

## **PUBLIC HEALTH TOBACCO ACTS AND POLICY PROCLAMATION**

**PURPOSE:** Care Staffing Professionals is committed to protecting the safety, health and well being of all employees and the general public in our workplace. To satisfy these responsibilities, Care Staffing Professionals will maintain a work environment where employees are free from the effects of smoked tobacco products. The purpose of the Public Health Tobacco Acts and Policy Proclamation is to inform Care Staffing Professionals employees of the following:

Legislation in relation to smoking in the workplace is covered by the Public Health (Tobacco) Acts 2002 and 2004 Section 47 - Smoking Prohibitions. Under the legislation smoking will not be permitted in any enclosed workplace, although some exemptions apply. In areas where the legislation will apply, smoking rooms / areas will not be permitted. There are currently no regulations around the use of e-cigarettes in the workplace, it is therefore for the employer to determine the acceptability of their use by employees.

**SCOPE:** This policy applies to all Care Staffing Professionals employees.

**POLICY STATEMENT:** To fully comply with Public Health Tobacco Acts 2002 and 2004 Section 47 - Smoking Prohibitions, and in the interest of providing a safe and healthy environment for both employees and the public, it is the policy of Care Staffing Professionals that all of its work places are smoke free and that all employees have a right to work in a smoke free environment.

### **Where Will The Exemptions Apply?**

Most workplaces are covered by this measure; however, there are some exemptions:

- Outdoor places of work;
- Places of detention;
- Places that are similar to a private dwelling such as bedrooms in hotels, guesthouses, hostels and B&Bs (Also known as BnB or Bed and Breakfast);
- Some care institutions such as nursing homes, hospices, psychiatric hospitals and certain charitable institutions; and
- Some outdoor locations such as beer gardens and smoking shelters, provided they comply with the legislation.

**An exemption does not constitute a right to smoke and employers are still bound by duty of care to protect their employees.**

It should be noted that an employer could decide **not** to avail of the above exemptions.

## **Is An Employer Obligated To Provide An Outdoor Smoking Area?**

No. There is no obligation on an employer to provide an outdoor smoking area. Any outdoor smoking facility that may be provided is at the discretion of the employer and is subject to the requirements of the legislation.

## **How Do Employers Comply With The Legislation?**

Employers, managers and other persons in charge of workplaces in which smoking is prohibited must make all reasonable efforts to ensure that:

- their staff, or any other persons (e.g. visitors or customers), are aware of the prohibition on smoking in order to facilitate compliance with the law;
- that employees, customers and visitors to their premises do not smoke in contravention of the law; and
- if they are made aware of a person smoking in contravention of the law they should make all reasonable efforts to ensure that the contravention ceases and is not repeated.

## **The Minimum Reasonable Efforts Required Are:**

- Developing and implementing a smoke-free policy in the work place and ensuring that any infringements are dealt with under local disciplinary procedures or as set out in this policy.
- Displaying “No Smoking” signs to alert employees, customers or visitors of the workplace smoking ban.
- Removing all ashtrays from the premises and providing appropriate bins at entrances if required.

## **An Employer Should:**

### **Create a Smoke-Free Environment**

- Eliminate existing indoor or enclosed designated smoking rooms.
- Conspicuously display sign indicating that this is a smoke-free workplace.
- Workplaces will be obliged to display a sign indicating the owner or person in charge, and the name of the person to whom a complaint can be made, if necessary.
- Remove ashtrays and provide suitable receptacles at entrances for cigarette butts and packs.

### **Have a Smoke-Free Workplace Policy**

Any person in charge of a workplace should develop and implement a written policy and procedures to ensure compliance with the legislation. The main aim of the policy is to create a healthy environment for all employees by creating a smoke-free workplace.

The policy should clearly identify which members of management/staff have responsibility for its implementation and include procedures to be followed in the event of non-compliance. The policy must be communicated to all staff.

### **Communicate and Consult with Employees**

Educate and consult with employees about Second-hand smoke  
The requirements of the legislation

## Developing a Smoke-Free Work Policy

The changes in the work environment needed to comply with legislation

The disciplinary procedures for non-compliance

### Support Smokers Wanting to Quit

- Display and circulate details of the National Cancer Institute Smokers' Quit Line 1-800-QUIT-NOW (1-877-448-7848)
- Further advice on smoking cessation is available at [www.smokefree.gov](http://www.smokefree.gov)
- Encourage all employees to support smokers in adapting to the changed environment.

### What Do Employees Need To Do?

Employees and any other persons (e.g. visitors or customers) are not permitted to smoke in an enclosed workplace and must comply with the legislation in this regard. Failure to comply with the legislation may result in prosecution.

