

SMOKING/VAPING AT THE WORKPLACE



HEALTH AND SAFETY PROCEDURE

No.: H&S 9.4

Issue Date: June 29/12

Page 1 of 5

Date Reviewed: Sep 30/19

Next Review Date: Sep 30/20

Status: Approved

Any omissions or correction should be brought to the attention of the Originator.

Overview

This Procedure follows the City of Vaughan's Corporate Occupational Health and Safety Policy.

Policy

The City of Vaughan will establish and enforce a Smoke-Free Workplace Procedure to ensure compliance with the [Smoke-Free Ontario Act](#). The Smoke-free Ontario Act prohibits smoking tobacco, cannabis or use an electronic cigarette (vape) in public places. Smoking of tobacco, cannabis or electronic cigarettes is prohibited in all municipal work places and facilities except as approved in outdoor designated smoking areas. All employees, contractors, and visitors as applicable, are required to comply with the smoke-free policy and the procedure detailed in this policy.

This procedure applies to all facilities owned and/or controlled through a lease agreement by the City of Vaughan, and all municipal vehicles, whether owned or leased. This procedure applies to all municipal employees, contractors and visitors as applicable.

Purpose

To ensure that all employees, contractors and visitors of the City of Vaughan are protected from the potential health hazards related to direct exposure to environmental tobacco or cannabis smoke, commonly referred to as second-hand smoke and second-hand vaping. This Smoke-Free Workplace Policy and Guideline is created in an effort to consider the needs of smokers and non-smokers alike and to provide a safe and healthy working environment for all employees.

Originator:

A handwritten signature in black ink, appearing to read 'Frank Kraljevic'.

Frank Kraljevic,
OCHRO, Workplace Health & Safety Specialist

Reviewed By:

A handwritten signature in black ink, appearing to read 'Demetre Rigakos'.

Demetre Rigakos,
Chief Human Resources Officer

No.: H&S 9.4	Issue Date: June 29/12 Date Reviewed: Sep 30/19 Next Review Date: Sep 30/20	Page 2 of 5 Status: Approved
-------------------------	---	-------------------------------------

Definitions:

Enclosed Workplace means:

- (a) the inside of any place, building or structure or vehicle or conveyance or a part of any of them,
 - (i) that is covered by a roof,
 - (ii) that employees work in or frequent during the course of their employment whether or not they are acting in the course of their employment at the time, and
 - (iii) that is not primarily a private dwelling.

E-cigarette - Any portable electronic device that simulates the act of smoking. Used like a cigarette, produces a flavour aerosol mist with or without nicotine. May also be referred to as electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV) or electronic nicotine delivery system.

PROCEDURE:

1. This procedure applies to all workplaces as defined as:
 - Any enclosed municipal structure, leased building by the municipality, facility or temporary enclosed work sites. All landlords must be notified of this procedure.
 - Any City of Vaughan owned and/or leased vehicles and enclosed mobile equipment.
2. No cigarettes or smoking materials will be sold on the premises of any City of Vaughan owned/leased facility.
3. The use of tobacco smoke and e-cigarettes is prohibited in the workplace except as approved in outdoor designated smoking areas. Cannabis use is prohibited at work and where it may impact a workers ability to perform the essential duties of their work.
4. Violations of this procedure can result in disciplinary action. This could involve verbal or written warnings, suspensions, and/or a termination of employment.

Requirements for Restricted Smoking Areas (RSA) or Designated Smoking Areas (DSA)

1. A DSA or RSA will only be assigned by the Facilities Maintenance Services Department, if necessary. The Facilities Maintenance Services Department can obtain assistance of the local Joint Health and Safety Committee for additional recommendation.
2. At all facilities leased by the City of Vaughan, the designated smoking or restricted smoking areas will be determined by the owner and/or management of the building and must be adhered to by Municipal employees, contractors and visitors.
3. The DSA must be located in an area that is 9 metres (29 feet) away from the entrance/exit of any enclosed workplace, as is reasonably and safely possible.

No.: H&S 9.4	Issue Date: June 29/12 Date Reviewed: Sep 30/19 Next Review Date: Sep 30/20	Page 3 of 5 Status: Approved
-------------------------	---	---------------------------------

4. The DSA must be located in an area based on the facilities mechanical design, i.e. away from air intakes or gas pipe lines. These areas will be considered a restricted smoking area.

5. All designated smoking areas (DSA) and restricted smoking areas (RSA) will be communicated to staff verbally by the immediate supervisor.

6. A DSA must be located in an area that the public and employees do not have to pass through to gain entrance to a building. Designated smoking areas must also be located in an area away from all entrance ways customarily used by visitors, as determined by Facilities Maintenance Services staff.

7. Designated Smoking Areas or Restricted Smoking Areas must have signage indicating the area as a DSA or RSA. If the area is a DSA, the area must be maintained in a clean and orderly manner.

9. Receptacles for smoking material waste will be provided at all designated smoking areas by the Facilities Maintenance Services staff.

12. Receptacles for smoking material waste will be placed 20 meters away from the main public entrances to all facilities, or as determined to be appropriate by the Facilities Maintenance Services staff depending on the location and/or facility.

13. Designated smoking areas are prohibited in outdoor areas that are governed by other City of Vaughan procedures or applicable legislation. For example, procedures or legislation that deals with hazardous or flammable substances. These areas will be considered a restricted smoking area.

