

OHS Insider Newsletter

Your easiest path to OHS Compliance in Canada

NOVEMBER 2026



This Month's Highlights

This month, explore how to prevent fatigue-related accidents during schedule shifts, conduct effective ventilation field reviews to meet air quality requirements, and strengthen warehouse traffic control with 10 essential rules. Plus, discover more insights to help keep workers safe. Visit OHSInsider.com to read the full articles and more.



Featured in This Edition:

Worker Fatigue	02
Ventilation Field Review	04
Warehouse Traffic Control	06
Month-in-Review	08
Case Alerts	10
Tariffs Ask the Expert	12

Worker Fatigue

Preventing Accidents During Schedule Shifts

Changes to work schedules can affect employees in every sector, from healthcare and manufacturing to construction, transportation, retail, hospitality, and office environments. Moving from day shifts to nights, extending working hours, rotating schedules, or changing start times with little notice can disrupt the body's natural sleep-wake cycle and reduce alertness at work.

For OHS managers and HR directors, worker fatigue should be treated as both a health and safety concern and a scheduling issue. Fatigue can impair judgment, reaction time, concentration, memory, and coordination, increasing the likelihood of mistakes and workplace accidents.

How Schedule Changes Affect Alertness

The body's circadian rhythm helps regulate sleep, alertness, body temperature, and other biological functions over a roughly 24-hour period. Employees generally adapt to sleeping and waking at predictable times, which means sudden scheduling changes can make it difficult to obtain enough restorative sleep.

A worker who normally starts at 8 a.m., for example, may struggle when suddenly assigned an overnight shift. Similarly, employees moving repeatedly between days, evenings, and nights may never fully adjust to one schedule.

Fatigue can also accumulate when employees work extended shifts, consecutive long days, overtime, or multiple jobs. Commuting time

and family responsibilities can further reduce the amount of time available for rest between shifts.

Employers should pay particular attention to schedules that provide employees with limited recovery time or require significant changes to normal sleeping patterns.

Fatigue Can Lead to Serious Accidents

Fatigue does not simply mean feeling tired. A fatigued employee may react more slowly to hazards, overlook important details, make poor decisions, or briefly lose concentration.

In safety-sensitive workplaces, the consequences can be significant. A fatigued driver may miss a traffic signal or react too slowly to changing road conditions. A forklift operator may fail to notice a pedestrian. A machine operator could skip a safety step or place a hand too close to moving equipment.

Construction and maintenance workers may experience falls, tool-related injuries, or errors while working at heights. Healthcare employees may make medication or documentation mistakes. Even in office

EDITOR IN CHIEF / SENIOR WRITER: GLENN DEMBY, ESQ.

OHS Insider is published by Bongarde Holdings Inc. and is intended for in-house use only – commercial reproduction is a violation of our copyright agreement. This publication is designed to provide accurate and authoritative information on the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought. Printed in Canada. For more information call 1.800.667.9300



environments, fatigue can contribute to errors, reduced productivity, poor decision-making, and incidents while employees are driving to or from work.

Employers should also recognize warning signs such as repeated yawning, difficulty concentrating, slowed responses, irritability, unusually frequent mistakes, or employees appearing to struggle to remain awake.

Reduce the Impact of Schedule Changes

Where operationally possible, employers should avoid abrupt or extreme scheduling changes. Providing employees with advance notice allows them to gradually adjust their sleep schedules and personal responsibilities.

Rotating shifts should also be designed thoughtfully. Frequent movement between drastically different start times can make adaptation difficult. Organizations may benefit from reviewing whether rotations can occur less frequently or progress in a more predictable direction.

Managers should consider workload as well as shift length. An employee working a demanding overnight shift may require different break arrangements or task scheduling than someone performing the same work during normal daytime hours.

Check In and Consider Individual Needs

Supervisors should encourage employees to report fatigue concerns without automatically treating those concerns as performance problems. A worker who says they are too fatigued to safely operate equipment, drive, or perform a hazardous task may be identifying an important safety risk.

Managers can check in with workers following significant schedule changes and ask whether they are experiencing difficulties adapting.

