Smoke & Vape Free Workplace Policy



Banning workplace smoking and vaping isn't just a health imperative; it's a legal one. Every jurisdiction in Canada has adopted a law requiring employers to implement such a ban and making them liable for violations workers commit. So, it's imperative to adopt a no-smoking/vaping policy. Does the prohibition have to be absolute or can you create designated smoking areas for workers? Answers: It depends on the jurisdiction. Such areas are allowed, provided that specific measures are taken and criteria are met, in 7 jurisdictions: Federal, Newfoundland, Nova Scotia, Ontario, PEI, Quebec and Northwest Territories.

SMOKE & VAPE FREE WORKPLACE POLICY

Instructions: This policy is based on Alberta law, where workplace smoking bans are absolute and employers aren't allowed to create designated smoking rooms (DSRs). There are 6 other jurisdictions that also ban DSRs: BC, Manitoba, New Brunswick, Saskatchewan, Nunavut and Yukon. Remember that even in jurisdictions where DSRs are allowed, they're not **required**. But if*you are in one of the DSR jurisdictions and choose to create a DSR, you'll need to modify the policy to incorporate the DSR requirements of your own jurisdiction. Other things you'll need to revise if you're not in Alberta:*

- *The names of the tobacco and OHS Acts mentioned in Section 1;*
- *The distance, if any, within doorways, windows and air intakes where smoking and vaping is banned specified in Section 2;*
- *The definition of "workplace" in Section 3; and*
- *The no-smoking sign specifications of Section 6.*

1. **PURPOSE**

Second hand smoke contains detectable levels of carcinogens and toxic chemicals that pose significant health hazards to not just the individuals who smoke but all the other people in the surrounding environment. These hazards are also present in second hand smoke generated by vaping of e-cigarettes. Accordingly, in furtherance of its commitment to provide a healthy, comfortable and productive work environment for all employees and visitors and comply with its obligations under applicable health and safety laws, including but not limited to the Alberta *Tobacco & Smoking Reduction Act* ("Tobacco Act"), *Occupational Health and Safety Act* ("OHS Act") and the regulations implementing those laws, ABC Company has adopted this Smoke & Vape Free Workplace

Policy.

2. **POLICY**

Smoking and vaping is completely and strictly prohibited:

- In all ABC Company workplaces;
- Within five metres of all workplace doorways, windows and air intakes; and
- Inside all ABC Company work vehicles.

3. **DEFINITIONS**

For purposes of this Policy:

- **“Smoking”** means lighting, smoking, holding , carrying or otherwise using a lit or smoldering cigar, cigarette, pipe or any other instrument that contains a tobacco or cannabis product;
- **“Vaping”** means means lighting, smoking, holding , carrying or otherwise using a lit or smoldering e-cigarette, e-pipe, e-hookah, e-cigar or any other electronic smoking device or nicotine delibery system that contains a tobacco or cannabis product;
- **“Workplace”** means all or any part of building, structure or enclosed area in which employees do job duties, including reception areas, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages
- **“Work vehicle”** means a vehicle that ABC Company owns or leases that is used by employees during the course of their employment.

4. **SCOPE**

The ban on smoking and vaping set out in this Policy applies to:

- All ABC Company employees, whether full-time, part-time, temporary, volunteer, intern or any other employment status;
- All workers of contractors engaged to work at ABC Company work sites;
- All clients, customers, vendors, consultants, guests or other persons that visit ABC Company work sites;
- All areas of buildings occupied by ABC Company employees;
- All ABC Company-sponsored offsite conferences, meetings and social events;
- All ABC Company work vehicles.

5. **ROLES & RESPONSIBILITIES**

- 01 **Employer**

Owners, corporate officers and directors, upper managers, and other representatives of ABC Company who may be defined as an “employer” under the OHS Act are responsible for the overall implementation of this Policy and furnishing the resources necessary to ensure effective implementation.

- **HR Director or Site Manager**

The HR director, facility manager or other person designated as being in charge of safety at the worksite is responsible for implementing the measures this Policy requires, including but not limited to ensuring that:

- The no-smoking signs required by Section 6 below are properly posted, not defaced or obstructed and not removed except when authorized by ABC Company management;
- Ashtrays, receptacles, lighters or other instruments used for smoking or vaping in the workplace are strictly banned;
- Contractors and their workers are made aware of and required to comply with its provisions.

- **Supervisors**

Supervisors, lead-hands, foremen, and other persons in charge of work operations are responsible for the day-to-day implementation of this Policy, including but not limited to:

- Ensuring that no-smoking signs remain properly posted, undefaced and unobstructed and not removed except when authorized by ABC Company management;
- Verifying that there are no ashtrays, receptacles, lighters or other instruments used for smoking or vaping in the workplace;
- Making their work crews aware of this Policy;
- Enforcing the ban on smoking and vaping in ABC Company buildings and work vehicles and periodically checking for ashes, butts, the smell of smoke or other indications of violations;
- Where necessary, disciplining employees that commit violations;
- Reporting infractions to the HR director or site manager.

- 04 **Employees**

Employees are responsible for complying with and aiding in the implementation of this Policy by:

- Refraining from smoking or vaping in the workplace and the 5-metre perimeter;
- Refraining from smoking or vaping inside ABC Company work vehicles and ensuring that other vehicle occupants do the same;
- Immediately notifying their supervisor of any unauthorized smoking, vaping or other violations they see or are aware of;
- Refraining from removing, defacing or obstructing no-smoking signs (unless otherwise instructed by a duly authorized supervisor or manager);
- Being thoughtful, considerate and cooperative to all, both smokers/vapers and non- smokers/vapers.

- **Joint Health & Safety Committee/Health & Safety Representative**

ABC Company will consult with and enlist the participation of the workplace Joint Health and Safety Committee (“JHSC”) or Health and Safety Representative (“HSR”), in developing, implementing and reviewing this Policy.

- **Visitors**

Visitors to ABC Company workplaces will be expected to respect this Policy and refrain from smoking or vaping in any location where these activities are prohibited.

6. **NO-SMOKING SIGNS**

- 01 **Sign Locations**

ABC Company will ensure that signs prohibiting smoking and vaping are posted:

- At each workplace entrances at a height of between 1 metre and 2.4 metres, as measured from the entrance floor; and
- Inside the workplace in such numbers and locations as the OHS Coordinator or site manager deems adequate to ensure that employees and visitors are aware of the prohibition;

- **Sign Specifications**

ABC Company will ensure that the above posted signs:

- Contain the graphic symbol set out in Schedule 1 of the Tobacco Act Regulation depicting depict the symbol in red or black on a contrasting background so that the symbol is clearly legible in any lighting;
- Contain the text “no smoking” and “no vaping” in capital or lower case letters set out on a contrasting background that makes the text clearly legible in any lighting.

7. **DISCIPLINE**

Subject to Section 9 below, failure to comply with this Policy is grounds for discipline up to and including termination, in accordance with the ABC Company Progressive Discipline Policy and the terms of applicable collective agreements.

8. **NON-REPRISAL**

Please be assured that no employee will be dismissed, suspended, disciplined, penalized, demoted, reassigned or threatened with such actions for reporting violations, seeking enforcement of this Policy or taking any other actions allowed under the Tobacco Act, OHS Act or other applicable laws.

9. **EMPLOYEE ACCOMMODATION RIGHTS**

Employees who need to smoke or vape due to or to treat a disability are entitled to accommodations to the point of undue hardship in accordance with human rights laws. Employees must provide ABC Company notification and verification of their disabilities. Employees seeking permission to use medical cannabis must also provide proof that their physician has legally authorized such use to treat the disability. Once notice and verification are provided, ABC Company will activate its Accommodations

Procedure and work with the employee and his/her representative to assess the employee’s needs and determine how to accommodate them. Absent extraordinary circumstances, accommodations requiring other persons to be exposed to second-hand smoke will be deemed as imposing undue hardship and not offered.

10. **POLICY MONITORING & EVALUATION**

ABC Company will review this Policy, in consultation with the JHSC or HSR, at least once a year and more often as necessary to respond to changes in conditions or indications that the Policy is ineffective and needs review.