

2. POLICIES and PROCEDURES

2.10. SMOKE-FREE ONTARIO ACT - Controls Relating to Smoking Tobacco

27. Checklist Reference

**LEGISLATIVE
REFERENCES*****SMOKE-FREE
ONTARIO ACT*
9(1), (2), (3)**

- 9(1) No person shall smoke tobacco or hold lighted tobacco in any enclosed public place or enclosed workplace.
- (2) No person shall smoke or hold lighted tobacco in the following places or areas:
4. A day nursery within the meaning of the *Day Nurseries Act*.
 5. A place where private-home day care is provided within the meaning of the *Day Nurseries Act*, whether or not children are present.
- (3) Every employer shall, with respect to an enclosed workplace or a place or areas 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 regulation, 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;

**LEGISLATIVE
REFERENCES*****SMOKE-FREE
ONTARIO ACT***
9(1), (2), (3)

(cont'd)

INTENT

(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.

The intent of the Act is to help protect the health of all Ontarians by prohibiting smoking in all enclosed workplaces and public places. Under the Act, smoking is prohibited at all times in a day nursery and private-home day care location whether or not children are present.

INDICATORS**Indicator Type:** Documentation

1. The operator has given notice to day nursery staff, supervisor, students and volunteers that smoking is prohibited in the day nursery and playground area whether children are present or not.

Indicator Type: Physical Inspection

1. No person is observed smoking or handling a cigarette in the day nursery or on the playground whether or not children are present.
2. "No Smoking" signs are posted at all entrances and exits of the day nursery, including washrooms.

Indicator Type: Interview

1. The operator states day nursery staff, supervisor, volunteers, visitors, and parents are advised that smoking or handling a cigarette in the day nursery and playground whether or not children are present is prohibited.

**SPECIAL
INSTRUCTIONS**

Enforcement of the *Smoke-Free Ontario Act* is the responsibility of tobacco control inspectors from local public health units. Local public health units will carry out inspections and investigate complaints in day nurseries and private-home day care locations in order to enforce the Act.

**SPECIAL
INSTRUCTIONS
(cont'd)**

Subsection 13(3) of the Act states that the prohibition against smoking in day nurseries and private-home day care homes does not prohibit smoking or holding lighted tobacco for traditional Aboriginal cultural or spiritual purposes.

For more information on the *Smoke-Free Ontario Act*, contact your local public health unit. Find the local public health unit in your local area by visiting:

www.health.gov.on.ca/english/public/contact/phu/phu_mn.html.

You may also obtain information by visiting the Ontario government's website, www.ontario.ca/smokefree.

Best Practice Recommendations:

It is recommended that a smoke-free policy be included in the day nursery program statement and reviewed with the day nursery staff and supervisor at commencement of employment, with the parents prior to enrollment of their children, and students and volunteers prior to providing care or guidance to the children.