: This is an important case for Alberta employers because it interprets the statutory authority of OHS inspectors to

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issue stop-work orders broadly as including situations where there's no imminent danger.

What To Do: OHS stop-work orders and monetary penalties can be tough to take, especially when you believe you've done nothing wrong. But appeals also carry potentially significant costs and risks. Find out about the factors you should consider in deciding whether to appeal an OHS order.

3 Relying on Experienced Supervisor Doesn't Prove Due Diligence

What Happened: WorkSafeBC inspectors fined a siding contractor nearly \$20,000 after observing workers at a height without fall protection. The contractor claimed due diligence. We trained the crew in fall protection, gave them the necessary equipment, and appointed an experienced person to supervise them—what more could we have done? But the BC Workers' Comp Appeals Tribunal (WCAT) wasn't impressed, noting the company's history of fall protection violations. Relying on its experienced supervisor to ensure compliance was also a nonstarter since there was no evidence that the company regularly monitored and tested supervisors' competency and ability to abide by the safety rules [A2501668 (*Re*), 2026 CanLII 60152 (BC WCAT), June 11, 2026].

Significance: Relying on experienced supervisors isn't enough to prove due diligence, especially if your company has a history of OHS violations. Given the company's track record, it should have "treated fall protection requirements with a heightened level of scrutiny."

What To Do: Due diligence requires "reasonable steps" to prevent violations and comply with OHS laws. The best—and only way—to determine what "reasonable

steps" are required is to look at cases where courts had to apply these principles to actual situations. The [OHSI Due Diligence Scorecard](#) and accompanying Case Summaries draws these real-life lessons that you can then use to assess whether your own OHS program meets the standards of due diligence.

4 Ontario Shells Out \$60 Million to Settle Sexual Abuse Class Action

What Happened: An Ontario court approved the \$60 million settlement of the class action lawsuit against the province filed by thousands of individuals for the physical, sexual, and psychological abuse they suffered while placed in provincially operated juvenile detention and reform facilities, aka "Training Schools", between 1953 and 1984. The Ontario government issued a public acknowledgment and expression of regret. Eligible class members will receive compensation ranging from \$5,000 to \$100,000, depending on the severity of the harm they suffered [*Brown v. His Majesty the King in Right of the Province of Ontario*, 2026 ONSC 2880, May 21, 2026].

Significance: Although Brown didn't happen in a work setting, it's an important reminder of why preventing workplace harassment, abuse, and violence has become an essential part of OHS programs.

What To Do: You can't deal with psychological harassment and abuse unless you know it's happening. Don't assume workers will tell you if they're being harassed; most harassment victims stay silent because they don't want to be seen as a troublemaker. That's why you need to take active measures to get the true picture of what's going on. Use the OHS Insider [Assessment Questionnaire](#) template to uncover hidden harassment, bullying, and stalking problems at your workplace.

Mid-Year Fire Extinguisher Inspection & Evacuation Drill Review Game Plan

While required by Occupational Health and Safety (OHS), fire codes, and other laws, annual fire extinguisher inspections and evacuation drills don't guarantee that your workers and workplace will be prepared when and if a fire actually occurs.

A lot can happen in one year:

- Facilities change.
- Equipment gets moved.
- New workers get hired.
- Emergency wardens and designated fire fighters leave the company.
- Emergency contacts change.
- Renovations alter evacuation routes.
- Fire extinguishers get used in minor incidents that never get reported.

That's why many OHS coordinators perform regular fire safety review every six months. Such review doesn't replace the annual inspection or required maintenance by qualified technicians. Instead, it verifies that the company's fire protection program continues to function as intended while uncovering the deficiencies that annual inspections may not catch. Here's a five-step Mid-Year Fire Readiness Review Game Plan.

