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CANADIAN HEALTH AND SAFETY LAW NORMAN A. KEITH Release No. 2024-3, December 2024

Publisher's Special Release Note 2023

The pages in this work were reissued in July 2023 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the July 2023 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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Canadian Health and Safety Law provides detailed coverage of occupational health and safety law in every jurisdiction in Canada — provincial, federal and territorial. Reviewing health and safety law thematically and including commentary, case law and practical analysis, this title clearly sets out the statutes and regulations required for a solid understanding of your client’s obligations, and each court and tribunal decision helps you determine how to reduce or avoid liability. It includes information on must-know topics like: the internal responsibility system, the requirements for workplace joint health and safety committees and health and safety representatives, the legal defence of due diligence, the authority of government inspectors in the workplace, and alcohol and drugs in the workplace.

What’s New in This Release:

This release features updates to Chapter 14. Alcohol and Drugs in the Workplace and Chapter 15. Transportation of Dangerous Goods.

Highlights

Chapter 14. Alcohol and Drugs in the Workplace — This chapter has been updated throughout, including the addition of the *Canadian Human Rights Commission Policy on Alcohol and Drug Testing in the Workplace*, which states that for companies driving exclusively or predominantly between Canada and the United States, alcohol and drug testing may be a Bona Fide Occupational Requirement. New case law has also been added, including *Gibson Energy and Unifor, Local 595 (Re)*, 2021 CarswellSask 99 (Sask. Arb.). This case emphasizes that prior to carrying out post-incident testing, an employer is required to conduct a minor investigation to determine whether the incident resulted due to the impairment of an employee. The focus of the investigation should be on the circumstances of the incident and the employee’s connection to it – not on demonstrating evidence of impairment.

Chapter 15. Transportation of Dangerous Goods — This chapter has been updated throughout, including additional information about the *Transportation of Dangerous Goods Act, 1992*. For example, it now covers the Crown’s ability to recover costs and expenses incurred when taking measures under sections 17 or 19, liability protection in the event of an emergency response, and the limitation period for commencing proceedings by summary conviction.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages