

**A. CDN Inter-jurisdictional Research on
Indoor Air Quality (IAQ) or Environmental Tobacco Smoke (ETS)
Legislation, Regulation or Policy
January 2005**

What information does your Board have related to Indoor Air Quality and Second Hand Smoke, such as existing policies, news releases etc.?

<i>Jurisdiction</i>	<i>Agency</i>	<i>Indoor Air Quality</i>	<i>Environmental Tobacco Smoke</i>	<i>Comments</i>
Alberta	Workplace Health & Safety	The <i>OH&S Act</i> establishes employer and worker responsibility to ensure health & safety of workers at work sites. The Act requires workers to take reasonable care of themselves and others, including cooperating with the employer for these purposes. Standards are defined in regulation or Codes to protect from specific hazards.	Outside of general provisions of OH&S Act, action taken is established by bylaw or individual employer responses.	Neither IAQ nor ETS have been a significant issue.
	Human Resources and Employment	Publication of a bulletin on IAQ provides indicators and guidelines for ventilation, air temperature, humidity, chemical, dust, lighting, noise, mould, and allergens.	Publication of a Bulletin on the Health Effects of Active and Passive Smoking with tips on prevention and indication that most successful programs are done by involving employees in an employer- developed "smoking-policy".	

	Infrastructure	Publication on “Indoor Air Quality Guideline”.		
	Alberta Government	Publication through an information series to AB Government Employees on “Occupational Health and Safety Indoor Air Quality”.	<i>Protection from Second-hand Smoke in Public Buildings Act.</i> Restaurant and bars are exempt.	
British Columbia	WCB Ministry of Skills Development and Labor played a role (postponed effective date and appointed an MLA committee to seek further input and make a report)	<p>Covered as standards under OH&S regulations, Part 4 General Conditions and Part 5 Chemical and Biological Substances.</p> <p>All public places are considered ‘work places’ and are covered by the OH&S regulation.</p> <p>Smoking restricted in restaurants and bars – designated smoking rooms required.</p>	<p>Treat Environmental Tobacco Smoke (ETS) as separate issue from IAQ as there is no known safe exposure and a general ventilation system is insufficient to address hazard. ETS becomes an industrial hygiene solution.</p> <p>OH&S provides for minimum standards of protection for the public under its ETS regulations that each local government can exceed through bylaws.</p>	<p>WCB implemented a smoke-free information line for complaints.</p> <p>WCB received national lung association award.</p> <p>Developed an ETS guideline to assist officers in consistent application of applying regulations in hospitality workplaces.</p> <p>Letter to hospitality employers offer assistance to employers and mechanical contractors with site-specific compliance solutions.</p> <p>Information on best practices, FAQ’s, other related acts/bylaws, ventilation, outdoor</p>

				smoking area, air cleaning systems and contact info to WCB on web.
Manitoba	Province of Manitoba		The Non-Smokers Health Protection Act received royal assent on June 10, 2004 and prohibits smoking in public places and indoor work places with very few exceptions. Fine structures are in place for non-compliance.	
New Brunswick	Provincial Government – Department of Health and Wellness		<i>Smoke-Free Places Act</i> General Regulation – Smoke Free Places Act. Smoking prohibited in all indoor enclosed workplaces, with some exceptions. Smoking prohibited in enclosed public places. Smoking prohibited in restaurants and bars.	
	WHSCC	Brochure published on Microbials and Indoor Air Quality OH&S section of regulation deal with IAQ issue under Part III Air Quality and Air Contaminants.	OHS Act provides employer/employee responsibility around health and safety, which the Commission supports through education, training, planning and enforcement under the Act.	

			<p>Environmental Tobacco Smoke policy – purpose is to provide information for responding to complaints of environmental tobacco smoke. WCHSS has an MOU with department to play a role in enforcement.</p>	
Nwfld. and Labrador	Provincial government		<p><i>Smoke-free Environment Act (Amended): An Act Respecting a Smoke-free Environment in the Workplace and in Public Places in the Province.</i></p> <p>Smoking prohibited at all provincial government worksites and many public workplaces. Smoking restricted in bars and restaurants.</p>	
Northwest Territories & Nunavut	WCB	No information on IAQ received.	<p><i>Environmental Tobacco Smoke Worksite Regulations</i> which prohibit ETS in all enclosed workspaces came into effect May 1, 2004.</p> <p>Published a comprehensive report titled, “The Elimination of Environmental Tobacco Smoke (ETS)</p>	

