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Implementing the new *Smoke-free Places Act* and Regulation? Here is some additional information

The new Smoke-free Places Regulation now in effect, complements the *Smoke-free Places Act (SFPA)* which came into force May 15, 2008. The new Regulation addresses four main issues including:

- the requirements for the posting of “No Smoking” signs;
- the prohibition of smoking within 5 metres of all doorways, windows and air intakes;
- the penalties associated with violations of the legislation; and
- the banning of edible products that resemble tobacco products.

The purpose of this toolkit is to provide you with additional information that will clarify your role in implementing the new law and help you resolve challenges you might encounter.

To make it easy, follow these steps:

Steps you can take to successfully implement the *Smoke-free Places Act* and the new Regulation:

- Post the required “No Smoking” signs.
- Post additional signs outdoors in areas where smokers congregate but smoking is prohibited (e.g., at doorways).
- Remove all indoor ashtrays and move exterior ashtrays at least 5 metres away from all doorways, windows and air intakes.
- Make sure that all staff members are aware of the requirements under the *Smoke-free Places Act* and Regulation.
- Review how staff can deal with people who are smoking in places where it is prohibited and post the Action Flowchart found on page 4.
- Record observed violations and maintain a record of staff training (See section on Demonstrating due diligence on page 3).
- Offer support to staff who are trying to become smoke-free, or direct them to www.freequitpack.ca

On peut obtenir la version française de ce document en communiquant avec notre bureau au 667-8321 (sans frais, au 1-800-661-0408, poste 8321) ou en la téléchargeant à partir du site www.hss.gov.yk.ca/programs/health_promotion/smokefree_places_act/.

Spread the news!

Most people are aware of the health risks associated with exposure to second-hand smoke and understand that the *Smoke-free Places Act* and Regulation were put in place to protect the health of all Yukoners. Although most people have heard about the *Smoke-free Places Act* and Regulation, they may not be aware of what they must do to comply.

It is important to post enough “No Smoking” signs to ensure people are aware of where they are not allowed to smoke. A minimum of one sign must be posted. Remember that the Regulation also prohibits smoking within 5 metres of all doorways, windows that open and air intakes. This will be a new concept for many people. Placing a few extra signs in these locations where smokers routinely smoke will ensure that everyone is informed.

And talk about it!

Sometimes, the best way to spread the news is to simply talk about it. Try stimulating open discussions about the *Smoke-free Places Act* and Regulation with customers, employees and friends. You may want to discuss these issues at your next staff meeting.

Support for individuals who smoke

The Yukon Government offers assistance to smokers in the Yukon who want to reduce or stop smoking now or in the near future. The sessions are offered in Whitehorse, the communities, and via telehealth.

Programs are also available for smokers who don't want to quit smoking but are looking for reliable information about tobacco use or how to reduce the amount they are smoking. Information is also available for employees who are not ready to become smoke-free, but want to learn how to manage urges without quitting smoking. For more information on any of these services, call Health Promotion at 667-8392 or toll-free at 1-866-221-8393.

Encouraging people to clear the air in smoke-free areas

In some cases it may be challenging to get smokers to move away from places where smoking is prohibited. The easiest way to encourage smokers to move away from these areas is to provide them with a convenient and comfortable location where they can smoke. You may want to create an outdoor smoking area with a bench or picnic table and butt receptacles to encourage people to move to these areas to smoke. Installing butt receptacles will likely reduce the amount of litter around your establishment. If you decide to provide a smoking area, please ensure that:

- It is outdoors
- It is at least 5 metres away from all doorways, windows, air intakes
- It is not in an outdoor eating or drinking area; and
- It does not have a fully or substantially enclosed shelter

Acceptable Shelters

A shelter is permitted in an outdoor smoking area provided that the shelter is not fully or substantially enclosed. A shelter is not considered fully or substantially enclosed if it has a roof or other type of covering, **and** less than 50% of the wall space is enclosed with any material that does not permit air to easily flow through it (see Figures 1 and 2). **Before you build you should consult with the Tobacco Education and Enforcement Officer to ensure that the design and location of the shelter does not violate any provision of the Act.**

Figure 1:
Example of acceptable
enclosed shelter

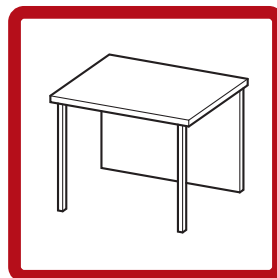


Figure 2:
Example of unacceptable
enclosed shelter



Demonstrating due diligence

When dealing with instances of non-compliance, the Tobacco Education and Enforcement Officer will be interested in whether or not you as a business owner, employer or manager, has taken reasonable steps to ensure people are not smoking in smoke-free places. Some of these actions, like posting signs and removing ashtrays, are easy to observe; other actions will require some additional effort on your part. One way to do this is to keep a written log of instances of non-compliance and how they were handled by you and your staff. It may also be beneficial to maintain a record of how and when each of your employees was trained to identify and handle these situations. The training could be as simple as having a formal discussion about what is required under the *Smoke-free Places Act* and Regulation, how to deal with non-compliance and how to record these instances in a logbook.

Am I responsible for enforcing the law?

Exercising due diligence by taking the reasonable steps described above does not mean that you as a business owner, employer or manager are responsible for enforcing the *Smoke-free Places Act* and Regulation. We do **not** expect you to patrol the premises or the area around your buildings, or put yourself or your employees in harm's way. When you observe a violation or are notified that a violation is taking place you must take appropriate action to deal with the situation. If you demonstrate that you have taken reasonable steps to meet your obligations under the *Act*, you will not be held accountable for offences committed by others (including customers or employees).

