

Smoke-Free Ontario Act

Disciplinary Policy Example

If any employee is in violation of the (Insert Company Name) tobacco policy, the employee will be disciplined as follows (list internal disciplinary actions to be taken for first, second and third offences, which may include):

- verbal warning
- written warning
- note to file
- suspension
- report of offence to Health Unit
- dismissal

Employee Sign-Off Example

I have read and understand the tobacco policy of (Insert Company Name) and shall comply with the policy.

Name _____ Date _____

Signature _____

Additional Resources

Health Canada – “Towards a Healthier Workplace”

<http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/work-trav/index-eng.php>

Health Canada – “Smoking and the Bottom Line: The Costs of Smoking in the Workplace”

<http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/work-trav/index-eng.php>

Smokers’ Helpline www.smokershelpline.ca

Ministry of Health Promotion and Sport: Smoke-Free Ontario

<http://www.mhp.gov.on.ca/en/smoke-free/default.asp>

Benefits Canada – Butting Out to Raise the Bottom Line

http://www.benefitscanada.com/wp-content/uploads/2008/04/smokingcessation_e_0408.pdf

Benefits Canada- Addiction in the Workplace | An Employer’s Guide

<http://www.worklifeharmony.ca/include/get.php?nodeid=200>

WorkShifts- An Employer’s Guide to Tobacco

<http://www.publichealthlawcenter.org/sites/default/files/resources/ws-guide-employer-2004.pdf>

Global Smoke Free Partnership- Designing a 100% Smoke-free Workplace Policy

<http://www.globalsmokefreepartnership.org/ficheiro/18.pdf>

Smoke-Free Ontario Act Workplace Sample Policies

As an employer, it is your responsibility to ensure you and your employees comply with the Smoke-Free Ontario Act. A workplace tobacco policy is an easy way to protect employees and your business as it increases compliance among employees and helps you fulfill your responsibilities under the Smoke-Free Ontario Act.

The following are sample policies with four variations of smoking restrictions in the workplace. The first example is a minimum policy outlining the Smoke-Free Ontario Act, which prohibits smoking in all enclosed workplaces. The additional samples can be adopted voluntarily if you wish to ban smoking in additional workplace areas that are not included in the Smoke-Free Ontario Act.

When an employee will not comply with the Smoke-Free Ontario Act you must ensure that they do. Having a disciplinary policy, to be used in conjunction with your tobacco policy, addresses this issue. Enclosed is a sample disciplinary policy that can be used to implement progressive internal discipline for non-compliant employees. In addition, having a sign-off portion of your policy is recommended in order to document employee policy reviews.

These examples are for resource purposes only and include elements that an employer may wish to include in an internal policy. Ensure that your policy is specific to your facility, property and staff. Follow internal processes for implementing policies such as a review by your Joint Occupational Health and Safety Committee or meeting with Union representatives.

Your local Health Unit is an excellent place to start for help with creating workplace policies. Staff can also help with workplace nutrition, substance abuse, physical activity and other wellness policies.

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Sample Policy

Title -Tobacco Policy

Purpose

This policy has been implemented to protect employees from exposure to second-hand smoke in the workplace and to ensure a safe, healthy, comfortable and productive working environment for all employees. (Insert Company Name) has a legal responsibility to comply with the Smoke-Free Ontario Act and to ensure all employees are compliant.

Scope

This policy applies to all persons employed by (Insert Company Name). As well, visitors, contractors, clients, customers, volunteers or other members of the public must comply. Employees must comply with the Smoke-Free Ontario Act while working at off-site locations. The ban on smoking in an enclosed workplace is in effect at all times, even after hours, when people are not working or when customers are not present.

Policy

As required under the Smoke-Free Ontario Act, smoking is prohibited in all portions of (Insert Company Name) that fall under the definition of “enclosed workplace” including inside buildings and work vehicles. No person shall smoke in any enclosed public place or enclosed workplace. Ashtrays, or any equipment serving as an ashtray (e.g. coffee cup, tin can, bucket etc.), are prohibited inside all enclosed workplaces. ‘No Smoking’ signs will be posted at all entrances, exits, washrooms and other appropriate locations. Under the Smoke-Free Ontario Act these signs must be posted and they are not to be removed.

Under the Smoke-Free Ontario Act the following areas must be smoke-free at all times (list specific areas that are “enclosed” in the workplace):

- the inside portions of any building including offices, washrooms, lobbies, elevators, stairwells, kitchens/break rooms, hallways, boardrooms, shipping areas, trailers, etc.
- all vehicles used by employees to conduct work (i.e. delivery/shipping vehicles, shuttles, service vehicles etc.) regardless of who is in the vehicle
- any entrances or loading docks covered by a roof or overhang
- any parking structures covered by a roof

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Additional Restrictions Sample - SMOKE-FREE ENTRANCES

To further protect the health of our employees, (Insert Company Name) has designated all entrances smoke-free within a nine metre / 30 foot radius. Therefore, no one shall smoke within nine metres or 30 feet of any entrance or exit of any building on (Insert Company Name) property.

Additional Restrictions Sample - DESIGNATED OUTDOOR SMOKING AREAS

To further protect the health of our employees, (Insert Company Name) has designated a smoking area for employees who smoke. This area is located (describe location of smoking area). In addition to the prohibited areas listed in this policy, all parking lots, driveways, sidewalks and grounds must be smoke-free with the exception of the designated smoking area.

Additional Restrictions Sample - SMOKE-FREE PROPERTY

To further protect the health of our employees, (Insert Company Name) has prohibited smoking anywhere on the property. Therefore, no smoking is permitted anywhere on workplace property. In addition to the prohibited areas listed in this policy, all parking lots, driveways, sidewalks and grounds must be smoke-free.

Enforcement

Employees who obey and/or seek compliance with the Smoke-Free Ontario Act may not be dismissed, threatened to be dismissed, disciplined, suspended, penalized, intimidated or coerced. If an employee experiences any of these actions, the employee may direct complaints to the Ontario Labour Relations Board.

Employees who do not comply with the Smoke-Free Ontario Act (list internal policy information such as discipline to be instituted – see enclosed disciplinary policy example). Employees may also be reported to the Health Unit, whose Tobacco Enforcement Officers can lay charges for Smoke-Free Ontario Act violations.