



Background on

Protection from Second-Hand Smoke in Canada

Who is responsible for protecting Canadians from second-hand smoke?

In most of Canada, all three levels of government (federal, provincial and municipal) have the authority to protect citizens from cigarette smoke.

- **Federal government** has authority to ban or restrict smoking on federal lands and corporations or in areas of federal regulation (such as transportation, communications, banking, etc).
- **Provincial governments** have authority to ban or restrict smoking in areas of provincial jurisdiction (workplaces, public places).
- **Municipal and regional governments** usually have been given authority to ban or restrict smoking within their geographic limits.

There are many federal, provincial and municipal laws which cover smoking and workplace issues. Some are administered by health authorities, some by labour authorities.

Every worker in Canada is covered by occupational health law (there is one health and safety law for workers under federal jurisdiction, and one for each of the ten provinces and three territories). These laws can be – but usually aren't – used to control exposure to smoke.

Several provinces have passed acts which restrict smoking in public places and hundreds of municipalities have passed smoking by-laws. These laws are of varying strengths and scope. In recent years, most Canadian provinces have implemented legislation protecting the public from exposure to second hand smoke in public places and workplaces.

What measures to protect the public from second-hand smoke are found in Canada?

In the home:

There are no legislated bans on smoking in private

homes in Canada (although some residential care facilities and prisons do not allow smoking). No jurisdiction has yet banned smoking in cars where children are present.

At work:

Many, if not most, Canadian workers have some protection from second-hand smoke in indoor workplaces. The notable exceptions are workers in Saskatchewan and workers in hospitality sector and residential care in some provinces.

In public places:

Provisions across Canada vary widely. In most provinces, smoking is banned in virtually all public places and workplaces. In others (like Prince Edward Island and parts of British Columbia), it is restricted to enclosed and separately ventilated rooms. In some provinces (like Alberta) there are few restrictions in hospitality venues unless municipalities have passed smoke-free by-laws.

Increasingly, jurisdictions are banning smoking on patios attached to restaurants and bars.

What levels of protection from second-hand smoke are found in Canada?

Because jurisdictions have taken many different approaches to restricting smoking, it is hard to make direct comparisons. Many analysts use a "gold", "silver" and "bronze" standard to assess municipal by-laws. "Gold" standard usually means that there are no designated smoking rooms, no exceptions for categories of venue (i.e. casinos), and no time periods when the law does not apply.

By these standards:

- 84% of Canadians live in a jurisdiction where they have 'gold' standard protection from second hand smoke in public places
- 81% of Canadians live in a jurisdiction where they are protected from second hand smoke both in public places and in workplaces.

What measures are in place across Canada?

The following summarizes provisions currently in place across Canada (communities which have passed laws or by-laws which are not yet in effect are not included).

This information should be interpreted with caution: it is based on the laws in place (i.e. the theoretical rights of a citizen to smoke-free air), not the actual experience of citizens in the jurisdictions involved. Real-life protection would differ when, for example:

- Laws banning smoking are not well-enforced
- There are voluntary bans on smoking

Newfoundland

Newfoundland's *Smoke Free Environments Act* 2005 came into force on July 1, 2005. It bans smoking in all indoor and outdoor areas of restaurants and bars and all other workplaces. Separately ventilated smoking rooms are permitted for employees only. No public access is allowed to these smoking rooms. No such smoking rooms are known to exist. Newfoundland residents are therefore considered to be protected at "gold" level.

Nova Scotia

The Nova Scotia *Smoke Free Places Act*, (2002) banned smoking in most public places, but initially allowed smoking in enclosed separately ventilated rooms in restaurants and bars and other hospitality venues and did not restrict smoking in bars after 9:00 p.m.

On December 1, 2006, amendments to the law came into effect and gave Nova Scotia the strongest provincial law in Canada. Smoking in all indoor workplaces and in bars, restaurants and outdoor patios where food is served is banned. Protection in Nova Scotia is higher than 'gold' level (because patios as also smoke-free).

New Brunswick

New Brunswick adopted a law which bans smoking in public places and workplaces in 2004; the law came into effect on October 1, 2004.

All New Brunswick residents are protected at 'gold level'.

Prince Edward Island

The PEI *Smoke-free Places Act (2002)* bans smoking in virtually all workplaces and public places, but allows hospitality venues to build enclosed,

separately-ventilated smoking rooms. There is no food service in these rooms.

No official data is available on the number of designated rooms that have been built, but it has been reported that about 40 bars and restaurants have such rooms. Depending on the size and popularity of these establishments, there may be a higher actual level of protection than may appear on paper.

Because of the provision for smoking-rooms, PEI does not qualify for "gold" level protection.

Quebec

Revisions to Quebec's *Tobacco Act* came into effect on May 31, 2006. The law bans smoking in all indoor workplaces including bars and restaurants. Separately ventilated smoking rooms for employees only will be permitted until May 31, 2008. After that, smoking will not be allowed in any workplace. Quebec's residents are therefore considered to be covered at 'gold' standard.