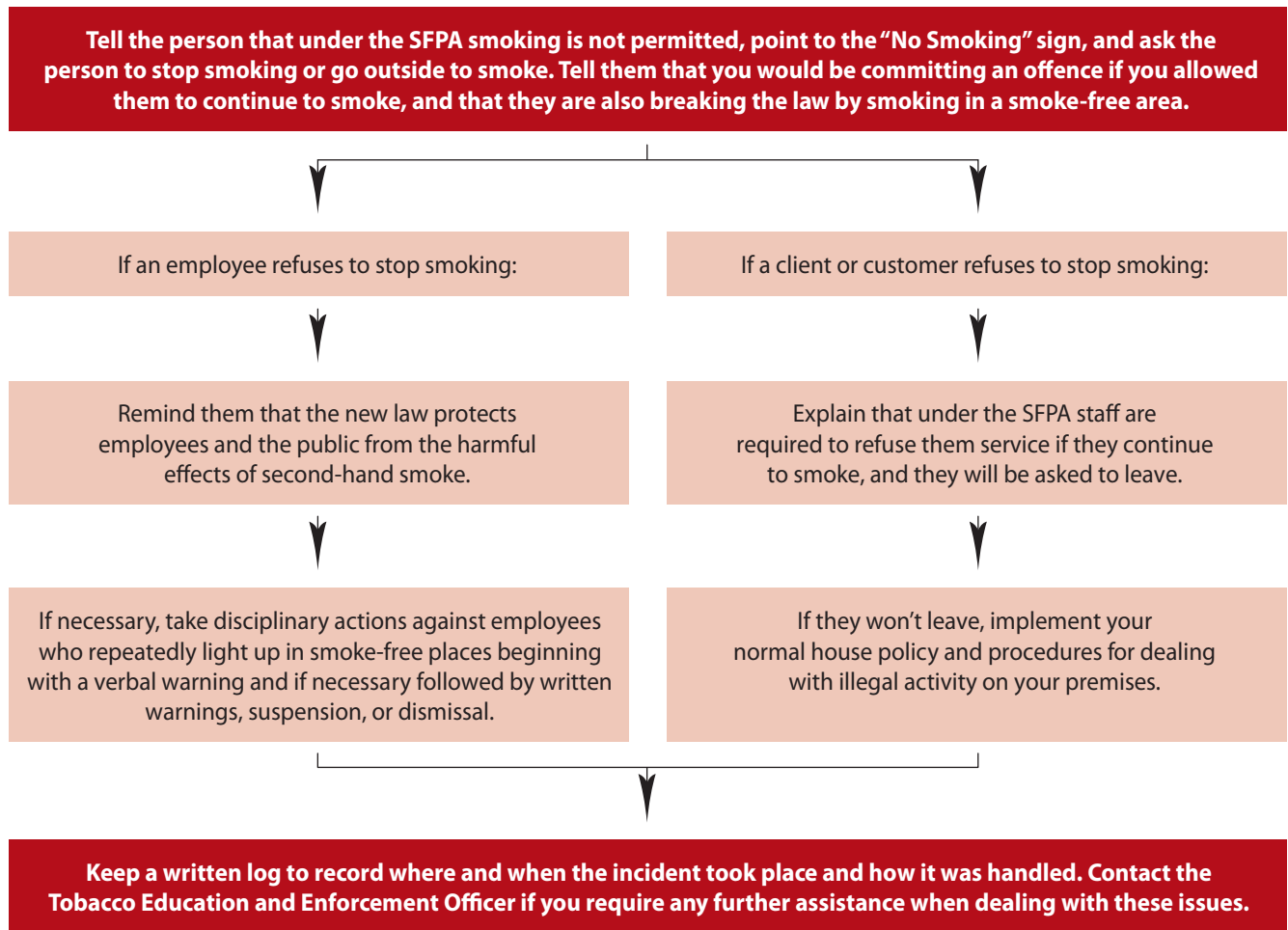
Enforcement and penalties

A progressive enforcement approach will be used to help building owners, managers and employers comply with the *Smoke-free Places Act* and Regulation. Most people will want to comply with the *Act* but may have questions about how the *Act* applies to their situation. The Tobacco Education and Enforcement Officer is available to answer questions, and assist owners in finding solutions to problems they may encounter. In most cases, education, assistance and warnings will be sufficient to ensure compliance. However, tickets may be issued, or charges laid, if owners, managers or employers do not take reasonable steps to comply with the *Act*. Under the new regulation, any person including employees and customers who violate any provision of the *Act* are guilty of an offence and liable to a voluntary fine of \$150.00 upon issuance of a ticket. If the offence is prosecuted in Court a fine of up to \$5,000.00 for a first offence and up to \$10,000.00 for a second or subsequent offence can be issued.

Action Flowchart: Dealing with people smoking in a smoke-free place

If someone is smoking in a smoke-free place, here are some practical steps you can take to get them to stop.

Remember, if the smoker threatens physical violence, you should notify and/or seek assistance from the police. You are not expected to put yourself in harm's way.



Adapted from Smoke-free England: How to deal with smoking in a smoke-free place. www.smokefreeengland.co.uk

Need more Information?

If you have any questions or require any further assistance please visit the Department of Health and Social Services public website at www.hss.gov.yk.ca, or call Benton Foster, Tobacco Education and Enforcement Officer at 667-8321 (toll free from Yukon communities: 1-800-661-0108 ext. 8321) or by e-mail at benton.foster@gov.yk.ca.