Step 1. Review Fire Extinguishers

Start with a walkthrough of every work area to verify that each fire extinguisher:

- Is visible and unobstructed.
- Has current inspection and maintenance tags.
- Shows no signs of damage, corrosion, leakage, or tampering.
- Has an intact safety pin and tamper seal.
- Indicates adequate pressure (if applicable).
- Is mounted properly.
- Has legible operating instructions.
- Remains appropriate for the hazards in the area.

Strategic Pointer: Also verify that changes in operations haven't created new fire risks requiring additional or different extinguisher types. Example: You may have to reassess fire extinguisher placement or classification in areas where lithium-ion battery charging stations or new electrical equipment has been installed in the past six months.

Step 2. Review the Evacuation Plan

Emergency response and evacuation plans become outdated surprisingly quickly. Confirm that:

- Remains in its designated location.
- Evacuation maps reflect the current building

- layout.
- Exits remain accessible.
- Assembly points remain suitable.
- Emergency wardens are still employed and trained.
- Workers know alternate exit routes.
- Contractors understand emergency procedures.
- Emergency contact information remains current.
- Special arrangements are made for workers with disabilities affecting their ability to evacuate.

Strategic Pointer: If the workplace has undergone renovations or operational changes since the last drill, update the emergency procedures accordingly.

Step 3. Evaluate Previous Fire Drills

Don't simply record that a drill occurred. Review what happened during the drill. Questions to ask:

- Did everyone evacuate?
- Were exits used properly?
- Did workers hesitate or become confused?
- Were visitors accounted for?
- Were emergency wardens clearly identifiable?
- Did anyone attempt to retrieve personal belongings?

- How long did complete evacuation take?
- Were corrective actions from the previous drill completed?

Step 4. Confirm Worker Readiness

Even supervisors and experienced workers may forget emergency procedures. So, during mid-year review, ask them these questions:

- Where is your nearest extinguisher?
- Which exit would you use if your primary exit were blocked?
- Where is your assembly point?
- Who is your fire warden?
- What should you do if you discover a fire?

Step 5. Review Documentation

Before concluding mid-year review, ensure documentation is complete and that up-to-date records exist for:

- Annual fire extinguisher maintenance.
- Monthly visual inspections (where required by company procedures).
- Fire drills.
- Corrective actions.
- Worker training.
- Emergency plan revisions.
- Accommodations for workers with disabilities.
- Equipment servicing.



**Making Your JHSC More
Than a Meeting Requirement**

Register Now

**Wednesday,
October 21, 2026
at 9:00 a.m.
Pacific**

PPE Compliance in Extreme Temperatures

Protecting Outdoor Workers When Conditions Shift

Extreme weather can quickly turn routine outdoor work into a high-risk situation. For worksite managers and OHS professionals, personal protective equipment (PPE) compliance becomes especially important when crews are exposed to extreme heat, tornado conditions, wildfire smoke, or nearby forest fires. While PPE is only one part of a broader hazard control program, it remains a critical last line of defence when elimination, substitution, engineering, and administrative controls cannot fully protect workers.

In extreme heat, PPE can create a difficult balancing act. Workers still need protection from falling objects, sharp materials, chemicals, noise, dust, traffic, and equipment hazards, but the same PPE that protects them may also trap heat and increase the risk of heat stress. Hard hats, high-visibility clothing, gloves, safety boots, eye protection, hearing protection, fall protection harnesses, and respirators may all be required depending on the task. Managers should never allow workers to remove required PPE simply because conditions are hot. Instead, they should review whether lighter, breathable, task-appropriate options are available and adjust work-rest schedules to account for the added heat burden.

PPE in Different Sectors

For construction, roadwork, landscaping, utility, and agricultural crews, high-visibility clothing is often essential. In hot weather, lightweight, moisture-wicking, CSA-compliant

high-visibility garments can help maintain visibility without adding unnecessary insulation. Safety footwear should protect against punctures, crushing injuries, slips, and uneven terrain, while still providing adequate support for long shifts. Gloves should be selected carefully: cut-resistant or chemical-resistant gloves may be required for specific tasks, but overly heavy gloves can reduce dexterity and increase sweating. The goal is not simply to require PPE, but to ensure workers are wearing the right PPE for the hazard and the conditions.

