

**Ministry of Labour, Immigration, Training and Skills Development**  
**Fair, Safe and Healthy Workplaces Division Outdoor Air Quality**  
**Concerns Q&A**

**2023 06 30**

*The following information is intended for general workplaces which may be encountering poor air quality due to wildfire smoke or other causes (rather than firefighters or others who regularly work close to active fires).*

**Q1 – Is my employer required to protect workers from hazards of poor outdoor air quality where my workplace is located?**

A – Under the Occupational Health and Safety Act (OHSA), employers are required to take all precautions reasonable in the circumstances for the protection of a worker. This includes protecting workers from the hazards associated with poor outdoor air quality that could pose a risk to workers working in and around the workplace.

Worker protections may include control measures such as engineering controls, safe work practices, administrative controls and the use of personal protective equipment.

**Q2 – Are there any specific regulations under the OHSA that address severe instances of poor outdoor air quality?**

A – The regulations under the OHSA do not address outdoor air quality specifically. Standards for outdoor air quality, measures of outdoor air quality and advice on protective actions to take during periods of poor outdoor air quality are all established and maintained by the Ministry of the Environment, Conservation and Parks. For more information on measures of air quality, such as the Air Quality Health Index, please visit: [Air Quality Health Index \(AQHI\) \(airqualityontario.com\)](https://www.airqualityontario.com)

**Q3 – I am currently working in an indoor workplace that may be affected by poor outdoor air quality due to nearby events (e.g. wildfire smoke). Is my employer responsible for our indoor air handling systems to protect against this?**

A – Employers have a duty to take all precautions reasonable in the circumstances to protect workers. This includes taking the precautions necessary to avoid contamination of indoor air from outdoor sources of pollution or poor air quality. This may require making modifications in the workplace to minimize the intrusion of significant outdoor sources of air pollution, such as keeping doors and windows closed, using suitable filtration to minimize contaminants in outdoor air being introduced through HVAC systems, and ensuring HVAC systems are operating properly to limit fresh air intake, if appropriate, until outdoor air quality improves. Employers who are tenants should discuss any indoor air quality issues with their landlord or property management service.

**Q4 – My work requires me to work outdoors, and there is significantly poor air quality in my neighbourhood today. Can I refuse to work in these conditions?**

A – With limited exceptions, workers have the right to refuse work when they believe that they are being endangered as a result of conditions in the workplace. Workers must promptly report the circumstances of the work refusal to their employer or supervisor. Employers are required to conduct an investigation and try to resolve the issue internally. If unresolved, the worker, employer or a person on their behalf must notify the MLITSD.

For more information on the work refusal process, please visit: [Part V: Right to refuse or to stop work where health and safety in danger | Guide to the Occupational Health and Safety Act | ontario.ca](#)

**Q5 – Where can I find out more information about protecting my health from wildfire smoke?**

A – Please visit this page from Environment and Climate Change Canada - [Wildfire smoke and air quality - Canada.ca](#)

**Q6 – If I have to work outside during poor air quality days, can I use a respirator to protect my health?**

A – The best option is always to minimize exposure to smoke where possible, and this is best achieved by being in an indoor environment during periods of poor outdoor air quality. Where this is not possible, respirators can help filter out particulates (or other substances depending on the type of respirator) but must be fit tested and used with due consideration for their limitations. For more on the use of respirators for wildfire smoke, please visit: <https://www.ohcow.on.ca/wp-content/uploads/2023/06/wildfire-smoke-infographic-06-22-23.pdf>

**Q7 – I have a medical condition that makes me more susceptible to the effects of poor air quality. What can I do?**

Individuals with underlying medical conditions that can be exacerbated by poor air quality such as heart or breathing problems should discuss their situation with their treating health care provider to determine if any work-related restrictions or limitations are required. An employer has a duty to accommodate the needs of a worker with a disability, up to the point of undue hardship. For more information, please refer to the [Ontario Human Rights Commission](#).

**Q8 – My workplace has been closed temporarily due to poor air quality. Does the employer have to pay me?**

If you have questions with regard to your employment standards rights you can contact the Employment Standards Information Centre

- [webes@ontario.ca](mailto:webes@ontario.ca)

- [Tel: 416-326-7160](tel:416-326-7160)
- [Toll-free: 1-800-531-5551](tel:1-800-531-5551)
- [TTY: 1-866-567-8893](tel:1-866-567-8893)

### **Q9 – Who can I contact if I have concerns regarding my health and safety at work due to smoke?**

You can file a complaint if you believe conditions in a workplace are unsafe.

Before you report your situation, you can:

- discuss your concerns with your supervisor or employer
- consult your joint health and safety committee member or health and safety representative, if there is one

One of the main purposes of the [Occupational Health and Safety Act](#) (OHSA) is to enable a strong internal responsibility system (IRS) in the workplace, which gives everyone in the workplace a role to play in keeping workplaces safe and healthy. As part of the IRS, health and safety issues should be discussed with the [joint health and safety committee](#) (JHSC) or health and safety representative, if there is one.

If the situation continues after you've tried to discuss your concerns, you can file a complaint with our Health and Safety Contact Centre.

- [webohs@ontario.ca](mailto:webohs@ontario.ca)
- [Toll-free: 1-877-202-0008](tel:1-877-202-0008)
- [TTY: 1-855-653-9260](tel:1-855-653-9260)