

WHAT DOES THE SMOKE-FREE ONTARIO ACT MEAN FOR YOU?

How it Affects Workplaces

- The Smoke-Free Ontario Act prohibited smoking in all enclosed workplaces and enclosed public places as of May 31, 2006
- Designated smoking rooms (DSRs) were eliminated from all enclosed public places and workplaces in Ontario as of May 31, 2006
- These measures help protect employees and the public from the health effects of second-hand smoke

Enclosed Workplaces

An enclosed workplace means any enclosed area of a building, structure or vehicle that an employee works in or frequents during the course of their employment (whether or not they are acting in the course of their employment at the time), and includes common areas such as washrooms, lobbies and parking garages.

- Outdoor smoking shelters with a roof and no more than two walls are permitted

Employers

An employer includes an owner, operator, proprietor, manager, superintendent, overseer, receiver or trustee of an activity, business, work, trade, occupation, profession, project or undertaking who has control or direction of, or is directly or indirectly responsible for, the employment of a person in it.

Responsibilities of Employers

- To ensure that employees and the public are aware that smoking is prohibited within the enclosed workplace
- To ensure that employees and the public do not smoke within the enclosed workplace
- To remove ashtrays from within the enclosed workplace
- To post 'No Smoking' signs at all entrances, exits, washrooms and other appropriate locations within the enclosed workplace

- Signage is available from Peel Health. Please contact the Region of Peel – Public Health at 905-799-7700

Protection for Employees

An employer may not dismiss, threaten to dismiss, discipline, suspend, penalize, intimidate or coerce an employee who obeys or seeks compliance with the Smoke-Free Ontario Act.

If an employee experiences any of the above-noted actions by his or her employer, the employee may direct complaints to the Ontario Labour Relations Board.

For more information about filing a complaint, please contact the Ontario Ministry of Labour:

877-339-3335 (toll-free in Ontario only)
416-326-7500 in Toronto
or visit www.olrb.gov.on.ca

Home health-care workers are also protected from second-hand smoke. They have the right to:

- ask a person not to smoke in their presence while they are providing health care services
- leave without providing further services if anyone refuses the request to stop smoking —unless doing so would present an immediate, serious danger to the health of any person

Enforcement

Tobacco Enforcement Officers and Public Health Inspectors are responsible for enforcement of the Smoke-Free Ontario Act.

If you wish to register a complaint, please contact the Region of Peel – Public Health at 905-799-7700.

Penalties

Any individual convicted of an offence under this section of the Act could be subject to a maximum fine of \$5,000. Any corporation convicted of an offence under this section of the Act could be subject to a maximum fine of \$300,000.

This fact sheet is intended as a quick reference only. For more information, please visit the Ontario Ministry of Health Promotion website at www.mhp.gov.on.ca/english/health/smoke_free/default.asp or contact the Region of Peel – Public Health at 905-799-7700 or toll free from Caledon at 905-584-2216, or visit www.smokefree-peelregion.ca. For workplace health information, please visit www.accountforhealth.ca. The Region of Peel can also provide information about the health effects of second-hand smoke, resources on how to create smoke-free spaces (e.g. homes, cars) and offers free support/counselling to those interested in quitting smoking.