Head and eye protection are also important in extreme heat. Hard hats protect against falling objects and overhead hazards, while brim attachments or neck shades may provide added sun protection when compatible with the equipment. Safety glasses, goggles, or face shields help protect workers from dust, debris, UV exposure, chemicals, and windblown particles. Outdoor workers may benefit from tinted or UV-rated protective eyewear, provided it does not interfere with visibility or create hazards in shaded or low-light areas.

Respiratory protection becomes a major concern when forest fires are nearby. Wildfire smoke can expose workers to fine particulate matter, ash, and irritating gases. In these conditions, simple cloth face coverings or standard dust masks are not adequate respiratory protection. Depending on the level of exposure and the work being performed,

workers may need properly selected and fit-tested respirators, such as N95 filtering facepiece respirators or elastomeric half-mask respirators with appropriate particulate filters. Respirators are most effective when they are part of a respiratory protection program that includes fit testing, training, seal checks, maintenance, and medical considerations where required.

Unexpected Heat & Weather Threats

When wildfire smoke is present, PPE should be combined with air quality monitoring and administrative controls. Managers should reduce strenuous outdoor work, move tasks indoors where possible, provide cleaner-air rest areas, and consider postponing non-essential work when smoke levels are high. Eye protection may also be necessary where smoke, ash, or windblown debris causes irritation. Workers with asthma, heart conditions, or other medical vulnerabilities may require additional assessment and accommodation.

Tornadoes and severe wind events present different PPE challenges. PPE is not a substitute for shelter. If a tornado warning is issued or severe weather is imminent, the priority should be to stop outdoor work and move workers to a designated safe location. However, PPE may still play a role before and after the event. Hard hats, safety boots, gloves, high-visibility garments, eye protection, and cut-resistant clothing can help protect workers during shutdown activities, emergency response, debris cleanup, and damage assessment. These tasks often involve broken glass, sharp metal, unstable structures, downed branches, and scattered materials.

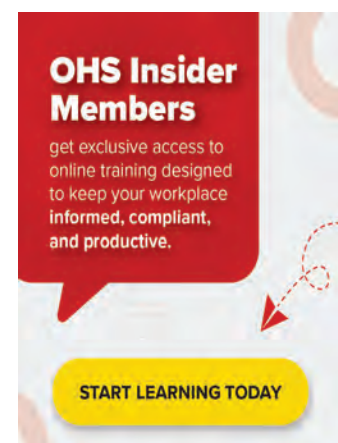
After a tornado or severe wind event, worksite managers should reassess hazards before allowing crews to resume work. Downed

power lines, unstable scaffolding, damaged equipment, compromised roofs, hazardous spills, and blocked access routes may all be present. Workers involved in cleanup may need impact-resistant eye protection, heavy-duty gloves, chainsaw chaps, hearing protection, respiratory protection for dust, and fall protection when working at heights. PPE requirements should be based on the post-event hazard assessment rather than the pre-storm task list.

Planning with PPE

Compliance depends heavily on supervision and planning. Workers are more likely to wear PPE consistently when it fits properly, is suitable for the weather, is available in the right sizes, and is explained clearly. Supervisors should watch for signs that PPE is being removed, modified, or worn incorrectly because of discomfort. They should also reinforce that extreme weather does not reduce the need for protection; it increases the need for thoughtful hazard control.

For OHS professionals, the key is to integrate PPE into broader emergency and heat stress planning. Policies should address PPE selection, fit, maintenance, replacement, training, respiratory protection, wildfire smoke response, severe weather shutdowns, and post-event recovery work. Crews should know not only what to wear, but why they are wearing it, when it is required, and when conditions are too dangerous for work to continue.



Month-In-Review

A roundup of new legislation, regulations, government announcements, court cases, and arbitration rulings. Visit OHSInsider.com for the complete Month-In-Review. Now available by jurisdiction to keep you focused on what's been happening in your area including legal alerts, law announcements, and recent cases.