Temporary adjustments, additional rest periods, modified duties, gradual schedule transitions, or other accommodations may be appropriate depending on the circumstances.

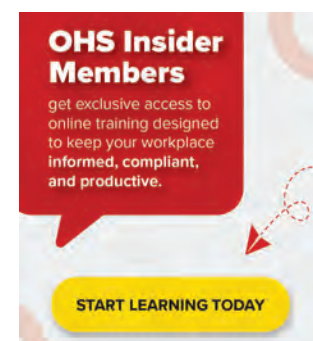
Where fatigue may be connected to a medical condition, disability, pregnancy, medication, or another protected need, employers should also consider whether accommodation obligations are triggered.

Plan Scheduling With Fatigue Prevention in Mind

Fatigue-related incidents are often preventable. Employers can reduce risk by looking beyond immediate staffing requirements and considering how scheduling decisions affect workers over several days or weeks.

Tracking overtime, consecutive shifts, minimum rest periods, shift rotations, near misses, and fatigue reports can help identify patterns before an accident occurs.

Ultimately, safer scheduling is about maintaining adequate recovery time and recognizing that alertness is an important workplace safety control. By making schedule changes gradually, checking in with affected employees, and responding early to fatigue concerns, employers can protect workers while maintaining safer and more reliable operations.



Ventilation

Perform Ventilation Field Review to Ensure Compliance with Air Quality Requirements

While standards vary, Canadian Occupational Health and Safety (OHS) regulations require companies to ensure that workplace ventilation is adequate for airborne hazards and conditions actually present.

Simply having an operational HVAC system isn't enough. You must also perform constant monitoring to identify and adjust to changes to workplace air quality.

Ventilation Red Flags to Look For

The starting point is to recognize the red flags that can cause such changes, including:

Changes to Production Process

An existing general HVAC system that operates normally may no longer provide adequate ventilation if welding stations, spray painting, or other production changes generating new atmospheric hazards are introduced.

Building Gets More Crowded

An HVAC system designed for 75 occupants may no longer generate and distribute enough outdoor air for a site that now routinely has 120 people.

Ventilation System Exhausts but Doesn't Replace Air

An exhaust system that removes contaminated air but doesn't replace it with make-up air may not be adequate, especially in jurisdictions like Ontario where OHS requirements specifically require replacement air to be free of hazardous contaminants.

Exhaust System Just Sends Contaminated Air Somewhere Else

Exhaust air may re-enter through an outdoor-air intake or affect an adjacent work area.

Worker Air Quality Complaints

Among the brightest red flags of indoor air quality (IAQ) problems are worker complaints of headaches, unusual odours, respiratory irritation, excessive dust, stuffiness, etc.

Solution 1: Perform Field Level Ventilation Review

Instead of asking "Is the HVAC system working?," OHS directors should ask: "Is our ventilation system adequate for the people, processes, and airborne hazards in this workplace at this time?"

Strategy: Perform a field-level ventilation review.

Walk through work areas and ask:

- Has occupancy increased since the ventilation system was designed and put into use?
- Have new processes, chemicals, equipment, or production activities been introduced?
- Have workers made any complaints raising potential IAQ concerns?
- Are exhaust hoods and local exhaust systems actually capturing contaminants at the source?
- Are air intakes, filters, ducts, vents, or

exhaust outlets obstructed or poorly maintained?

- Are furnishings, equipment, renovations, or other items or conditions altering airflow?
- Are there areas where air is being recirculated when it should be exhausted?

Compliance Pointer: Consider the need for local exhaust ventilation (LEV). General HVAC systems are no substitute for source capture where workers are exposed to welding fumes, solvents, dust, vapours, or other airborne contaminants.

Solution 2: Perform IAQ/Ventilation Assessment

Have a competent person perform a documented IAQ/ventilation assessment if the field review identifies any problems.

Depending on the hazard, the assessment may involve airflow measurements, ventilation-system testing, and/or monitoring for specific contaminants.

Keep records documenting:

- The time and date tests were performed.
- The type of tests performed, including methods and equipment.
- The parts of the facility in which the tests were performed.
- The person(s) who performed the tests.
- The test findings.
- The actions taken to correct problems identified or reason no such actions were taken.
- The further testing and actions taken to ensure the effectiveness of corrective measures.



