

Radon in the Canadian Workplace

A legal brief on federal and provincial duties · Reviewed August 2026 · RadonTest.ca

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Summary of duties. Federally regulated employers must ensure no employee is exposed to an annual average radon concentration above **200 Bq/m³** from **30 January 2027** (COHSR s. 10.26(4), as amended by SOR/2026-10). Provincially regulated employers have no radon-specific numeric limit but owe a general duty to take reasonable precautions against recognised hazards. Health Canada's 200 Bq/m³ guideline is the benchmark in both cases. The qualified person's hazard investigation report must be retained **30 years**.

1. Federal — Canada Labour Code, Part II

1.1 The exposure limit

Subsection 10.26(4) of the Canada Occupational Health and Safety Regulations, as amended by SOR/2026-10, reads:

“The employer must ensure that no employee, other than a nuclear energy worker as defined in section 2 of the Nuclear Safety and Control Act, is exposed in any year to a concentration of radon that on average, over the year, is higher than 200 Bq/m³.”

Key features. The duty sits on **the employer** — “must ensure”. The previous text said no employee “shall be exposed”; the amended wording names the duty holder. The metric is an **annual average**, which cannot be established without measurement. Nuclear energy workers are excluded and fall under the Canadian Nuclear Safety Commission's regime. The previous limit was 800 Bq/m³.

Event	Date	Detail
Made and registered	30 January 2026	SOR/2026-10, P.C. 2026-49
Published	11 February 2026	Canada Gazette, Part II, Vol. 160, No. 3
In force	30 January 2027	s. 77(1): first anniversary of registration

The same limit was added to the Oil and Gas Occupational Safety and Health Regulations. The radon provision was removed from the On Board Trains regulations. Consequential amendments were made to the Administrative Monetary Penalties (Canada Labour Code) Regulations.

1.2 The limit prescribes no method

SOR/2026-10 sets a concentration limit. It does not specify test duration, protocol, device type or how compliance is demonstrated. That gap is filled by Health Canada's *Guide for Radon Measurements in Public Buildings* — guidance rather than law, but the recognised method: long-term measurement of at least three months during the heating season, a detector in every occupied ground-contact room, one per 200 m² in larger rooms, C-NRPP-approved devices analysed by a certified laboratory, with quality-control duplicates and blanks.

1.3 Investigation and the qualified person

Section 10.4(1): where the health or safety of an employee is “likely to be endangered” by exposure to a hazardous substance, the employer shall, **without delay**, (a) appoint a qualified person to carry out an investigation, and (b) notify the work place committee or health and safety representative of the proposed investigation **and of the name of the qualified person appointed**.

“Qualified person” is defined as, **in respect of a specified duty**, a person who, because of their **knowledge, training and experience**, is qualified to perform that duty safely and properly. It is a competence test, not a credential test. **No provision requires C-NRPP certification.** Health Canada’s guide states a C-NRPP Measurement Professional would *ideally* be involved in the measurement strategy.

Section 10.4(2) lists the criteria the qualified person must consider. Paragraph (h) includes whether the level of ionizing radiation is likely to exceed **50 per cent** of the values in s. 10.19(1) or the levels in ss. 10.26(3) and (4) — for radon, 100 Bq/m³ once the limit is 200. This is a criterion to be considered in an investigation; **it is not a second exposure limit.**

1.4 The report, the procedure, and the record

Section 10.5 requires that on completion of the investigation, and after consultation with the committee or representative:

- the **qualified person** shall set out in a **written report signed by the qualified person** their observations on the s. 10.4(2) criteria, and their recommendations respecting the manner of compliance with **sections 10.7 to 10.26** — which includes s. 10.26, where radon sits — **including recommendations respecting sampling and testing methods**; and
- the **employer** shall establish and keep up to date a **written procedure** for controlling the concentration of the hazardous substance and make it **readily available for examination by employees**.