Federal

PPE: July 13 was the final day of public consultations on proposed changes to harmonize the Canadian Occupational Health and Safety (COHS) Regulations personal protective equipment (PPE) standards with provincial and territorial requirements. The new federal rules also require employers to have a qualified person verify that mandatory PPE properly fits male and female workers.

Alberta

Workers' Compensation: The Alberta Workers' Compensation Board (WCB) distributed roughly \$106.5 million in rebates to more than 10,000 Certificate of Recognition (COR) employers under the Partnerships in Injury Reduction (PIR) program last month. COR status is awarded to employers whose OHS management programs meet provincial standards as determined by a certified auditor.

British Columbia

Airborne Contaminants: WorkSafeBC is proposing a new 8-hour time-weighted average (TWA) of 0.2 ppm exposure limit for benzene and to eliminate the current 15-minute short-term exposure limit (STEL). The change will harmonize BC standards with the European Union's (EU's) binding occupational exposure limit value (OELV).

Manitoba

Machine Safety Case: A school worker suffered

a thumb injury after contacting an unguarded table saw blade. The school division was fined \$45,000 after pleading guilty to failing to ensure that a machine was equipped with safeguards to prevent a worker from coming into contact with a point of operation [Frontier School Division].

New Brunswick

Workplace Violence: Legislation (Bill 27) making it easier for victims of intimate partner violence to sue for money damages received Royal Assent. There's no longer a statute of limitations to sue for non-sexual harm occurring in an intimate personal relationship or situation where a person is financially, physically, or emotionally dependent on the person who harms them.

Newfoundland and Labrador

Fire Safety: Forestry Act Regulations amendments took effect. Highlights: i. Ban on fireworks and sky lanterns when Fire Weather Index is high, very high, or extreme; ii. Sawmills must maintain minimum buffer of 30 metres of non-flammable material between residue piles and surrounding vegetation; and iii. Mill owners must develop plans to manage residue to prevent forest fires.

Northwest Territories

Transportation Safety: The Government of Northwest Territories (GNWT) is investing \$140 million in highway infrastructure

improvements across this summer. Maintenance and reconstruction will take place on highways and access roads. The Northwest Territories transportation system includes 3,873 kilometres of all-weather highways, winter roads, and access roads, 27 airports, four ferries/ice crossings, and over 350 bridges and major structures.

Nova Scotia

Workers' Compensation: With injury rates at a record low and a funding surplus of 117%, WCB Nova Scotia announced its first rate cut in over 20 years. The agency is proposing to reduce 2027 average employer premiums 15%, from \$2.65 to \$2.25 per \$100 of assessable payroll.

Nunavut

Industry Challenges: The Government of Nunavut reminded clam harvesters to harvest in traditional areas that are no closer than within 400 feet of a wharf or within 1,000 feet of any possible source of pollution, such as sewage lagoon runoff, sewage treatment plant outfall, or other industrial runoff, such as landfills.

Ontario

Respiratory Protection: New OHS regulations took effect making Canadian-made respirators meeting CSA Z94.4.1 and the CSA Certification Program an acceptable alternative to NIOSH approval for filtering respirators in Ontario. Previously, respirators had to be approved by NIOSH or certified by a qualified individual as providing workers protection that's at least equivalent to a NIOSH-approved respirator.

Prince Edward Island

Infectious Illness: Prince Edward Island's new

Employment Standards Act increases unpaid sick days from three to four after 30 days of employment. Employers can require doctor's notes only for absences of at least five consecutive days. Employees get one day paid sick leave after one year, two days after two years, and three days after three years.

Québec

Power Tools: Proposed amendments to OHS forest management work regulations affect required standards for chainsaw chains, safety footwear, leg protection devices, and protective clothing for chainsaw users. The amendments also add paramedic to the list of potential contact people when there are fewer than nine workers and permit modifying brush clearing equipment if the manufacturer allows it.