OHS Insider

Don't Miss
Our Upcoming
Webinar

The OHS Risks You Shouldn't Carry Into 2027

Save Your Seat

**Wednesday,
November 18, 2026
at 9:00 a.m. Pacific**

Your Warehouse Traffic Control Plan - 10 Rules

Forklift-pedestrian collisions are a common cause of serious and even fatal injuries at warehouses, construction projects, and other sites where powered mobile equipment (PME) scuttles about. Occupational Health and Safety (OHS) regulations require employers to identify traffic safety hazards and implement a plan to control them.

A traffic safety control program goes beyond painting lines on the floor and warning workers to “watch out for forklifts.” One of the most crucial elements is a set of traffic control rules explaining what forklift operators and pedestrians must do to stay out of each other’s way. While specifics may vary by jurisdiction, setting, and equipment, there are 10 core rules any traffic control plan should include.

Rule 1. Pedestrians Must Use Designated Walkways

The starting point is to separate pedestrian traffic from forklift and other PME traffic. Require workers to use designated pedestrian routes that are clearly marked and kept free of pallets, materials, equipment, and other obstructions.

Model Language: “Employees and visitors must use designated pedestrian walkways whenever traveling through the warehouse. Pedestrians must not walk through forklift aisles, loading areas, or other powered-equipment operating zones except at designated crossings or when authorized work requires entry into the area.

[Describe any limited exceptions in which workers are allowed to stray from designated walkways while specifying that convenience isn’t one of them.]”

Rule 2. Forklifts Must Use Designated Travel Routes

Like pedestrians, forklift operators should be required to follow established travel routes. In designating these rights, account for aisle width, intersections, loading areas, storage locations, and areas of high pedestrian activity.

Model Language: “Powered mobile equipment must remain on designated travel routes except when necessary to perform an assigned task. Operators must not use designated pedestrian walkways as equipment travel routes or bypass established traffic controls for convenience.”

Rule 3. Pedestrians Must Use Controlled Crossings

While completely banning pedestrians from crossing forklift routes may be unrealistic, you can and must control where and how such crossings occur. Designated crossings should be conspicuous, located where operators have adequate visibility, and positioned to minimize unnecessary interaction with moving equipment.

Model Language: “Pedestrians may cross powered-equipment travel routes only at designated crossings, except where an authorized work procedure requires otherwise. Before entering a crossing, pedestrians must stop, check for approaching equipment and proceed only when the crossing can be made safely.”

Rule 4. Operators Must Follow Safety Procedures When Approaching Intersections

Establish specific safety procedures for forklifts approaching an intersection, particularly where another aisle, doorway, or storage area limits visibility. “Use caution” isn’t enough. Depending on layout, the intersection approach safety procedure might involve slowing, stopping, sounding the horn, checking both directions, and proceeding only when the route is clear.

Model Language: “Operators approaching an intersection, doorway or other location where pedestrians or equipment may enter the travel path must reduce speed and assess the area before proceeding. The operator must sound the horn or use the designated warning device where appropriate and must not proceed until the travel path is clear.”

Rule 5. Operators Must Follow Safety Procedures When Approaching Blind Corners

Blind corners are predictable collision points. In addition to engineering and administrative controls like convex mirrors, improved lighting, barriers, warning lights, audible warnings, or changes to storage arrangements, require operators to follow a specific safety procedure when approaching blind corners.

Model Language: “Operators approaching a blind corner or other restricted-visibility location must slow to a safe speed and follow the designated visibility-control procedure. Where the operator cannot adequately determine that the travel path is clear, the operator must stop and use the required warning, mirror, signaler, or other control before proceeding.”

Rule 6. Workers Must Follow Safety Procedures When Entering Forklift Operating Areas

If total exclusion isn’t reasonably practicable, establish safety procedures for order pickers,

maintenance personnel, inventory staff, supervisors, and visitors to follow when entering areas in which forklifts operate. The traffic procedure should address when equipment must stop, when communication with the operator is required, and when an area must be temporarily isolated.

