



The Lee Wiggins Childcare Centre SMOKE FREE ONTARIO

Controls Relating to Smoking Tobacco (Smoke-Free Ontario Act, S.O. 1994, c. 10)

Prohibition

9. (1) No person shall smoke tobacco or hold lighted tobacco in any enclosed public place or enclosed workplace. 2005, c. 18, s. 9.

Other Prohibitions

(2) No person shall smoke or hold lighted tobacco in the following places or areas:

1. A school as defined in the *Education Act*.
2. A building or the grounds surrounding the building of a private school, where the private school is the only occupant of the premises, or the grounds annexed to a private school, where the private school is not the only occupant of the premises.
3. Any common area in a condominium, apartment building or university or college residence, including, without being limited to, elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas.
4. A child care centre within the meaning of the *Child Care and Early Years Act, 2014*.
5. A place where home child care is provided within the meaning of the *Child Care and Early Years Act, 2014*, whether or not children are present.
- 5.1 A place where an Early Years program or service is provided within the meaning of the *Child Care and Early Years Act, 2014*.
6. The reserved seating area of a sports arena or entertainment venue.
7. A prescribed place or area. 2005, c. 18, s. 9; 2014, c. 11, Sched. 6, s. 8.

Employer Obligations

(3) Every employer shall, with respect to an enclosed workplace or a place or area mentioned in subsection (2) over which the employer exercises control,

- (a) ensure compliance with this section;
- (b) give notice to each employee in an enclosed workplace or place or area that smoking is prohibited in the enclosed workplace, place or area in a manner that complies with the regulations, if any;
- (c) post any prescribed signs prohibiting smoking throughout the enclosed workplace, place or area over which the employer has control, including washrooms, in the prescribed manner;
- (d) ensure that no ashtrays or similar equipment remain in the enclosed workplace or place or area, other than a vehicle in which the manufacturer has installed an ashtray;
- (e) ensure that a person who refuses to comply with subsection (1) or (2) does not remain in the enclosed workplace or place or area; and
- (f) ensure compliance with any other prescribed obligations. 2005, c. 18, s. 9.



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Owner Responsibilities

It is the responsibility of the owner, operator or the person in charge of the place to ensure that smoking laws are followed.

They are required to:

- Give notice to the public that smoking is prohibited in the smoke-free area.
- Post "no smoking" signs at entrances and exits to the smoke-free area, in appropriate locations and in sufficient numbers to ensure that the public is aware that smoking is not permitted.
- Ensure that persons do not smoke in the smoke-free area.
- Ensure that a person who refuses to comply with the prohibition on smoking does not remain in the smoke-free area.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding smoking on and around playgrounds.

Penalties

An individual who breaks the law against smoking on and around playgrounds may be charged with an offence, and on conviction could be subject to a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any subsequent offence).

An owner, operator or manager of a children's playground that fails to comply with their obligations under the Smoke Free Ontario Act may be charged, and if convicted, could be subject to the following maximum fines:

- For individuals: \$1,000 (for a first offence) or \$5,000 (for any further offence),
- For corporations: \$100,000 (for a first offence) or \$300,000 (for any further offence).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local public health unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY**1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m.

For specific information about how smoking laws apply to playgrounds, or on acquiring the appropriate "no smoking" signs, contact your local Public Health Unit.



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For more information on the *Smoke-Free Ontario Act*, please visit the Ontario Ministry of Health and Long-Term Care website: Ontario.ca/smokefree

Responsibilities of Employers

Every employer must:

- Ensure that employees are aware that smoking is prohibited in enclosed workplaces.
- Remove ashtrays and any object that serves as one.
- Ensure that no one smokes in the workplace.
- Ensure a person who does not comply does not remain in the enclosed workplace.
- Post *No Smoking* signs at all entrances, exits, washrooms and other appropriate locations in order to ensure that everyone knows that smoking is prohibited. For information on acquiring required signage, please contact your local public health unit.

Employees

An employee is:

- A person who performs any work for, or supplies any services to, an employer.
- A person who receives any instruction or training in the business or profession of an employer.

Protection for Employees

- An employer may not *dismiss, threaten to dismiss, discipline, suspend, penalize, intimidate or coerce* an employee who obeys or seeks compliance with the Act.
- If an employee experiences any of the above-noted actions by his or her employer, the employee may direct complaints to the Ontario Labour Relations Board.

For more information about filing a complaint, please call the Ministry of Labour:

877-339-3335 (Toll-free in Ontario only)

416-326-7500 in Toronto

Child Care Facilities

Any child care centre licensed under the *Child Care and Early Years Act, 2014* must be smoke-free.

For a places where home child care is provided within the meaning of the *Child Care and Early Years Act, 2014*, the place must be smoke-free at all times — **even if children are not present**. This includes any outdoor spaces used by the children.

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