Saskatchewan

Transportation Safety: Saskatchewan is considering higher *Traffic Safety Act* administrative penalties against drivers who fail roadside breath tests including immediate licence suspension, vehicle impoundment, ignition interlock, and impaired driver education. Impaired drivers would also face fines of \$1,000 (plus a 30% victim surcharge) for a first offence and \$2,000 (plus a 30% surcharge) for a second offence.

Yukon

New Laws: Goods approved for sale in one province or territory can now be sold in Yukon without additional testing. However, there are five exceptions for which existing standards continue to apply: boiler and pressure vessels; ozone depleting substances; cervid parts; human tissue; and designated materials under the extended producer responsibility program.

Case Alerts

Drugs & Alcohol: Double Pre-Employment Drug Testing of New Trainees Is Unreasonable

After extensive hearings, a federal arbitrator ruled that three parts of a railway's drug and alcohol testing policy were unreasonable:

- i. Requiring newly hired trainees for safety sensitive positions to undergo both pre-employment drug testing and a later second drug test before completing their training;
- ii. A minimum 28-day cannabis ban; and iii. Reducing oral fluid drug testing thresholds from 10ng/ml to 4ng/ml and 2ng/ml. However, the arbitrator upheld other provisions challenged by the union as not unreasonable [*Teamsters Canada Rail Conference - Maintenance of Way Employees Division v Canadian Pacific Kansas City Railway Company*, 2026 CanLII 60171 (CA LA), June 19, 2026].

Action Point: Although this case turned on the reasonableness of the terms of the policy, workplace drug testing cases are often determined based not on what a testing policy says, but how it's actually carried out. Find out how to implement a legally sound [Drugs and Alcohol Testing Policy](#) at your own workplace.

Powered Mobile Equipment: Warehouse Fined \$350,000 for Forklift Operator's Death

Marble slabs being moved by a forklift unexpectedly dislodged and fatally crushed the worker operating the machine. The victim's employer was fined \$350,000 after pleading guilty to failing to prevent the unsafe movement of a forklift load, including via requiring or enforcing safe procedures for moving a load. That's the second highest OHS fine reported in Alberta in 2026. The money

will go to the Manufacturer's Health & Safety Association (MHSA) to deploy portable virtual reality forklift simulators for operator safety training [*LX Hausys Canada Inc.*, [Govt. Press Release](#), June 2, 2026].

Action Point: Don't let something like this happen on your watch! Find out how to implement a [Powered Mobile Equipment Compliance Game Plan](#) to prevent forklift incidents and injuries at your workplace.

Confined Spaces: Prime Contractor Fined \$170,000 for Confined Space Violations

A worker inside a chamber (a confined space) using pry bars to help a crane truck lift gearboxes suffered serious injury when the gearbox released and lifted forcefully upward. WorkSafeBC hit the prime contractor at the site with \$169,632 in administrative monetary penalties for multiple OHS violations, including failure to develop written confined space safety procedures and provide workers adequate training and supervision before they entered the confined space [Metro Vancouver Regional District].

Action Point: Find out how to use the [OHS Insider Confined Spaces Compliance Game Plan](#) to avoid confined space fatalities and violations.

Due Diligence: Relying on Experienced Supervisor Isn't Enough

WorkSafeBC inspectors fined a siding contractor nearly \$20,000 after observing workers at a height without fall protection even though fall protection equipment was available and their supervisor was right below them on the ground. The contractor claimed

due diligence. We trained the crew in fall protection, we gave them the necessary equipment, and we appointed an experienced person to supervise them—what more could we have done? But the BC Workers' Comp Appeals Tribunal (WCAT) wasn't impressed. Given the company's history of similar violations, it should have "treated fall protection requirements with a heightened level of scrutiny." And it couldn't document the training it claimed it provided. Relying on its experienced supervisor to ensure compliance was also a nonstarter since there was no evidence that the company regularly monitored and tested supervisors' competency and ability to abide by the safety rules. "Due diligence requires that an employer have a reasonable basis to assume that its site supervisor will supervise a work activity safely, responsibly, and in accordance with legal requirements," the WCAT reasoned [A2501668 (Re), 2026 CanLII 60152 (BC WCAT), June 11, 2026].