Section 10.6: that report “shall be kept by the employer for a period of **thirty years** after the date on which the qualified person signed the report.” **This obligation is already in force** and does not arrive with the 2026 amendments.

Where air sampling is carried out, s. 10.19(5) sets the content of a test record: (a) the date, time and location of the test; (b) the hazardous substance tested for; (c) the sampling and testing method used; (d) the result obtained; and (e) the name and occupation of the person who made the test. Section 10.19 addresses airborne chemical agents while radon sits in s. 10.26; this is the content standard the regulations set for air sampling records and the template used in practice. Retention under s. 10.19(4) is currently three years; SOR/2026-10 harmonises hazard investigation and air sampling record retention at 30 years.

Section 10.14(2)(a)(iv) requires the employee education and training programme to cover “the observations referred to in subparagraph 10.5(a)(i)” — the qualified person’s investigation observations must be taught to affected employees. Section 10.15 requires training records, available to the employee, kept two years after exposure ceases.

1.5 Enforcement

Administered by the Labour Program of Employment and Social Development Canada. Part II is enforced through “a series of escalating actions that depend on the seriousness of the violation and **the co-operation of the workplace**”: education and counselling; an **Assurance of Voluntary Compliance** (a written commitment to correct described contraventions by a specified date — typically the first level, and never used to correct a situation of danger); a **direction** (mandatory where a danger exists or where corrective actions in a previous AVC have not been completed); administrative monetary penalties and public naming; and prosecution. Appeals of a direction go to the Canada Industrial Relations Board within 30 days and do not stay the direction. A worker may complain directly to the Labour Program without first raising the matter with the employer.

For departments and agencies within the federal public administration, radon results and related correspondence are records subject to the *Access to Information Act*.

2. Who is federally regulated

Jurisdiction follows the nature of the undertaking, not its location: air, rail, interprovincial road and marine transportation; pipelines, canals, tunnels and bridges crossing borders; chartered banks; telecommunications and broadcasting; postal and courier services; grain elevators, feed and seed mills; uranium mining and processing; fisheries protection; Crown corporations; First Nations band councils and Indigenous self-governments; Parliament

and the federal public administration. Approximately 1.3 million employees, about 8% of the workforce.

Labour relations are **presumptively provincial**. Federal jurisdiction arises where the employment relates to a federal work, undertaking or business, or where the work is an integral part of one — the derivative test, applied narrowly (*Tessier Ltée v. Quebec (CSST)*, 2012 SCC 23; *Ramkey Communications v. LIUNA*, 2019 ONCA 859).

Two frequent errors. First, **insurance and trust companies are not federally regulated for labour and OHS purposes**. Federal incorporation or OSFI prudential supervision is a different question from Canada Labour Code jurisdiction: *Canadian Pioneer Management Ltd. v. Labour Relations Board of Saskatchewan*, [1980] 1 S.C.R. 433, held that neither a trust company nor a life assurance company fell under federal labour jurisdiction. Second, while most credit unions are provincial, **federal credit unions exist** — a credit union may continue federally under the Bank Act, and several have. A federal credit union is a federally regulated employer.

Private-sector firms and municipalities in Yukon, the Northwest Territories and Nunavut are federally regulated for **Part I of the Code only** (industrial relations). Occupational health and safety sits in Part II.

3. Provincial and territorial — the general duty

No province or territory has enacted a radon-specific workplace exposure limit equivalent to the federal one. Federally, radon is a **named hazard** — in the regulation by name, with a number. Provincially, it is a **recognised hazard** reached through the general duty, which covers recognised hazards without listing them. Guidance recommends; regulation requires.

