

Smoking Policy



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Scope:

This policy will affect all employees, management, subcontractors, visitors and suppliers while on Bernard Rochefort Ltd. property for personal or business reasons.

Policy:

Bernard Rochefort Ltd. is committed to the promotion of Health and Safety, wellness and the prevention of disease. The employer recognizes and believes that all of its employees are entitled, under the Occupational Health and Safety Act, to work in an environment where safety and health hazards are eliminated where reasonably possible. This includes ensuring that exposure to the potential of chronic illness that may be caused by exposure to smoking/and the or second hand smoke is eliminated in our environment. This policy now confirms that Bernard Rochefort Ltd., its surrounding outbuildings, grounds and work sites are smoke free environments. This smoke free policy is to be communicated to all new hires upon orientation and to all existing staff through prominent public postings and through in-house communications (safety talks). As per the municipal by law, an outdoor smoking area must be located 30 feet away from entrances or exits.

Publications:

No Smoking signs will be posted throughout shops and office locations.

Enclosed workplaces:

The law protects employees from exposure to second-hand smoke in an enclosed workplace. The ban on smoking in these places applies at all times, even when not open for business.

An enclosed workplace means:

- the inside of a building, structure or vehicle that an employee works in or frequents during the course of their employment whether or not they are acting in the course of the employment at the time
- this includes the inside of a trailer office on a construction site, the inside of a loading dock, or the inside of a delivery truck
- common areas such as washrooms, lobbies and parking garages

Smoking Shelters

- You cannot smoke in an outdoor smoking shelter that has more than 2 walls and a roof.

Smoking Policy



Vehicles & Equipment:

Work vehicles and equipment are considered company property and as such are subject to the same no smoking policy.

Local public health units carry out inspections and respond to complaints to enforce the act.

The Law:

The Occupational Health and Safety Act section 25(2)(h) requires that employers shall take every precaution reasonable, in the circumstances, for the protection of the workers. At Bernard Rochefort Ltd., as to the risk that second hand smoke and smoking can create to its employees, the company supports the enforcement of this policy

An employer may not dismiss, threaten to dismiss, discipline, suspend, penalize, intimidate or coerce an employee who follows the act or seeks compliance with it.

By law, you **cannot** smoke or hold lighted tobacco in any enclosed workplace, any enclosed public places and specifically designated outdoor places in Ontario.

If you smoke or hold lighted tobacco in a place where it has been prohibited, you may be ticketed and charged a fine.

All employers, owners and operators of such facilities must:

- post "No Smoking" signs at all entrances, exits, washrooms and anywhere signs can be easily placed and seen
- make sure that no one smokes or holds lighted tobacco in an enclosed workplace, public place, or area where smoking is banned
- make sure that a person who does not comply leaves the premises
- remove ashtrays (or any object that serves as one)

Local public health units carry out inspections and respond to complaints to enforce the act.

You can find the complete set of rules related to the smoking ban in:

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

Smoke-Free Ontario Act, 2017:

21 (1) Subject to subsection (2), a person who contravenes a provision of this Act set out in Table 1 or 2 to this section is guilty of an offence and on conviction is liable to a fine determined in accordance with subsection (3).

Continuing offence, signs

(2) A person who is convicted of contravening section 7 or clause 14 (1) (c) or 15 (c) or subsection 23 (1) or (5) is liable to the fine determined in accordance with subsection (3) for each day or part of a day on which the offence occurs or continues.

Determining maximum fine

(3) The fine, or daily fine, as the case may be, shall not exceed an amount determined as follows:

1. Establish the number of times the defendant has been convicted of the same offence during the five years preceding the current conviction.

2. If,

i. the defendant is an individual and the offence is with respect to tobacco or tobacco products, the amount is set out in Column 3 of Table 1 to this section, opposite the number of previous convictions in Column 2 and the provision number of the provision contravened in Column 1, and

ii. the defendant is an individual and the offence is not with respect to tobacco or tobacco products, the amount is set out in Column 3 of Table 2 to this section, opposite the number of previous convictions in Column 2 and the provision number of the provision contravened in Column 1.

3. If,

i. the defendant is a corporation and the offence is with respect to tobacco or tobacco products, the amount is set out in Column 4 of Table 1 to this section, opposite the number of previous convictions in Column 2 and the provision number of the provision contravened in Column 1, and

ii. the defendant is a corporation and the offence is not with respect to tobacco or tobacco products, the amount is set out in Column 4 of Table 2 to this section, opposite the number of previous convictions in Column 2 and the provision number of the provision contravened in Column 1.

Sequence of convictions

(4) In establishing the number of times the defendant has been convicted of the same offence for the purposes of subsection (3), the only question to be considered is the sequence of convictions, and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a conviction.

Continuing offence, vending machine

(5) A person who contravenes subsection 10 (1) is guilty of an offence and on conviction is liable, for each day or part of a day on which the offence occurs or continues, to a fine of not more than \$2,000.