Ontario

In June 2005, the Smoke-Free Ontario Act was passed. In addition to other tobacco control measures, this law banned smoking in all workplace including the indoor areas and outdoor roofed areas of bars and restaurants as of May 31, 2006. This law replaced a patchwork of municipal restrictions. Ontario residents are all now protected at 'gold' standard.

Manitoba

The *Non-Smokers Health Protection Act* banned smoking in all public places and workplaces after October 1, 2004.

Saskatchewan

Saskatchewan's *Tobacco Control Amendment Act* banned smoking in public places after January 1, 2005, including bars, restaurants and casinos.

The application of Saskatchewan's law to aboriginal land is disputed.

The ban protects the public, but smoking rooms are still allowed in workplaces, including the non-public areas of bars, and restaurants. Revisions to the Occupational Health and Safety Regulations are required to correct this problem.

Saskatchewan residents are protected in public places at a 'gold' standard, but are not protected in other workplaces.

Alberta

The Alberta Protection from Second-Hand Smoke in Public Buildings Act restricts smoking in many places, but allows open smoking in restaurants and bars. Smoking is permitted in bars and restaurants where children are not allowed entry. Some municipalities have smoke-free by-laws.

Legislation to make the entire province smoke-free is being considered.

60% of Albertans live with "gold" standard protection.

Alberta Municipalities with Gold Standard By Laws

| | <i>Population</i> |
|-------------------|-------------------|
| Airdrie | 28,927 |
| Beaumont | 8,961 |
| Calgary | 988,193 |
| Cardston | 4,037 |
| Cochrane | 13,760 |
| Devon | 6,256 |
| Edmonton | 730,372 |
| Jasper | 4,265 |
| Lethbridge | 74,637 |
| Lloydminster | 15,910 |
| Medicine Hat | 56,997 |
| Red Deer | 82,772 |
| St. Albert | 57,719 |
| Stettler | 5,418 |
| Strathcona County | 82,511 |
| Sundance Beach | 102 |
| Sylvan Lake | 10,208 |

British Columbia

British Columbia now has weaker provincial provisions than it had in 2000, when Workers Compensation Board regulations required that all workplaces, including bars and restaurants, be smoke-free. In 2001, these regulations were watered down, and restaurant and bar owners were allowed to construct smoking rooms.

In 2007, British Columbia adopted legislation to provide for smoke-free bars and restaurants across the province. This legislation will be phased in during 2008.

Several municipalities have stronger bylaws. In the Lower Mainland and the Capital Regional District (which includes 15 municipalities) however, most municipalities implemented public places bylaws that either met or exceeded the WCB Regulations.

14% of British Columbians are protected at 'gold' standard – by the end of 2008, all British Columbians will be.

Smoke-free Municipalities in British Columbia

| | <i>Population</i> |
|-----------------------------|-------------------|
| Belcarra | 676 |
| Capital Regional District | 330,088 |
| District of North Vancouver | 82,562 |
| Richmond | 174,461 |
| White Rock | 18,755 |

Territories

Two of Canada's three northern territories (Northwest Territories, and Nunavut) have passed jurisdiction-wide workplace smoking bans, which took effect May 1, 2004. Nunavut and NWT became smoke-free before any of the Canadian provinces.

In the Yukon, Whitehorse, the capital city and home to 66% of the Yukon's residents, is smoke-free.

Legislation to make all of the Yukon Territory smoke-free passed second reading in 2007.

Table: Canadian Population covered by “Gold Standard” protection from second hand smoke:

| | <i>Total Population</i> | <i>Population protected by 100% Smoke- free Public Places</i> | <i>Percentage of population protected by 100% smokefree public places</i> | <i>Population protected by 100% Smoke- Free Workplaces</i> | <i>Percentage of population protected by 100% smokefree workplaces</i> |
|---------------------------|-----------------------------|---|---|--|--|
| Newfoundland and Labrador | 508,275 | 508,275 | 100% | 508,275 | 100% |
| Nova Scotia | 934,147 | 934,147 | 100% | 934,147 | 100% |
| New Brunswick | 749,782 | 749,782 | 100% | 749,782 | 100% |
| Prince Edward Island | 138,627 | | 0% | | 0% |
| Quebec | 7,700,807 | 7,700,807 | 100% | 7,700,807 | 100% |
| Ontario | 12,803,861 | 12,803,861 | 100% | 12,803,861 | 100% |
| Manitoba | 1,186,679 | 1,186,679 | 100% | 1,186,679 | 100% |
| Saskatchewan | 996,869 | 996,869 | 100% | | 0% |
| Alberta | 3,473,984 | 2,088,273 | 60% | 2,088,273 | 60% |
| British Columbia | 4,380,256 | 591,341 | 14% | 591,341 | 14% |
| Northwest Territories | 42,637 | 42,637 | 100% | 42,637 | 100% |
| Yukon Territory | 30,989 | 20,461 | 66% | 20,461 | 66% |
| Nunavut Territory | 31,113 | 31,113 | 100% | 31,113 | 100% |
| Total | 32,978,026 | 27,654,245 | 84% | 26,657,376 | 81% |