Jurisdiction	What applies
Ontario	General duty under the OHSA. Ontario publishes workplace radon guidance on the NORM framework: $\leq 200 \text{ Bq/m}^3$ unrestricted; 200–800 “NORM Management”; measurements should be made where the annual average is expected to exceed 200 Bq/m^3 . Ontario also states an occupationally exposed worker should not be exposed to an annual average exceeding $3,000 \text{ Bq/m}^3$ (20 mSv). Radon is not a designated substance under O. Reg. 490/09. R.R.O. 1990, Reg. 854 governs mines.
British Columbia	OHS Regulation general duty provisions and ionizing radiation provisions (ss. 7.17–7.25). Interior Health ordered childcare facilities in its region to test in 2017, using the medical health officer’s power under the Community Care and Assisted Living Act.
Alberta	General duty under the OHS Act and a published OHS bulletin. The <i>Radon Awareness and Testing Act</i> (SA 2017, c R-2.5) received royal assent in December 2017 but was never proclaimed and lapsed in 2023. Alberta has no radon-specific testing requirement.
Quebec	CNESST regime. Neither the LSST nor the RSST sets a numeric radon limit; employers carry prevention-programme obligations extending to identified risks.
New Brunswick	WorkSafeNB publishes workplace radon guidance.
Yukon	Announced in 2017 a phased-in radon testing and mitigation licensing requirement for child care centres and family day homes. Operators should confirm current status.
Others	General duty clauses. No radon-specific workplace exposure limit.

The Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials classify workplace radon: below 200 Bq/m^3 unrestricted; 200–800 NORM Management; 800–3,000 Radiation Protection Management.

4. Related duties by building type

- **Schools and childcare** — provincially regulated in almost all cases; band-operated schools and childcare are federal. Only BC’s Interior Health region has ordered testing; Yukon announced a phased requirement.
- **Multi-unit residential** — Health Canada’s public-buildings guide covers MURBs, requiring measurement in every ground-contact dwelling unit and a sample of upper-floor units. Landlord duties arise under tenancy, public health and OHS law rather than a radon-specific instrument.

- **New construction** — the 2025 National Building Code requires at least a passive vertical radon stack. As a model code it applies where adopted; Ontario, British Columbia and Quebec already require radon provisions under their own codes.
- **Verification after mitigation** — Health Canada recommends a short-term test at least 24 hours after work is complete, in the same locations, a long-term test the following heating season, and retesting every five years thereafter. Nothing in the regulations addresses who performs verification; as a matter of evidence, independence from the party that designed and installed the mitigation is more robust.

5. Practical implications

- A federally regulated workplace lawfully compliant today at 500 Bq/m³ is non-compliant on 30 January 2027 with nothing about the building having changed.
- An annual-average duty cannot be discharged without measurement, and the recognised measurement takes at least three months of heating season. Detectors placed after the end of January fall outside it.
- The shift from “no employee shall be exposed” to “the employer must ensure” moves the question from outcome to demonstrable diligence.
- A 30-year retention period implies the record, not the reading, is the durable asset — and four of the five statutory record elements are generated in the field, not by the laboratory.
- For provincially regulated employers, the operative risk is inaction after the hazard has been identified, typically by a worker or committee raising it.

Sources. Canada Labour Code, Part II; Canada Occupational Health and Safety Regulations (SOR/86-304), Part X, ss. 1.2, 10.3–10.6, 10.14, 10.15, 10.19, 10.26; Canada Gazette, Part II, Vol. 160, No. 3 (SOR/2026-10) and the accompanying Regulatory Impact Analysis Statement; Oil and Gas Occupational Safety and Health Regulations; Employment and Social Development Canada, workplace health and safety compliance, and “Introducing amendments to regulations under Part II of the Canada Labour Code”; Health Canada, Guide for Radon Measurements in Public Buildings (H129-120/2022E) and the Canadian radon guideline; Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials; Government of Ontario, Radon in the workplace; Community Care and Assisted Living Act, S.B.C. 2002, c. 75; Radon Awareness and Testing Act, SA 2017, c R-2.5 (never proclaimed); CCOHS, Radon in Buildings; C-NRPP.

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