



Smoke-Free Ontario Act 2005

How the Act Affects: Residential Care Facilities

The Basics

- The Smoke-Free Ontario Act (SFOA) comes into force on May 31, 2006.
- The act prohibits smoking in enclosed workplaces and enclosed public places in Ontario in order to protect workers and the public from the hazards of second-hand smoke.

Residential Care Facilities, Designated Veterans' Facilities and Psychiatric Facilities

While smoking is prohibited in all enclosed public places and workplaces, operators of specifically designated facilities may open and operate a controlled smoking area (CSA) so that residents may smoke.

These specifically designated facilities are long-term care (LTC) homes, as defined by statute, and/or residential care facilities that operate as a retirement home or supportive housing residences that are regulated and funded by the Ministry of Health and Long-Term Care or the Ministry of Community and Social Services. Also included are psychiatric facilities that are designated under the *Mental Health Act*, and Veterans' facilities named under the SFOA Regulation.

Responsibilities of Operators

Designated Smoking Rooms (DSRs), which were permissible in some instances under local municipal bylaws, are now prohibited. However, operators of designated LTC homes may choose to construct and operate a controlled smoking area (CSA). There are specific requirements for controlled smoking areas. These requirements can be found in section 18 of the Regulation and its attached Schedule 1 and 2: (www.elaws.gov.on.ca/DBLaws/Regs/English/060048_e.htm). The construction and maintenance requirements for a CSA do not apply until December 31, 2006 if the proprietor of the proposed CSA submitted plans on or before June 30, 2006, indicating that the proprietor shall meet those requirements on or before December 31, 2006.

Responsibilities of Employers

Every employer must:

- Ensure that staff, residents and visitors are aware that smoking is prohibited.
- Remove ashtrays and any object that serves as one.
- Ensure that employees, residents and visitors do not smoke in the enclosed workplace.
- If providing a controlled smoking area, the employer must comply fully with the act and the regulation, including posting outside any entrance to the controlled smoking area the following required signs:
 - A sign bearing the words "You have to live here to smoke here. And due to the grave health effects of second-hand smoke, employees are not required to enter".
 - A sign indicating the maximum permitted occupancy of the controlled smoking area.

- Post *No Smoking* signs at all entrances, exits, washrooms, and other appropriate locations. For information on acquiring required signage, please contact your local public health unit.

Controlled Smoking Areas

- To qualify as a controlled smoking area, a room must meet all the requirements of the act and the Regulation, including having a ventilation system and signage in compliance with the regulation (please see above).
- Only residents can smoke in the room. (Guests may accompany residents, but they are not allowed to smoke in the room.).
- Residents who want to smoke must, in the opinion of the operator, be able to smoke independently and without employee assistance.
- Employees are not required to enter the controlled smoking area.

Smoking Shelters

An operator may choose to accommodate residents and employees who smoke by providing a smoking shelter outdoors. An operator who provides an outdoor smoking shelter must ensure that the structure consists of no more than two walls and a roof.

Enforcement

Local public health units will carry out inspections and investigate complaints in order to enforce the act.

Penalties

There is no maximum corporate fine listed for contravention of this section of the act, meaning the matter would be left up to a justice of the peace. An individual could be subject to a maximum fine of \$5,000.

This fact sheet is intended as a quick reference only. For more information, please contact your local public health unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-396-1760
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30am - 5:00pm

For more information on the Smoke-Free Ontario Act, please visit the Ontario Ministry of Health Promotion website: http://www.mhp.gov.on.ca/english/health/smoke_free/legislation.asp.