



# ***The Smoke-Free Ontario Act***

## **What it Means for Child Care Providers**

# What is The *Smoke-Free Ontario Act* ?

- New provincial tobacco control legislation which became effective on May 31<sup>st</sup>, 2006
- The *Smoke-Free Ontario Act* over-rides the Region of Peel's Smoke-free By-law as it is provincial legislation

# What does the *Smoke-Free Ontario Act* Mean for Peel?

- All enclosed workplaces and enclosed public places 100% smoke-free on May 31, 2006
- Designated Smoking Rooms (DSR's) in Peel bars, restaurants, billiard halls, bingo halls and night clubs eliminated on May 31, 2006

# What does the *Smoke-Free Ontario Act* Mean for Child Care Providers?

- Smoking prohibited in *licensed* private-home day cares (\*) as of May 31, 2006 - **whether or not children are present**
- Smoking has not been allowed within day nurseries (\*) since 1994, by the *Tobacco Control Act*

(\* As defined within the *Day Nurseries Act*)

# How does the *Smoke-Free Ontario Act* Protect Children?

- Mandatory protection is essential for children as they are not able to control their exposure to second-hand smoke (SHS)
- SHS is a serious health risk for growing children as evidence has demonstrated negative effects of SHS upon attention, cognition and behaviour

# What does the *Smoke-Free Ontario Act* Mean for Child Care Providers?

- Employers and operators of day nurseries and licensed private-home day cares must ensure these environments remain smoke-free **at all times** by enforcing the compliance of everyone within the enclosed area
- Smoking is prohibited within outdoor areas if covered by a roof or partial roof

# Employer/Operator Responsibilities

- To inform all employees and persons that smoking is prohibited within the enclosed area - **whether or not children are present**
- To ensure that no one smokes in the enclosed area
- To ensure that a person who refuses to comply with this restriction does not remain in the enclosed area

# Employer/Operator Responsibilities

- To remove ashtrays or similar equipment from the enclosed area
- To post “No Smoking” signs at all entrances, exits, washrooms and other appropriate locations



# Protection For Employees

- An employer may not dismiss, threaten to dismiss, discipline, suspend, penalize, intimidate, coerce any employee who complies with or seeks enforcement of the *Smoke-Free Ontario Act*
- Employees are protected from reprisal by their employers under the *Occupational Health and Safety Act*

# Enforcement of the Act

- Tobacco Enforcement Officers and Public Health Inspectors are responsible for enforcement of the *Smoke-Free Ontario Act*
- Powers of Inspectors
- Complaint Resolution

# Failure to Comply with the Act?

- Failure to comply with the requirements of the *Smoke-Free Ontario Act* may result in legal action (e.g. being charged and/or fined)
- Whom to be charged?
- Ticketing
- Summons

## In Summary

- The *Smoke-Free Ontario Act* offers important protection for children as well as employees and operators/employers of day nurseries and licensed private-home day cares
- Peel Health is available to support child care providers in understanding the requirements of the *Smoke-Free Ontario Act*

# Questions?

Region of Peel – Public Health

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[smokefree-peelregion.ca](http://smokefree-peelregion.ca)