Offence, failure to submit report

(6) A person who contravenes section 11 is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.

Offence, motor vehicle

(7) A person who contravenes section 17 is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Duty of directors and officers

(8) A director or officer of a corporation that engages in the manufacture, sale or distribution of tobacco products, vapour products or a prescribed product or substance has a duty to take all reasonable care to prevent the corporation from contravening this Act.

Offence

(9) A person who has the duty imposed by subsection (8) and fails to carry it out is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.

Same

(10) A person may be prosecuted and convicted under subsection (9) even if the corporation has not been prosecuted or convicted.

Owner's liability

(11) The owner of a business shall be deemed to be liable for any contravention of section 3, 4, 5, 6, 7, 8 or 9 that occurs at the place of business, unless the owner exercised due diligence to prevent such a contravention.

Smoking Policy



Enforcement:

The Provincial Tobacco Control Act will be enforced by Provincial Offences Officers designated under the Act. The Municipal By-Law will be monitored and enforced by the municipality where work is being conducted and its by-law enforcement officers. The Ministry By-Law will be monitored and enforced by the City of Sudbury and its bylaw enforcement officers. The Ministry of Labour has the right to enforce the provincial Smoking in the Workplace Act through its inspectors.

The company requires that compliance with this policy is the responsibility of all parties using and managing the buildings and grounds at Bernard Rochefort Ltd. In cases where there is an incident of non-compliance with respect to an employee, after due notification has been given, the management reserves the right to enforce the company's disciplinary process for failing to comply. The Health and Safety Rep and the Health and Safety Coordinator are available to assist and investigate.

Persons smoking in a public area, upon conviction, are subject to a maximum fine of \$5,000.00 under the Provincial Offences Act.

Local public health units carry out inspections and respond to complaints to enforce the act.

Responsibilities and Accountabilities:

Employer obligations

15. (1) For the purposes of clause 9 (3) (c) and section 10 of the Act, an employer shall place the sign described in subsection (2) at each entrance and exit of the enclosed workplace, place or area in appropriate locations and in sufficient numbers to ensure that employees and the public are aware that no smoking is permitted in the enclosed workplace, place or area. O. Reg. 48/06, s. 15 (1); O. Reg. 206/14, s. 3; O. Reg. 336/15, s. 9 (1).

(2) The sign referred to in subsection (1) shall,

- (a) be at least 10 centimetres in height and at least 10 centimetres in width;
- (b) have a graphic of the international no smoking symbol with a white background; and
- (c) have the Trillium and Smoke-Free Ontario logos shown on the sign entitled "Tobacco Sign for Employers and Proprietors", dated October 1, 2015 and accessible through www.ontario.ca/smokefree. O. Reg. 336/15, s. 9 (2).

(3) For the purposes of clause 9 (3) (f) of the Act, an employer must ensure that any room that is designated under paragraph 2 of subsection 9 (7), (8) or (9) of the Act or paragraph 3 of subsection 9 (10) of the Act meets the requirements for the room set out in the Act and section 18 of this Regulation. O. Reg. 48/06, s. 15 (3).

All Employees:

They are expected to follow the No Smoking Policy and the No Smoking postings within the buildings. Any employee who does not follow this process is accountable to his direct supervisor and in turn the progressive discipline policy and risks financial penalties imposed by the MOL and/or by-law enforcement

Smoking Policy



officers. Below is the conviction table and the fines attached to the Smoke Free Ontario Act (S.O. 1994, Chapter 10)

Provision Contravened	Number of Earlier Convictions	Maximum Fine — Individual \$	Maximum Fine — Corporation \$
3 (1), 3 (2), 3.1, 3.2	0	4,000	10,000
	1	10,000	20,000
	2	20,000	50,000
	3 or more	100,000	150,000
3 (6), 4 (1), 6, 10, 14 (16), 16 (4), 17 (6), 18 (1), 18 (4), 18 (5)	0	2,000	5,000
	1	5,000	10,000
	2	10,000	25,000
	3 or more	50,000	75,000
5, 6.1	0	2,000	100,000
	1	5,000	300,000
	2	10,000	300,000
	3 or more	50,000	300,000
9 (1), 9 (2)	0	1,000	
	1 or more	5,000	
9 (3), 9 (6)	0	1,000	100,000
	1 or more	5,000	300,000
9 (4)	any	4,000	10,000
13 (4)	any	4,000	10,000

2005, c. 18, s. 13 (4); 2007, c. 10, Sched. J, s. 4; 2008, c. 26, s. 4 (2).

Monitoring & Measurement:

The success of the policy and its implementation will be measured by the number of infractions reported to the Health and Safety Coordinator and by the number of by-law enforcements required.

Approval & Acknowledgement:

Feb 1st, 2018

Smoking Policy

Rhéaume Rochefort



Date:

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