Action Point: The takeaway is that relying on experienced supervisors isn't enough to prove due diligence. Use the [OHSI Due Diligence Scorecard](#) and accompanying Case Summaries to draw other important lessons that you can use to assess whether your own OHS program meets the standards of due diligence.

Discipline/Work Refusal/Retaliation: Placing Manager on Leave Isn't Reprisal for Harassment Complaint

A health centre manager claimed he was put on paid administrative leave in reprisal for complaining about alleged respectful workplace breaches committed by his boss. The OHS investigator found no reprisal, finding that the centre put the manager

on leave not as punishment but to protect him pending the investigation into his toxic relationship with the boss. The Nova Scotia Labour Board upheld the ruling. Even if it was an adverse action, there was no evidence that the manager was put on leave because he complained. Moreover, he complained to the employer before the new Nova Scotia OHS psychological harms protections he claimed he was asserting officially took effect [*Fells v IWK Health*, 2026 NSLB 29 (CanLII), June 25, 2026].

Action Point: Find out how to [avoid reprisals liability](#) when disciplining workers who commit infractions unrelated to their work refusals or previous exercises of OHS rights.

Lockout Tagout: Nuclear Plant Fined \$276,000 for Electrician's Electrocution Death

Qulliq Energy Corporation was on the receiving end of what may be the highest OHS fine ever imposed in Nunavut—a total of \$276,000 for the electrocution death of a 58-year-old electrician while working on an emergency generator that had not been de-energized in the hamlet. The accident occurred at the company's Naujaat Power Plant during a blackout. Qulliq pled guilty to one violation: failing to carry out all reasonable techniques and procedures, to ensure the health and safety of every person in its establishment. In return, the Workers' Safety and Compensation Commission (WSCC) dropped eight charges [*Qulliq Energy Corporation*, [WSCC Press Release](#), June 16, 2026].

Action Point: Find out how to prevent fatalities and OHS fines like these by implementing a legally sound [Lockout and Hazardous Energy Control Compliance Game Plan](#) at your site.

Ask the Expert

Voluntary Use of Personal Protective Equipment

Employers sometimes encounter situations where employees choose to wear personal protective equipment (PPE) even when it is not required by a hazard assessment. This can raise questions about compliance with safety standards and potential liability.



Question

An employee has chosen to wear their own tight-fitting respirator while performing routine work because they find certain workplace odours unpleasant. The employer is conducting air monitoring but expects exposure levels to be well below any limits requiring respiratory protection.

The employee is medically cleared to wear a respirator but has facial hair that would prevent a proper seal under applicable CSA standards.

If respiratory protection is ultimately determined to be unnecessary, could the employer still face regulatory issues by allowing the employee to voluntarily wear a respirator that does not meet the required fit standards?

Answer

Potentially, yes. Even if respiratory protection is not legally required, voluntarily allowing the use of a respirator may create an expectation that it is being used in accordance with applicable safety standards, including proper

fit and seal requirements.

Before permitting its use, the employer should determine whether a respirator is actually necessary based on the air monitoring results. If respiratory protection is required, the respirator must fit properly, and facial hair that interferes with the seal should not be permitted unless accommodation obligations apply.

Explanation

If testing confirms there is no hazardous exposure, the regulatory risk is significantly lower. However, it is still advisable to explain that facial hair may reduce the effectiveness of the respirator and document that discussion if the employee chooses to continue wearing it.

If testing identifies a respiratory hazard, the employer should ensure the respirator complies with applicable CSA standards before allowing the employee to perform the work. When in doubt, employers should err on the side of caution and ensure any protective equipment used provides the level of protection it is intended to deliver.