Model Language: “Workers entering a powered-equipment operating area outside a designated pedestrian route must follow the applicable access procedure. Where required by the procedure, the worker must obtain acknowledgment from the equipment operator and/or ensure that equipment movement has stopped before entering the area.”

Rule 7. Operators Must Obey Posted Speed Limits

Controlling forklift speed is vital but methods will depend on site conditions, equipment, operations performed, and other factors. Thus, while a single maximum speed may work for some facilities, others may need different limits for aisles, intersections, ramps, loading areas, or pedestrian-heavy zones. Also require operators to reduce speed when conditions warrant, regardless of the posted maximum.

Model Language: “Powered mobile equipment must not exceed posted warehouse speed limits. Operators must reduce speed below the posted limit whenever conditions warrant, including when approaching pedestrians, intersections, doorways, congested areas, ramps, wet or slippery floors, or locations with restricted visibility.”

We saved the most important rules for last! Check out this article on OHSInsider to get the full scoop and keep your warehouse safe.

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

Environmental: Revised *Canadian Environmental Protection Act Regulations* allow the federal government to issue administrative monetary penalties (AMPs) for violating the new ban on exporting “Hazardous Waste” (HW) and “Hazardous Reactive Material” (HRM) to non-OECD countries. The Regulations also clarify that persons intending to export shipments containing HW or HRM must hold a permit before moving the shipment.

Alberta

Transportation Safety: Since Oct 2025, Alberta has issued 443 administrative penalties and eliminated 20 unsafe carriers from provincial roads, 13 of which were “chameleon carriers” trying to evade regulation by changing names, creating new entities, or relocating operations across jurisdictions. Alberta has also inspected 53 of the province’s 56 licensed Class 1 driver training schools since April 1, 2025.

British Columbia

Workplace Harassment: WorkSafeBC proposed important new OHS (Part 4.1) Regulations requiring employers to implement workplace harassment and violence programs that include written policies and procedures for dealing with harassment and violence, training workers on the risks, recording incidents, and implementing or modifying control measures to eliminate or minimize risk

of recurrence.

Manitoba

Housekeeping & Hygiene : Revised *Workplace Safety and Health (WSH) Regulations* requiring employers to provide free menstrual products in workplace washrooms at no cost to employees took effect in Manitoba. Employers must also provide at least one choice of tampon and one choice of pad along with a covered container for disposal of menstrual products near each washroom toilet.

New Brunswick

Environmental: Public consultations will close on proposed amendments to *Clean Air Act* regulations establishing new maximum permissible air pollutant concentration levels for more than 60 pollutants. The new permissible concentration levels will take effect as of January 1, 2032.

Newfoundland and Labrador

Fall Protection: Fall protection certification training requirements for working at heights of three metres or more are changing. Starting January 1, 2027, a new 8-hour Working at Heights training course will replace the 16-hour course. When certificates expire, workers must complete the new 8-hour course to renew certification. Certificates will still remain valid for three years.

Northwest Territories

Drugs & Alcohol: The Government of

Northwest Territories (GNWT) launched a pilot Quit Card Program to make it easier for residents to quit smoking by providing coverage for prescribed quit smoking medications. The Quit Card is a secure digital voucher accessed directly by pharmacies without residents actually displaying a card. The program will run until March 31, 2028.

Nova Scotia

Workers' Compensation: For the first time in a decade, the Nova Scotia Workers' Compensation Board (WCB) is cutting premiums. In 2027, the average rate will decrease 40 cents to \$2.25 per \$100 of assessable payroll. That's still among the highest rates in Canada, but the cut will put an expected \$75 million back into the province's economy.

Nunavut

Industry Challenges: Proponents of Nunavut deepwater port projects signed a Memorandum of Understanding (MOU) with the Port of Nuuk to strengthen maritime infrastructure cooperation between Greenland and Nunavut. The agreement connects Nuuk, Greenland's major existing commercial port, with two priority port developments in Nunavut, creating a framework for a stronger and more resilient Arctic maritime network.

Ontario

New Laws: Ontario broadened eligibility for Protect Ontario Financing Program (POFP) loans to businesses facing tariff-related working capital challenges, including payroll, lease payments, and utility payments. The POFP is part of Ontario's broader tariff relief plan, which includes the Ontario Together Trade Fund for small and medium-sized enterprises, Trade-Impacted Communities Program, and Ontario Made Manufacturing Investment Tax Credit.