15. Smoking in any area other than the designated smoking areas provided will be considered an infraction of this procedure and subject to possible disciplinary action.

Designated Smoking Shelters

For the purposes of the City of Vaughan, all designated smoking shelters must be:

- a) Located a minimum distance of 20 metres from any facility door entrance, and
- b) Constructed in such a manner that there are no more than 2 walls if a roof is installed.

Smoking Signs

- 1. Must meet the [Smoke Free Ontario Act](#) in the workplace. (Annex A attached)
- 2. Must be posted on entrance/exit doors of buildings owned by the City of Vaughan in which the public and employees may access.
- 3. Must be posted on the dashboard, windows or doors of all City of Vaughan vehicles and enclosed equipment in such a manner that the driver's path of vision is unobstructed, and all passengers are aware of the no-smoking requirement.

4. Must remain conspicuous and unobstructed.

No.: H&S 9.4	Issue Date: June 29/12 Date Reviewed: Sep 30/19 Next Review Date: Sep 30/20	Page 4 of 5 Status: Approved
-------------------------	---	---------------------------------

The Corporation's and Departmental Responsibilities:

- a) To maintain and enforce this Smoking Procedure and the Smoke-Free Ontario Act. Violations will be dealt with in a manner consistent with established disciplinary measures.
- b) The corporation will contribute to the cost of smoking cessation programs that the Corporation recommends, to a maximum as outlined in the benefits program.
- c) **Smoking is prohibited 20 meters away from any public/staff entrance/exit door or any building opening (bay doors, maintenance doors, etc...) where smoke may enter the building. Prohibited smoking areas (entrance/exit, building openings) maybe identified with paint lines.** Staff, contractors or visitor's who is found smoking in areas other than designated smoking areas or within the distance limit will be informed of this policy and maybe disciplined accordingly.
- d) Contractors or visitors who violate the procedure will be reminded of the procedure and if they do not comply, they will be asked to leave the premises. Contractor's or visitor's who fail to leave the premises will be subject to the Municipalities trespassing by-law and subject to removal and banning from City of Vaughan facilities.
- e) Some facilities may be equipped with identified outdoor "Designated Smoking Areas" and these areas will only be used as a designated smoking area. Smoking in all other areas within City premises is strictly prohibited and subject to disciplinary measures.
- f) The Facilities Maintenance Services Department shall ensure all designated smoking shelters adhere to the requirements of this procedure and Ontario Smoke Free Act.
- g) Ensure signs approved by the Smoke-Free Ontario Act are posted in a conspicuous manner at all entrances, exits, washroom doors of buildings, in vehicles/enclosed equipment and are not obstructed from view.
- h) Prior to designating any new smoking areas, the Facilities Maintenance Services Department may consult with the Chief Human Resources Officer, Workplace Health and Safety Specialist or designate and Local Joint Health and Safety Committee regarding compliance requirements.
- i) Concerns or complaints that this procedure is not being adhered to or not being enforced should be made to the appropriate supervisor/manager/director. If the complainant is not satisfied with the response, the complainant may then complete a concern report - HS 1.6 Concern Reporting Procedure. If the complainant is not satisfied with action taken by the supervisor/manager/director, the concerns may be forwarded by the local Joint Health and Safety Committee for recommendation.
- j) Disciplining, penalizing, constraining, dismissing, intimidating or suspending employees for complying with-or for asking others to comply with-this procedure is prohibited.

No.: H&S 9.4	Issue Date: June 29/12 Date Reviewed: Sep 30/19 Next Review Date: Sep 30/20	Page 5 of 5 Status: Approved
-------------------------	---	---------------------------------

Responsibilities of Senior Management, Directors, Managers and Supervisors:

- a) Review this procedure with all department staff. Indicate to department employees designated smoking areas or restricted smoking areas at the facility. This procedure must be reviewed with all new and/or transferred staff.
- b) Take appropriate action(s) to warn and/or discipline employees, contractors and visitors, who do not adhere to the Smoke-Free Ontario Act and this procedure, including asking the employee and/or others to leave the premises if they do not adhere
- c) Investigate staff complaints of smoking violations, and where appropriate, take the required action(s) to warn and/or discipline the offenders.

Responsibilities of the Worker when smoking at workplace:

- a) To place all smoking materials (e.g. Cigarette butts, empty cigarette packs) in the receptacle provided in Designated Smoking Areas only. Smoking materials found in areas other than the designated smoking areas (e.g. vehicles, facilities) can result in investigation and disciplinary action, if necessary.
- b) Workers shall smoke at the facility assigned designated smoking areas only, if one exists. There shall not be any smoking within 20 meters of any public/staff entrance/exit door or any building opening (bay doors, maintenance doors, etc...) where smoke may enter the building.
- c) To ensure that this habit does not inhibit the worker from performing his/her work duties in an acceptable manner.

Contractors:

Any persons contracted to perform work on behalf on City of Vaughan shall comply with legislative requirements set out in the Occupational Health and Safety Act and shall work in a manner that is consistent with this procedure.

REGULATORY REFERENCES/CODES/STANDARDS:

Smoke Free Ontario Act - [Ontario Regulation 48/06](#)

[Ministry of Labour Guidelines](#)

[Health Canada Advises Canadians Not to Use Electronic Cigarettes](#)

Annex A: Smoke Free Ontario Act Signage

