

## What you should know about

# The Non-Smokers Health Protection Act

To assist you with the smooth implementation of the amendments to *The Non-Smokers Health Protection Act (NSHPA)*, this fact sheet provides answers to commonly-asked questions about the new law.

### When will the NSHPA take effect?

The NSHPA takes effect **Oct. 1, 2004**. As of that date, business owners and employers must follow all the provisions of the new law.

### What is the responsibility of my staff and I and how can we support the NSHPA?

You and your staff do have a role in supporting the implementation of the NSHPA. As of Oct. 1, 2004, you are required to:

- post the required *No Smoking* signs;
- remove all ashtrays; and
- ensure customers and employees do not smoke inside the enclosed public place or indoor workplace.

### What can businesses do to ease the transition to being smoke-free?

There are a number of steps business owners can take. These include:

- Discuss the new law with employees. Let them know what to say to customers or fellow employees who are smoking where they should not. For example: "*You may not be aware of this, but you are not allowed to smoke indoors. Please put out your cigarette or smoke it outside.*"
- You may wish to go smoke-free voluntarily before Oct. 1, or offer "smoke-free" events to help employees and customers adjust to the changes being introduced.
- Display tabletop tent cards to remind everyone that the new law is in effect. A few samples are included with this package, along with a form to order more as needed.
- Install a cigarette butt receptacle outside your establishment.
- Encourage all staff and patrons to comply with the new law.

### **How will amendments to the NSHPA affect municipal bylaws?**

Winnipeg, Brandon and Thompson already have no-smoking bylaws in place. The NSHPA enables other Manitoba municipalities to pass their own bylaws. In the event there is a conflict between a bylaw and the NSHPA, the law states the NSHPA will take precedence, except where the bylaw "... is more severe or restrictive, or more extensive in its application..." than the NSHPA or regulations made under it.

### **How does the NSHPA affect work vehicles?**

The NSHPA prohibits smoking in public transportation vehicles such as taxis and buses, and also "... a vehicle used in the course of employment, while carrying two or more employees." Therefore, any time more than one employee is in a work vehicle, smoking is prohibited.

### **Can I use the No Smoking signs I have already posted?**

Yes, as long as they meet the requirements of the new law.

Please check the new regulation carefully. It will be available online, after Oct. 1, 2004, at <http://web2.gov.mb.ca/laws/statutes/ccsm/s125e.php> (follow the links). Signs have been included in this package for your use and you may use the form provided to order more.

### **How do you register a complaint?**

Contact your workplace safety and health representative, or call Manitoba Government Inquiry at **1-866-MANITOBA** (626-4862).

### **How will non-compliance be handled?**

Workplace safety and health officers and public health inspectors will follow up on complaints and advise employers or proprietors about what is required to comply with the law.

### **How can my establishment deal with customers who refuse to comply with the NSHPA?**

Despite your best efforts, some of your customers may continue to smoke or refuse to smoke outdoors. Here are some approaches you can try in dealing with these customers:

- Politely explain to the patron that smoking is not allowed in your establishment.
- Calmly ask the person to extinguish his or her cigarette or go outside to smoke.
- If the customer refuses to comply, you or a staff member may choose to ask the customer to leave the establishment.
- If a disruptive patron becomes threatening, you or your staff may choose to call for police assistance if the situation escalates and they feel their safety is at risk.

Remember, most people will obey the law. It is the experience of other jurisdictions with no-smoking laws that customers will most often leave before police intervention is needed.

### **Is the provincial government offering any training for hospitality workers regarding the NSHPA?**

Yes, the province is offering information seminars for hospitality industry staff at a number of locations throughout Manitoba during the month of September. A fact sheet about these seminars is included in this kit.

### **Will there be fines for noncompliance?**

*Individual smokers* contravening the new law may face fines ranging from \$100 to \$500 for a first offence. Additional violations will be subject to fines of between \$200 and \$1,000.

*Individual proprietors or corporations* may face fines ranging from \$500 to \$3,000 for a first offence. Subsequent violations allow for fines between \$750 and \$15,000.

### **Is smoking permitted on outdoor patios at restaurants and bars?**

Outdoor eating and drinking areas will not be subject to the law unless they meet criteria that will be specified by regulation under the act. Anyone with a patio, or who is considering building a patio, should examine the criteria carefully. In addition, municipal bylaws may have more stringent requirements for these outdoor areas and, if they do, the municipal requirements will apply.

### **Who do I call if I have more questions?**

If you have questions or comments about the new law, please call Manitoba Government Inquiry at **1-866-MANITOBA** (1-866-626-4862).