Prince Edward Island

New Laws: Consultations were held on proposed regulations to protect temporary foreign workers. Highlights: i. Employers must register with province and provide information about their business, recruitment practices, positions being filled, wages, benefits, and foreign worker employment; ii. New publicly accessible employer registry; and iii. Administrative penalties ranging from \$500 to \$3,000.

Québec

Environmental: Tenfold increases to *Québec Environment Quality Act (EQA)* minimum fines took effect. The increases cover three offences: Failure to comply with a condition of ministerial authorization (from \$7,500 to \$75,000); Carrying out an activity without ministerial authorization (from \$15,000 to \$150,000); and Release of a contaminant into the environment (from \$30,000 to \$300,000).

Saskatchewan

New Laws: Saskatchewan published a Data Centre Framework setting out the criteria it will use to assess proposed artificial intelligence (AI) data centre projects: i. Canadian ownership; ii. support for Canadian data and AI sovereignty; iii. creation of Saskatchewan jobs and partnerships; iv. industry experience; and v. self-supplied power generation.

Yukon

New Laws: Yukon modernized its contracts procurement policy by increasing direct award thresholds and introducing regular two-year inflation adjustments to ensure purchasing limits reflect today's costs. New thresholds for direct award tenders are: \$18,000 for goods, \$75,000 for services, and \$100,000 for construction.

Case Alerts

Workplace Fatigue: OK to Fire Safety-Sensitive Worker for Turning Off Radio and Taking a Nap

A fuel runner working the night shift at Toronto Pearson International Airport left his post without authorization for two hours, turned off his radio rendering himself unreachable, and went into an unauthorized passenger where he was found sleeping in his Air Canada uniform. While acknowledging that discipline was in order, the union claimed that termination was too severe, noting that other employees who got caught sleeping on the job didn't get fired. But the arbitrator wasn't impressed, noting that in none of those past cases did a safety-sensitive employee deliberately turn off their radios. This wasn't just an absenteeism or sleeping on the job situation, it was a serious safety infraction the arbitrator reasoned in finding just cause for termination [*Air Canada v Iam, District Lodge 140*, 2026 CanLII 70772 (CA LA), June 30, 2026].

Action Point: Even if it's legally justified, discipline is hardly the best way to deal with the risks that arise when safety-sensitive workers sleep on the job. Find out how to implement a [Workplace Fatigue Risk Management System](#) for your workers.

Due Diligence: Strong Safety Program Leads to Trucker's Acquittal on All 10 OHS Charges

Prosecutors charged a trucking company with 10 OHS violations for an incident in which a 5,000-pound machine shaft rolled off the forks of a telehandler and fell from the upper deck of a trailer killing a worker on the ground. The Alberta court acquitted the employer of all 10 counts. The company's OHS program

was comprehensive and compliant with all provisions of the law, the court reasoned, citing its regular safety audits, training programs, and "formal tracking of all key metrics of accidents, injuries, trends in worker behaviour, root causes of injuries, and general accident rates in the industry." The Crown announced that it's appealing the ruling [*R v Stephenson's Rental Services Inc.*, 2026 ABCJ 125 (CanLII), July 31, 2026].

Action Point: *Stephenson's* is an important reminder that OHS laws don't demand perfection but reasonable efforts to comply and that companies who can meet these standards of due diligence won't be held liable for the violations they do commit. 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 due diligence standards.

Workplace Harassment: WestJet Shells Out \$4.5 Million to Settle Flight Attendants' Class Action

A British Columbia court has approved a \$4.5 million settlement of a workplace harassment class action lawsuit against WestJet filed by approximately 3,400 current and former flight attendants. In addition to being a class action, the case is noteworthy because the claims were based not on OHS or tort law but breach of the airline's contractual duty to ensure flight attendants a harassment-free workplace. WestJet talked a good game about preventing harassment but didn't make the necessary efforts to deliver on those promises, the plaintiffs claim. As part of the settlement, WestJet will have to hire an independent third party to evaluate workplace harassment

prevalence, underreporting, and the effectiveness of its current reporting channels [*Lewis v WestJet Airlines Ltd.*, 2026 BCSC 1547 (CanLII), August 10, 2026].