Further information on Tobacco Control Program Priorities is available from [www.cdph.ca.gov](http://www.cdph.ca.gov), the Office of California Tobacco Control Branch (<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/CaliforniaTobaccoControlBranch.aspx>), or your local Health Board.

### Penalties

Under the Public Health (Tobacco) Acts a person who smokes in contravention of the legislation is guilty of an offence.

Under the Act where a person smokes in contravention of the legislation, the occupier / manager or person in charge of the place where the contravention occurs shall be guilty of an offence.

The Act established a defense for a person whom proceedings are brought against, provided that they can demonstrate that they have made all reasonable efforts to ensure compliance.

A person found guilty of an offense is liable on summary conviction to a fine of \$3,000.

### Distribution Of Policy Proclamation

Division heads are responsible to assure that all new employees, subject to the Public Health Tobacco Acts, receive a copy of the policy proclamation at the time of hire. This applies to all employees, including temporary, limited term and part-time employees who are "directly engaged" in the performance of work pursuant to a federal contract or grant.

The Public Health Tobacco Acts Policy is discussed and distributed to new probationary/regular employees at Care Staffing Professionals' new employee orientation workshops.

Attachments

TO: All Employees  
FROM: Operations Division  
DATE: March 14, 2016  
SUBJECT: Smoke-Free Workplace Act

Legislation in relation to smoking in the workplace is covered by the Public Health (Tobacco) Acts 2002 and 2004 Section 47 - Smoking Prohibitions. Under the legislation smoking will not be permitted in any enclosed workplace, although some exemptions apply. In areas where the legislation will apply, smoking rooms / areas will not be permitted. There are currently no regulations around the use of e-cigarettes in the workplace, it is therefore for the employer to determine the acceptability of their use by employees.

To fully comply with Public Health Tobacco Acts 2002 and 2004 Section 47 - Smoking Prohibitions, and in the interest of providing a safe and healthy environment for both employees and the public, it is the policy of Care Staffing Professionals that all of its work places are smoke free and that all employees have a right to work in a smoke free environment.

A copy of Care Staffing Professionals' SMOKE-FREE WORKPLACE POLICY PROCLAMATION is attached.

Care Staffing Professionals employees are required to read and comply with the policy proclamation. The attached Smoke-Free Workplace Policy also identifies treatment resources available for employees.

If you have any questions about the federal regulation or Care Staffing Professionals' policy, please talk with your supervisor or call the Operations Division.

**DRUG-FREE WORKPLACE POLICY PROCLAMATION**

TO: All Employees  
FROM: Care Staffing Professionals Leadership Team  
DATE: March 16, 2016  
SUBJECT: Policy on Smoke-Free Workplace

To fully comply with Public Health Tobacco Acts 2002 and 2004 Section 47 - Smoking Prohibitions, and in the interest of providing a safe and healthy environment for both employees and the public, it is the policy of Care Staffing Professionals that all of its work places are smoke free and that all employees have a right to work in a smoke-free environment.

**Implementation**

Overall responsibility for implementation of the Smoke-Free Workplace Policy rests with the employer. However, all staff are obliged to adhere to, and facilitate the implementation of this policy.

Smoking is not permitted throughout the entire workplace with no exceptions. This policy applies to all Care Staffing Professionals employees, clients, contractors, customers and visitors. Smoking shall only occur at a reasonable distance (e.g., 20 feet or more) outside any enclosed area where smoking is prohibited to ensure that environmental tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means and may only be done during official break times.

Copies of this policy shall be distributed to all employees and contractors with Care Staffing Professionals. No Smoking signs shall be posted at all building entrances.

**Policy Infringements**

Failure to comply with the policy outlined above will result in company disciplinary procedures being applied. Infringements by clients, contractors, customers or visitors will be dealt with in accordance with the legislation.

Any employee, clients, contractors, customers or visitors who contravene legislation prohibiting smoking in the workplace are also liable to incur a criminal prosecution with an associated fine of up to \$3,000.

**Smoking Cessation**

Information on how to obtain help quitting smoking available from National Cancer Institute Smokers' Quit Line 1-800-QUIT-NOW (1-877-448-7848) (The National Cancer Institute Smokers' Quit Line).

*The success of this policy will depend upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All employees share in the responsibility for adhering to and enforcing this policy.*

## **Internet Links**

Centers for Disease Control and Prevention Office on Smoking and Health  
(<https://www.cdc.gov/tobacco/>)  
SmokeFree.gov (<https://smokefree.gov/>)

## **Additional Resources**

Also see:

- EPP 14 – Drug Free Workplace Act And Policy Proclamation
- EPP 17 – Employee Assistance Program