			[Second-Hand Smoke] in the Indoor Workplaces of the Northwest Territories & Nunavut.”	
	Government of Nunavut		Plans to introduce <i>Tobacco Control Act</i> which includes restricting smoking in public and work places.	
	GNWT		Options for tobacco control legislation released as discussion paper in January 2003 including restriction on smoking in public and workplaces.	
Nova Scotia	WCB	<p>No Indoor Air Quality regulations, although a draft OH&S regulation was brought forward but was not enacted.</p> <p>See attached link form the Nova Scotia Allergy and Health Association : http://www.environmentalhealth.ca/fall01iaq.html</p> <p>See attached link to the Nova Scotia Government Indoor Air Quality <u>Draft Regulations</u> (2001 edition) that has never been passed: https://www.gov.ns.ca/enla/ohs/iaq.pdf.</p>		As workplaces are smoke-free only scenario seen to arise is if a worker develops chronic bronchitis and relates problem to past exposure.
	Provincial government		Public places and some	

			workplaces are smoke-free through the <i>Act to Protect Young Persons and Other Persons from Tobacco Smoke</i> ” and took effect in June 2003. Designated Smoking Rooms (DSR) required in restaurants and bars.	
Ontario	Ministry of Labour		Oversees enforcement of the OH&S Act. ETS is viewed as an endangerment to health and workers are entitled to freedom from exposure to ETS in the workplace. Both employers and workers are encouraged to take steps to provide a smoke-free working environment. At present, the Commission responds to complaints and enables employers and workers to define solutions appropriate to their workplace. Should the workplace be unable to resolve the issue and when an officer receives a request for a non-smoking work environment from an	

			employee, the officer writes an order to the employer to provide a smoke-free environment for that particular employee.	
	Ontario Government		Launched anti-smoking campaign for youth. Tobacco Use Reduction strategy Launched bill to ban smoking in all workplaces and enclosed public areas Dec. 2004, to come into effect May 31, 2006 and will <u>not</u> allow DSRs (reported Dec. 2004).	
	City of Toronto and Regions of York, Durham and Peel		Smoke-free bylaws in the Greater Toronto Area.	
Prince Edward Island	PEI Government Department of Health	No information received.	<i>Smoke-Free Places Act</i> , effective June 2003 creates smoke-free public places and workplaces. Designated Smoking Rooms required in restaurants and bars.	The WCB's initiative to create workplace regulations was superseded by the Department of Health's <i>Smoke Free Places Act</i> .
Quebec			<i>Tobacco Act</i> establishes areas where smoking is permitted and is enforced by MSSS. Bars are exempt and Designated Smoking Areas required in restaurants.	

			Health & Safety at Work Law covers cigarette smoke as it falls under the definition of a contaminant.	
Sask.	Saskatchewan Labour		OH&S regulatory body. Smoking Regulations Guide	
	Government of Saskatchewan		<i>Tobacco Control Amendment Act</i> prohibits smoking in enclosed public places. Smoking prohibited in restaurants and bars.	
Yukon	WCB			
	Government of Yukon		Policy prohibits smoking in most premises owned/leased by Government of Yukon and applies only to employees under the <i>Public Service Act</i> and the <i>Education Act</i> .	
	City of Whitehorse		City by-law prohibits and regulates smoking in the city by providing for smoke-free public places and workplaces. Smoking is prohibited in an enclosed indoor restaurant or licensed dining room. In addition it is prohibited in cocktail lounges or taverns effective Jan. 1 st , 2005. The by-law contains signage requirements and penalties	

			and offences.	
Government of Canada		Federal regulations under the <i>Canada Labour Code</i> came into effect in September 2000, requiring federally-regulated workplaces to meet a higher standard of care to ensure IAQ. Information covers regulations, standards and guidelines.	<p>Discussion paper “Workplace Smoking: Trends, Issues & Strategies” was prepared for Health Canada in 1995.</p> <p>Dec. 2, 2004 News Release on Canada Ratifying the Framework Convention on Tobacco Control. This is quoted to be the world’s first public health treaty to protect present and future generation from health and economic consequences of tobacco consumption and exposure to second-hand smoke by strengthening tobacco control initiatives around the world.</p>	

Source:

Non-Smokers' Rights Association – Smoking and Health Action Foundation

Provincial and Territorial Smoke-free Legislation, Regulation or Policy

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All of Canada's provinces and territories have some sort of workplace SHS measures in place, which protect varying percentages of their populations to varying degrees. Nine provinces and one territory have legislation (Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, and Nunavut), British Columbia and Northwest Territories have Workers' Compensation Board (WCB) regulations, and the Yukon has a government policy. Some legislation/regulations are more far-reaching than others when it comes to protecting workers in the workplace. For example, three provinces and 2 territories now ban smoking 100% in restaurants and bars (Saskatchewan, Manitoba, New Brunswick, Northwest Territories and Nunavut). Unfortunately, in the rest of Canada, many employees in the hospitality industry continue to be exposed daily to SHS while on the job.

For a comparative analysis of provincial and territorial SHS legislation/regulations across Canada as of July 2004, see:

http://www.nsra-adnf.ca/DOCUMENTS/comparative_tables_July_2004.pdf