

5 The Experience

of Brandon, Winnipeg and other Canadian Jurisdictions



BRANDON

Brandon By-law No. 6696 (see Appendix B), implemented on September 1, 2002, was based on the City of Ottawa's smoking by-law. During debate on the by-law, the issue of exemptions (particularly for bars, lounges and legions) was discussed, as were the issues of ventilation and designated smoking rooms. In the end, Brandon City Council felt that an outright ban on smoking in all public and workplaces with the fewest number of exemptions possible was the best way to protect workers and the public from ETS.

Brandon's by-law prohibits smoking in places designated as public places including, but not limited to places of public assembly, private clubs, restaurants, workplaces, and seating areas at outdoor recreational facilities (see Appendix B for a complete list). Exceptions have been made for the following: home-based businesses; guestrooms in hotels, motels, inns and bed/breakfast facilities; nursing homes; and, designated smoking areas for employees only. See Appendix B for more details about these exceptions.

The by-law was reviewed in January, 2003 and a Council motion to make designated smoking rooms acceptable was narrowly defeated.

In April 2003 the City of Brandon's Corporate Services Public Relations Officer reported to the Task Force that "the public has slowly been adhering to the by-law," and that "now there appears to be more compliance and acceptance of the smoking by-law since the City of Winnipeg will be implementing a total ban on smoking similar to the City of Brandon's." He noted further that "the feeling is that it has got as bad as it will get for businesses and that it has leveled off and that customers and business are beginning to see an upturn in business once again. It now appears to be a non issue since the City of Winnipeg has passed a smoking by-law."

In Spring 2003, Brandon City Council offered the public an opportunity to provide written comments on their experience with the by-law via letter or e-mail. In total 301 submissions were received with an overwhelming majority (89 per cent) in favour of leaving the by-law as written and a smaller number (11 per cent) wanting to either scrap or change the by-law in some way. On June 23, 2003, the City of Brandon Council voted unanimously to let the by-law stand as-is.

WINNIPEG

The City of Winnipeg By-law No. 88/2003 (see Appendix C), implemented on September 1, 2003, prohibits smoking in the following places: any enclosed public place (see Appendix C for definition); any motor vehicle used for transportation of persons or property including buses, taxis and limousines; and, any area of a private club or private function to which a member or person has access.

Exceptions have been made for the following: some health care facilities and personal care homes; guest rooms in hotels, motels and inns; and, tobacconist shops. See Appendix C for more details about these exceptions.

OTHER JURISDICTIONS IN CANADA

Several presenters to the Task Force noted that in Canada, approximately 100 communities are currently protected by local smoking ordinances. Several of these municipalities, including Vancouver, Victoria, Sudbury, Sault St. Marie, Waterloo, Ottawa have enacted 100 per cent smoking bans in all workplaces including bars and restaurants. Studies indicate that all these municipal bans are working well. They provide good public health protection from second-hand smoke, and have had no lasting adverse effect on the overall bar and restaurant business (PSFC, 2003).

As noted by the Medical Officer of Health for the Winnipeg Regional Health Authority, "there have been no successful legal challenges to by-laws, no reversal of by-laws that are long standing, and no objective, methodologically sound studies documenting economic harm."