Action Point: Don't assume workers will tell you if they're being harassed. Use the [OHS Insider Assessment Questionnaire template](#) to uncover hidden harassment, bullying, and stalking problems at your workplace.

Powered Mobile Equipment: History of Lax Enforcement Undermines Forklift Driver Safety Suspension

Did a senior Shipper Loader Operator with almost 40 years of excellent service deserve to be suspended for five days for carelessly backing his front-end loader of a truck? Based on video footage and witness testimony, the New Brunswick arbitrator ruled that the accident and resulting \$23,000 in property damage was the result of the Operator's negligence in not checking his exterior mirrors.

But while discipline for negligence was appropriate—especially given the Operator's failure to fully accept the blame for what happened—the penalty was too harsh given the company's history of not meting out any discipline for similar safety incidents. Result: The arbitrator reduced the penalty from a five-day suspension to a written warning [*United Brotherhood of Carpenters and Joiners of America, Local 683, on Behalf of Dale Barton v JD Irving Ltd (Grand Lake Timber)*, 2026 CanLII 78802 (NB LA), July 27, 2026].

Action Point: In addition to compromising a potential due diligence defence, a history of failing to enforce safety rules undermines your ability to impose discipline for future violations. Find out how to use [progressive](#)

[discipline](#) effectively to enforce your workplace health and safety rules.

OHS Enforcement: Union Can't Grieve Safety Issue that Final OHS Order Has Already Resolved

A probation officer was in the meeting room where a parole offender who was about to be arrested suddenly pulled out a gun and committed suicide. As required by OHS law, the employer immediately notified the Ministry of Labour (MOL) which investigated the incident and issued a final order requiring the facility to redo its workplace violence assessment. After the reassessment was completed, the union filed a grievance against the employer for violating its collective agreement duty to protect the officer against workplace violence.

The employer claimed that the final OHS order resolved all of the issues involved in the grievance, noting that in issuing the order the MOL ruled out any OHS violations that would have run afoul of the employer's safety duties under the collective agreement. The Ontario arbitrator agreed and dismissed the grievance on the basis of "issue estoppel," a rule that bans a party from arguing an issue that's already been decided in a previous case. The appeals court found the arbitrator's ruling reasonable and refused to overturn it [*OPSEU v. The Crown*, 2026 ONSC 3926 (CanLII), August 13, 2026].

Action Point: This is a significant case that illustrates the interplay between OHS orders and union safety grievances addressing the same issue. Find out about the factors you should consider in [deciding whether to appeal an OHS order](#).

Ask the Expert

Tariff Changes

Tariff changes can quickly affect material costs, customer demand, production schedules, and workforce planning in industries such as steel and manufacturing.

Clear communication and careful workforce planning can help managers respond to changing business conditions without creating unnecessary employee uncertainty.



Question

I manage a steel fabrication worksite, and the ongoing tariffs affecting steel products are creating uncertainty around our costs and incoming orders. We have not reached the point of layoffs, but overtime is being reduced and some projects may be delayed. How much should I tell employees, and how should we manage staffing while the situation remains uncertain?

Answer

Be transparent about confirmed operational impacts, but avoid speculating about layoffs, closures, or other outcomes that have not been decided. Managers should explain what is changing now, what the company is monitoring, and when employees can expect further updates.

Canada currently has several tariff measures affecting steel and steel-related products, meaning employers in the sector may experience changes in input costs, sourcing, demand, or project timing.

Explanation

Start with measures that cause the least disruption, such as reducing overtime, postponing hiring, adjusting production schedules, cross-training employees, or temporarily reallocating work.

If more significant reductions become necessary, involve HR before changing regular hours, implementing temporary layoffs, or terminating positions. Employment standards, employment contracts, collective agreements, and notice or termination obligations may restrict what the employer can do.

Most importantly, keep employees informed. Regular, factual updates (even when there is little new information) can reduce rumours and help employees understand that workforce decisions are being based on changing business conditions rather than individual performance.